

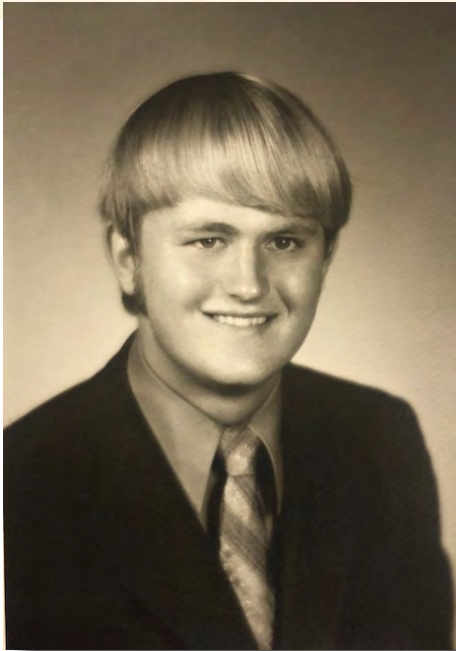


State Bar of South Dakota

Newsletter

August
2018

President's Corner - Reed A. Rasmussen



As usual, there is a lot going on with the State Bar. The committee assignments are set forth in the Newsletter. Executive Director Andy Fergel, President Elect Steve Huff, Strategic Plan Coordinator Beth Overmoe and I recently had a lengthy meeting to go over the committee assignments for the upcoming year. We attempt to keep the membership of the committees at a reasonable number. We also attempt to accommodate those members who submit committee preference forms. Those forms are extremely helpful. Although there are certainly exceptions, we try to limit most individuals to two committees. We cannot always accommodate a person's first preference for a committee placement. We do, however, try to put everyone who requests a committee assignment to be placed on at least one of the committees they have requested. If there is anyone who requested to be on a committee and received no committee assignment, please let me know and we will make sure we get you put on one.

As part of the process, we also remove people from committees. This sometimes occurs at the request of the committee member and other times based

on reports that the individual has not actively participated in the committee. Please do not be offended if you have been removed from a committee assignment. We want to try to accommodate everyone who wants to actively participate.

We are going to try something new next year. Since a number of committees schedule meetings during the Bar Convention, we thought it would make more sense to get committee appointments done before the Bar Convention so new committee members would have an opportunity to participate in meetings held during the Bar Convention. Therefore, the committee preference forms will be available shortly after the first of the year. If you are interested in serving on a committee next year, please let us know because we will be making appointments before next year's Bar Convention.

One of the committees that will be experiencing some changes is the Law School Committee. In addition to its traditional functions, we have requested that committee also help in fundraising for law school scholarships. We want to do all we can to make sure the USD Law School can remain competitive with the other law schools in the region.

There is one issue which was brought to my attention concerning the Bar Convention that needs to be addressed. If you attended the banquet, you probably noticed that there were a large number of empty seats. There were approximately 175 people who said they were coming that did not show up for the banquet. This resulted in the State Bar spending about \$7,500 for uneaten meals. Part of this might be due to the heavy rain that was falling during the banquet. Nevertheless, for next year's Bar Convention, if you sign up to attend the banquet, please do everything you can to make sure you attend. If something happens that will make

you unable to attend, please let the Bar office know as far in advance of the banquet as possible.

The Lawyer Referral Service is getting up and running. An enrollment agreement is contained in the Newsletter. If you are interested in being part of the Lawyer Referral Service, please fill out the enrollment agreement and return it to the State Bar office. We have high hopes that this will be a successful program.

As had been previously reported, State Bar dues can now be paid by credit card through Law Pay. My firm recently signed up with Law Pay. We believe it is going to be very helpful to us in getting bills paid. It is also convenient for clients. If you have not looked into the program, I would encourage you to do so.

As has also been previously reported, with the hiring of the new Executive Director, the decision was made to hire a contract lobbyist. Interviews of potential lobbyists are being conducted on August 21. At this point, it is undetermined how long the Bar will need the contract lobbyist. That will be a decision to be addressed in later years.

Another successful Trial Academy was held during the week of July 9. A report from Tom Welk regarding the Trial Academy is contained in the Newsletter. I encourage you to review it.

Assuming I can get cooperation from the Bar Commission, each month we are going to be featuring one of the Bar Commissioners who will tell you something about themselves and let you know why they have been active in the State Bar. Kellen Willert stepped forward and agreed to be the first volunteer. I hope you will find Kellen's comments interesting. (See page 9)

Finally, with regard to my photograph, last month a recent photograph of me accompanied my report. I looked at that photograph and said I looked awfully old. My wife reminded me that I am old. I decided I did not want to subject my loyal readers to that photograph for the next ten months. Therefore, I found a photograph that proves to those who doubted it that I once had hair. Future issues of the Newsletter will feature other photographs of me, assuming I can find any.

Reed Rasmussen
rrasmussen@sbslaw.net
605-225-5420





STATE BAR OF SOUTH DAKOTA



YOUNG LAWYERS SECTION

by: Tamara Nash, YLS President

Happy August,

The new YLS Board of Directors met last month. During our meeting we shared our ideas and plans for the Section. We also spent a lot of our time brainstorming how to improve our programming and initiatives to better suit the needs of the Section. Each of us set a goal for the bar year. Our goals ranged from utilizing social media more efficiently to providing outstanding CLE programming to working with technology to establish institutional knowledge. While we all had different goals that matched our different plans and personalities, there was a common thread that connected each goal. Each of us are looking for ways to engage with Section membership. With that, we set our theme for the year...ENGAGE!

We hope to look toward this theme in all that we do. However, there are three specific ways we would like to improve engagement. First, we hope to spark the spirit of engagement in you, our membership. We want to implement programs and initiatives that inspire you to attend and volunteer. Second, we want to focus on leadership engagement. More specifically, we, the Board of Directors, hope to hold each other accountable by being plugged in and ready to work toward our mission. And lastly, we hope to engage with technology on a level that is on par for the year 2018. We will aim to use technology to make your attendance and participation easier than ever before.

How can you plug into the SD YLS? Good

question, you can help in several ways. First, you can lend us your time. Please volunteer your time toward public service this year or volunteer to be a mentor with the Hagemann- Morris Mentorship program. You can lend your voice. Please spread the word about all the good things the SD YLS is doing both at home and nationally. If you know a young lawyer in your office, encourage them to get plugged into the Section! Lastly, you can lend your ideas! If you have a CLE idea or legal clinic idea you have been hanging on to, we want to know! We want to implement programs and initiatives that you would like to be a part of.

There are numerous ways to be involved with the Section, please pick the way that best suits your schedule and talents!

Before I leave you, I would like to tell you what the SD YLS is up to for the month of August.

1L Orientation Lunch- On August 7th the YLS will continue the standing tradition of hosting lunch for the incoming 1L class. This lunch serves as an opportunity for the YLS to welcome the 1Ls to the USD family and also inform our newest members about the benefits of Section membership. Any young lawyers in the Vermillion area are welcome to join us for lunch at noon.

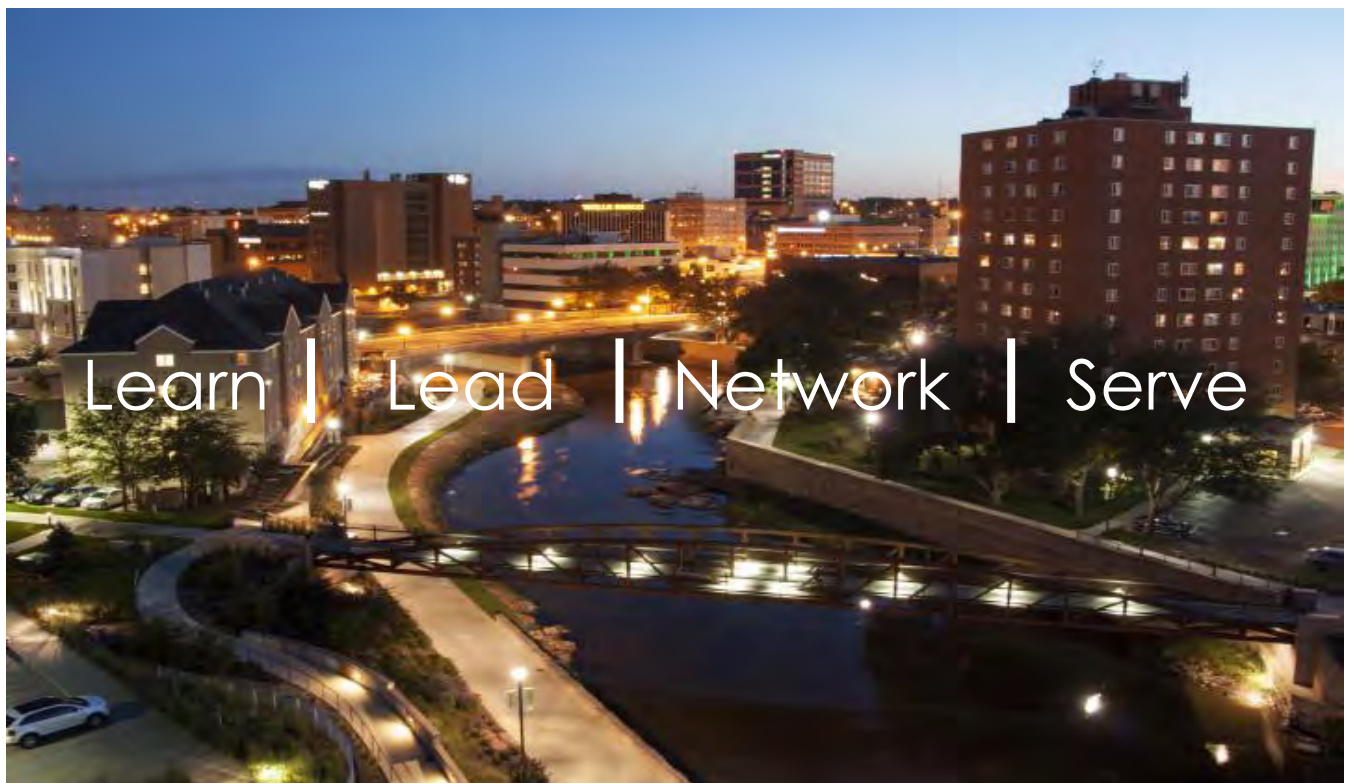
YLS Survey- the YLS will be sending out a brief survey to all young lawyers in the state. The purpose of the survey is to gauge what activities young lawyers currently

attend and learn what programming young lawyers desire to see implemented. Please take the time to fill out this brief survey!

In closing, I encourage you to reach out to any of our Board members to voice your concerns and ideas. Your 2018-2019 Board of Directors are:

President- Tamara Nash (Sioux Falls)
Vice-President – Nathan Chicoine (Rapid City)
Secretary/Treasurer – Carrie Srstka (Pierre)
1st Circuit Representative – Justin Johnson (Mitchell)
2nd Circuit Representative – Anthony Sutton (Sioux Falls)
3rd Circuit Representative – Brittany McKnight (Brookings)
4th Circuit Representative – Nicholas Peterson (Spearfish)
5th Circuit Representative – Ryan Dell (Aberdeen)
6th Circuit Representative – Holly Farris (Pierre)
7th Circuit Representative – Kassie Shiffermiller (Rapid City)
At Large Representative – Kelsey Knoer (Sioux Falls)
Law Student Representative – Jenna Schweiss (Vermillion)

Kindest regards,
Tamara P. Nash



SAVE THE DATE

STATEWIDE SWEARING-IN CEREMONY

OCTOBER 19, 2018

3:00 P.M.

CAPITOL ROTUNDA

PIERRE, SOUTH DAKOTA

THE
RIGHT WEBSITE
TO FIND
THE RIGHT LAWYER

STATE BAR OF SOUTH DAKOTA

LRS

LAWYER REFERRAL SERVICE

www.findalawyerinsd.com



www.findalawyerinsd.com

Fellows of the South Dakota Bar Foundation

Many South Dakota lawyers have risen to the challenge of making SD Bar Foundation a favorite charity. Such generosity deserves public acknowledgement. Therefore, the Bar of Directors has created a "Fellows" program to not only make such acknowledgement, but also to provide 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 and charities the Foundation supports.

RAISING THE BAR: OUR PROFESSION. OUR RESPONSIBILITY.

LIFE PATRON FELLOW: \$100,000 plus -
Cumulative, including Pledges & Testamentary Gifts

SUSTAINING LIFE FELLOW: \$50,000 plus -
Cumulative, including Pledges & Testamentary Gifts
Fred & Luella Cozad

LIFE FELLOW: \$25,000 plus -
Cumulative, including Pledges & Testamentary Gifts
Frank L. Farrar

DIAMOND FELLOWS: \$10,000 plus -
Cumulative, including Pledge & Testamentary Gifts
Thomas C. Barnett Jr. Robert E. Hayes

PLATINUM FELLOWS: \$10,000 -
Cumulative, including Pledge & Testamentary Gifts
Hon. Richard H. Battey William Spiry
Hon. John B. Jones Hon. Jack R. Von Wald
Charles L. Riter

SILVER FELLOWS: \$1,000 per year
Kimberly A. Mortenson (renewed 17-18)
Scott C. Moses (In memory of William J. Janklow) Timothy J. Rensch (renewed 18-19)
Brandon M. Taliaferro (renewed 17-18) Herb C. Sundall (renewed 17-18) Gregory A. Yates (renewed 17-18)

FELLOWS: \$500 per year **Hon. John Bastian (17-18) Hon. John L. Brown (renewed 17-18) Mary Jane Cleary (renewed 17-18)**
Craig A. Kennedy (renewed 17-18) Richard Kolker (17-18) Hon. Judith Meierhenry (renewed 17-18) Hon. Bobbi Rank (17-18)
Robert C. Riter (renewed 17-18) Thomas E. Simmons (renewed 17-18) Mrg Simon (renewed 17-18)
Jason Robert-Feil Sutton (17-18) Barry Vickrey (18-19)

\$10,000 PRESIDENTIAL FELLOWS

John P. Blackburn	Bob Morris
Richard D. Casey	Thomas J. Nicholson
Hon. Michael Day	Gary J. Pashby
Robert B. Frieberg	Stephanie E. Pochop
Thomas H. Frieberg	Reed A. Rasmussen
David A. Gerdes	Pamela R. Reiter
Hon. David R. Gienapp	Robert C. Riter
Patrick G. Goetzinger	Eric C. Schulte
G. Verne Goodsell	Jeffrey T. Sveen
Robert E. Hayes	Charles M. Thompson
Terry L. Hofer	Richard L. Travis
Steven K. Huff	Thomas J. Welk
Hon. Charles B. Kornmann	

GOLD FELLOWS: \$5,000 -

Cumulative, including Pledge
Richard A. Cutler Dana J. Frohling
William F. Day, Jr. Richard L. Kolker
P. Daniel Donohue Scott C. Moses

YOU ARE INVITED TO JOIN!

Fellows of the South Dakota Bar Foundation

Foundation funds go to very important projects, including: Legal Services Programs in SD, Rural Lawyer Recruitment, SD Public Broadcasting of Legislative Sessions, SD Guardianship Program, Teen Court, Ask-A-Lawyer and Educational videos on ageing, substance abuse and mental health issues.

Full Name _____

Address _____

City _____ State _____ Zip Code _____

I would like to contribute:

- in Lump Sum Annually Semi-Annually Quarterly Monthly
- Life Patron Fellow – \$100,000 or more, cumulative.
 Sustaining Life Fellow – \$50,000 or more, cumulative.
 Life Fellow – \$25,000 or more, cumulative.
 Diamond Fellow – over \$10,000, cumulative.
 Platinum Fellow – \$10,000, cumulative.
 Gold Fellow – \$5,000, cumulative.
 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.

I am paying ___ by check, ___ by credit/debit card.

Credit/Debit Card Payments:

Name on Card (if different than above) _____

Address Tied to Card (if different than above):

Card Number: _____

Expiration Date: _____ CVV: _____

*Alternatively, you can call The State Bar (605-224-7554) to setup your payment(s).
Donations to the endowment are tax deductible and a perpetual gift to our profession and the education and charities the Foundation supports.

Kellen Willert
Bar Commissioner, 4th Circuit

I'm Kellen Willert, and I practice in God's country, a/k/a Belle Fourche, at Bennett Main Gubbrud & Willert, P.C. I don't know that I can say my practice has a main focus, as I end up practicing in many areas of the law including general civil litigation, family law, municipal law, transactional work, estate planning and probate, and real property. Additionally, I get to do military law for the South Dakota Army National Guard. I'm also the Bar Commissioner for the 4th Circuit.

I left the Bar Commissioners' July meeting with joy - not merely because the meeting was over, but because this is a great time to be involved with our Bar. Tom Barnett leaves a legacy that will last as long as our organization. Andy Fergel is stepping in as Executive Director and will expand on what Tom has accomplished and mold a lasting legacy of his own.

Like I said, this is a great time to be involved with our Bar - not "the" Bar, "our" Bar. We are all in this together, and we are collectively in a position to create a culture that fosters a conscious enjoyment in the practice of law. That culture starts on the micro level with each of us zealously advocating for our respective clients while also being civil, approachable, and personable with one another. On the macro level, the culture is enhanced through our Bar and the various services it provides us as members.

Right now is a great time to get involved with our Bar.

In the coming issues, your Commissioners will be writing about why we got involved in our Bar and how involvement has impacted our careers. Prior to becoming a Commissioner, my involvement with our Bar was being on a committee that helped redraft some legislation and attending a few CLE's. That involvement was fostered by my partners, Max Main and Dwight Gubbrud. Now I've been on the Commission just over a year, have gotten my feet wet, and am having a great time.

I wanted to be more involved in our Bar and assumed at some point I would get more involved. When my respected predecessor, Bob Morris, was nearing the end of his term as 4th Circuit Commissioner, I looked inward and determined that there was no reason to wait.

At the time I came onto the Commission, I had kids aged 3, 4, and 8...with school, Scouts, 4-H, sports, et cetera, it wouldn't get any easier to dedicate more time and be more involved in our Bar until my kids were out of school. So, I thought "why wait". My partners signed off on the idea and then I called Bob and asked him what his thoughts were and, like he does in mentoring so many others, he helped me understand what I was asking for and getting myself into and then told me "good luck".

Being a Commissioner has been a fantastic experience. I've met others I likely would not have otherwise met or socialized with, learned a lot, and have had the opportunity and privilege to be a small part of steering our Bar into the future. Overall, it's been rewarding and enjoyable.

Involvement in our Bar has positively impacted my career by further educating me on how our profession is regulated, administered, and perceived, and it has given me networking opportunities that are unavailable outside of our Bar.

Many people ask how they can get more involved in our Bar and/or "what's in it for me". Just like many civic organizations, such as the Lion's Club, involvement in our Bar should be based on what can we do to make this community or organization better versus what will the community or organization do for us. Perhaps quoting JFK is too cliché, but you all know what I'm talking about.

Getting involved can start with a phone call, email, or good old fashioned face to face conversation. Find something that interests you and talk with someone that is involved in that area you're interested in. Our Bar is very friendly and most members would welcome such conversations.

Often times we get categorized into younger members and older members. When it comes to involvement in our Bar, there are members that are involved and members that are not involved (other than paying dues). Both categories include older and younger members. Certainly, as we go through different seasons in our own lives our ability to be involved will fluctuate. Regardless of what season of life you're in, I encourage you to maintain a level of involvement beyond just paying dues and reading the newsletter.

If you're a member that is not involved, consider becoming more involved in some respect. Our Bar offers opportunities for both social involvement as well as business/law practice involvement, and you can choose the balance that's right for you. There are many ways to get involved whether it's being on an active committee or section, attending and/or presenting CLE's, attending mixers, volunteering for the Hagemann-Morris Mentorship Coin Program, taking an Access to Justice case, and/or attending our annual convention.

If you're a member that is involved, find another member and personally invite them to join you with whatever Bar function you're involved in or, at least, talk to them about how your involvement in our Bar has positively impacted your practice. Articles like this will not boost member involvement nearly as much as a personal invitation.

Ag Law

Friday September 28, 2018
Ramkota • Sioux Falls

1:00 PM

Chairs: Mike Traxinger & Jason Sutton

*Stay tuned for more information

WALK-IN FAMILY LAW CLINIC

BROWN COUNTY BAR ASSOCIATION

The Brown County Bar Association, in partnership with A2J, Inc. and ERLS, invite you to attend a walk-in family law clinic to assist individuals with questions related to:

- Marriage/Divorce
- Custody
- Child Support
- Adoption
- Parental Rights & Paternity
- Guardianship/Conservatorship

The clinic will be held on: August 28th, 2018, from 3:00PM-7:00PM at the Boys and Girls Club (1121 1st Ave SE, Aberdeen, SD 57401).

Volunteer attorneys will be available to answer your questions at that time.



Dear State Bar Members:

I am pleased to report that the Trial Academy was completed at the University of South Dakota School of Law from July 9 through July 13, 2018. Twenty-four participants had the experience of an intensive week of learning skills utilized in a jury trial from opening statement to examination of lay and expert witnesses to a closing argument. The following persons attended the Trial Academy:

- Nicolaus Michels (Pierre)
- Jordan Feist (Sioux Falls)
- Brian Zielinski (Sioux Falls)
- Brendan F. Pons (Sioux Falls)
- Mitchell W. O'Hara (Sioux Falls)
- Catherine Chicoine (Rapid City)
- Emily Maurice (Sioux Falls)
- Susan Yexley Jennen (Bradley)
- Nathan R. Chicoine (Rapid City)
- Benjamin D. Tronnes (Rapid City)
- Lacy End-of-Horn (Flandreau)
- Paul Coppock (Sioux Falls)
- Amanda Work (Winner)
- Justin Goetz (Brookings)
- Stuart Hughes (Sioux Falls)
- Joseph Meader (Sioux Falls)
- Joel Rische (Sioux Falls)
- Rae Ann Red Owl (Pine Ridge)
- Nicole J. Griese (Sioux Falls)
- Jennifer English (Salem)
- Joshua R. Brown (Sioux Falls)
- Ashley Anson (Mitchell)
- Amy Jo Janssen (Kennebec)
- Chad Boelhower (Sioux Falls)

The faculty this year consisted of Heather Lammers-Bogard, Jim Roby, Lonnie Braun, Bob Morris, Clint Sargent, Renee Christensen, Shawn Nichols and Jana Miner. We all owe these lawyers a great debt of gratitude for helping our younger lawyers hone their advocacy skills. These lawyers gave one week of their time without compensation plus intense preparation and their mentorship in helping our younger lawyers.

The Trial Academy could not have taken place without a number of people. Firstly, the National Institute of Trial Advocacy (NITA) again provided the materials and faculty training for the product liability factual case study. Mark Caldwell, who has been the NITA contact for the Trial Academy since 2005 again provided valuable faculty training prior to the commencement of the Trial Academy. In addition, the administrative function of the Academy in collecting, distributing materials, arranging housing and meals for the participants was spearheaded by Devra Herмосilla of the USD Law School and her able assistant, Lanae Romey, who we thank for their efforts.

The co-trial directors for the Trial Academy were Dave Gienapp and Dick Casey, who will be taking over Dave's duties. These two lawyers provided the "hands-on direction" during the Academy.

We also need to give a huge “shout out” to Stephanie Pochop and Lonnie Braun, South Dakota Chapter American Board of Trial Advocates (“ABOTA”) members, who worked tirelessly to try to recruit a full class of participants. Contacts were made with judges, lawyers and various organizations to recruit participants.

With the conclusion of this class, 160 young lawyers have participated in the Trial Academy since inception in 2005. This year we were able to provide seven scholarships. This brings the total scholarships provided to 52.

Finally, the Trial Academy could not be conducted with the sustained financial support of the South Dakota Trial Lawyers, South Dakota Defense Lawyers and the South Dakota ABOTA chapter, who collectively have contributed over \$50,000.00, plus ALPS, the professional legal malpractice carrier, who contributed \$5,000.00 in “seed money.”

This Project demonstrates how collaboratively our Bar works together with the USD Law School, and NITA to provide our younger lawyers with skills necessary to provide competency to serve our clients.

Thomas J. Welk
South Dakota Trial Academy



State Bar of South Dakota,
The Committee on Continuing Legal Education,
The First National Bank in Sioux Falls,
And The Sioux Falls Estate Planning Council

Joseph Dylla, Chair
Joshua Rubenstein, Speaker
Ramkota Hotel, Sioux Falls
Friday, September 28, 2018

Estate Planning

8:00am - 8:30am Registration (Free to Active Members, all others \$100)

8:30am - 11:45am Program

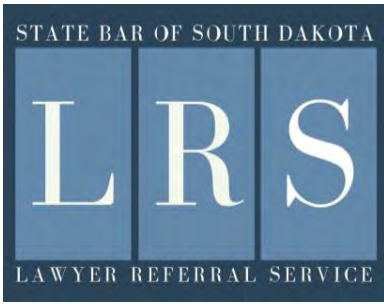
Joshua S. Rubenstein is national head of his firm's Trusts and Estates practice and national chair of the Private Client Services group. He also is a member of the firm's Board of Directors and the Diversity Committee.

Josh advises businesses and private individuals, including high net worth individuals, senior executives, Professionals, entrepreneurs, artists and others with unique intellectual property interests. He handles a wide variety of private matters for these clients on a local, national and international level, including personal and estate planning, the administration of estates and trusts, and contested Surrogate's Court and tax proceedings. He has counseled clients in trust and estates matters for more than 30 years, building relationships with those who value and rely upon his advice. He is a popular choice among clients for "complicated multijurisdictional trust and tax work" and is regarded as a "pragmatic technician" who "will cut to the chase" (*Chambers USA*).

Josh's clients say he is "a real polymath - not just a great lawyer, but a great chap to deal with and a safe pair of hands," adding that he is "very able technically and very user-friendly" while also being "very good at getting down to the essence of what needs to be resolved and getting it done" (*Chambers USA*). Globally, he is "very highly rated for his cross-border work and is very active on the international trust scene as the treasurer of the International Academy of Estate & Trust Law" (*Chambers Global*). He focuses on creating sophisticated, yet uncomplicated, solutions for clients. Josh finds unforeseen problems and uses an interdisciplinary approach to resolve those problems, bringing in members of teams that deal with taxes, real estate or corporate and other transactional areas of the law, as necessary.

Josh is a former adjunct professor at Brooklyn Law School and is a frequent lecturer and author. He is regularly quoted in the media, with credits in *The New York Times*, *The Wall Street Journal*, *New York Law Journal*, *Citywealth*, *Forbes*, *Kiplinger's*, *Crain's*, *The Washington Post*, *FOX News*, *Bloomberg News* and *CNBC*. The Katten Trusts and Estates practice has earned recognition from Society of Trust and Estate Practitioners (STEP) for Best North American Private Client Team (2011, 2012) and from *Citywealth* for International Law Firm - USA (2012, 2013) under Josh's leadership. Clients note that within the Trusts and Estates practice, Josh is "spectacular" and "clearly the star of the Trusts and Estates team" (*U.S. News - Best Lawyers® "Best Law Firms"*).

Register online at www.statebarofsouthdakota.com



South Dakota Lawyer Referral Service ENROLLMENT AGREEMENT

Mail completed form and payment to:
State Bar of South Dakota - SDLRS
222 East Capitol Avenue, #3
Pierre, SD 57501

Or pay online at: www.findalawyerinsd.com

If you pay online, scan and email this completed form to: findalawyer@sdbar.net

1. I am an active member in good standing of the State Bar of South Dakota.
2. I wish to be a member of the South Dakota Lawyer Referral Service ("SDLRS") and agree to pay a \$50 service fee on an annual basis.
3. Once I receive notice that my payment to SDLRS was received and processed, I will create my referral profile at www.findalawyerinsd.com.
4. The service fee is invoiced to participating attorneys in August. I understand that failure to pay the \$50 fee within 30 days will result in a suspension of referrals until the fee is received.
5. In the event I am suspended from the SDLRS for nonpayment of the invoiced amount, I agree that in order to be reinstated to the SDLRS I will pay the balance owed.
6. My practice is covered by Errors and Omissions Insurance totaling at least \$100,000/\$300,000. My policy is issued through:
Name: _____
Dates of coverage: _____
Limits of coverage: \$ _____ \$ _____
I will maintain such insurance at all times while participating in SDLRS. (You will be required to upload a pdf copy of your insurance declaration page to the SDLRS website to begin receiving referrals.)
7. I will promptly inform the State Bar of South Dakota Bar of any change in my address or phone number.
8. Enclosed is the total amount of \$50, to cover the registration fee for the following Practice Panels:
1. _____
2. _____
3. _____
9. I would like to add the following Practice Panels at the rate of an additional \$20 per panel:
1. _____ (add \$20)
2. _____ (add \$20)
3. _____ (add \$20)
10. If any of the following occur, I hereby agree to a suspension of referrals until final resolution of the matter:
 - a. My license to practice law is suspended for any reason;
 - b. I transfer to inactive status for any reason;
 - c. Formal disciplinary proceedings are initiated against me; or
 - d. A criminal complaint is filed or an indictment returned against me alleging a serious crime as defined in SDCL 16-19-37.
11. In the event I receive a referral through the SDLRS that results in attorney fees, I understand it is strongly encouraged I contribute 7% of those fees to the SD Bar Foundation.

I have read the foregoing and hereby certify that the answers are complete and true to the best of my knowledge.

Name: _____
(Signature)
(Print or Type)

Date: _____ Member No.: _____ Amount Enclosed: _____



South Dakota Lawyer Referral Service **PANEL & SUB-PANEL LIST**

BANKRUPTCY

- Business Bankruptcy(Creditor)
- Business Bankruptcy (Debtor)
- Personal Bankruptcy (Creditor)
- Personal Bankruptcy (Debtor)

BENEFITS & ADMINISTRATION

- Medicaid/Medicare
- Municipal or Local Government
- Professional Licensing
- Social Security
- State Government
- Unemployment
- Utilities
- Veterans Benefits

BUSINESS

- Antitrust litigation
- Business dissolution
- Business formation
- Business litigation or dispute
- Buy-sell agreements
- Compliance
- Contracts
- Franchise Agreements or purchase of franchise
- Gaming Law
- Non-profit formation
- Online business law
- Partnership agreements
- Securities
- Trade regulation
- Business mediation

CONSUMER & DEBT

- Collection Practices & Creditor Harassment
- Car repair/lemon law
- Credit Reports
- Debt Collections (Creditor)
- Debt Collection (Debtor)
- Identity Theft
- Predatory Lending Practices
- Small Claims Court
- Unfair and Deceptive Sales and Practices

CRIMINAL

- Appeals
- Criminal Record
- DWI/DUI
- Drugs
- Federal Criminal Defense
- Felony (non-homicide)
- Homicide
- Juvenile Delinquency
- Misdemeanor
- Probation Violation
- Property Forfeiture
- Traffic

DISPUTE RESOLUTION

- Arbitration
- Mediation

EDUCATION

- Academics
- Access (including bilingual and testing)
- Bullying
- Discipline (including Expulsion and Suspension)
- Special Education & Learning Disabilities
- Teachers and Other Educational Professionals

EMPLOYMENT

- Civil Service
- Employee Benefits
- Employer Representation
- Employment Contracts
- Employment Discrimination
- Medical Leave
- Non-compete/Non-disclosure Agreements
- Professional Licensing
- Safe Working Conditions
- Separation Agreement
- Sexual Harassment
- Wage and Labor Standards
- Whistleblower
- Wrongful Termination

FAMILY

- Adoption
- Alimony/Marital Support
- Annulment
- Child Abuse and Neglect
- Child Support and Custody
- Divorce (complex/contested)
- Divorce (simple/uncontested)
- Domestic Violence/Protection Order (Petitioner)
- Domestic Violence/Protection Order (respondent)
- Emancipation
- Family Mediation
- Guardianship
- Conservatorship
- Interstate/International
- Name Change
- Parental Rights Termination
- Paternity
- Post-nuptial Agreement
- Pre-nuptial Agreement
- Separation
- Visitation

HOUSING & APARTMENT

- Home Construction/Improvement
- Housing Discrimination
- Landlord Representation
- Mortgage Foreclosures (Not Predatory Lending)
- Predatory Mortgage Lending Practices
- Tenant Representation

IMMIGRATION

- Asylum
- Consular Practices
- Criminal Issues
- Employer Sanctions
- Employment-based immigration
- Family-based immigration
- Investors
- Naturalization
- Juvenile Status
- Removal Defense

INDIAN LAW

- Business
- Family Law
- Federal Government
- Housing
- Land
- Probate/Will
- Tribal Court
- Tribal Enrollment/Status
- Tribal Government

INSURANCE

- Automobile/Property Insurance
- Bad Faith
- Employer-provided insurance (disability, health, life, accident)
- Health Insurance
- Homeowner Insurance
- Life Insurance

INTELLECTUAL PROPERTY

- Copyrights
- Patents
- Trademarks

LOBBYING

- Federal
- State

PERSONAL INJURY & RIGHTS VIOLATIONS

- Accountant Malpractice (Defendant)
- Accountant Malpractice (Plaintiff)
- Animals
- Assault and Battery (Defendant)
- Assault and Battery (Plaintiff)
- Auto Collision (Defendant)
- Auto Collision (Plaintiff)
- Civil Rights
- Discrimination
- False Arrest/false imprisonment
- Jail/Prison Injuries
- Legal Malpractice (Defendant)
- Legal Malpractice (Plaintiff)
- Libel, Slander, or harassment (Defendant)
- Libel, Slander, or harassment (Plaintiff)
- Medical Malpractice (Defendant)
- Medical Malpractice (Plaintiff)
- Negligence (Defendant)
- Negligence (Plaintiff)
- Police misconduct
- Product liability (Defendant)
- Product liability (Plaintiff)
- Property Damage (Defendant)
- Property Damage (Plaintiff)
- Slip, trip and fall (Defendant)
- Slip, trip and fall (Plaintiff)
- Toxic tort (Defendant)
- Toxic tort (Plaintiff)
- Wrongful death or catastrophic injuries (Defendant)
- Wrongful death or catastrophic injuries (Plaintiff)

REAL ESTATE

- Commercial real estate litigation
- Commercial real estate transactions
- Condemnation, eminent domain & annexation
- Land Use & Zoning
- Natural Resources
- Neighborhood, Coop & Condominium Associations
- Residential real estate litigation
- Residential real estate transactions

TAX

- Business
- Personal
- Estate Tax
- Tax Litigation/Audits

WILLS, TRUSTS, ELDER

- Conservatorship
- Elder Abuse/Neglect
- Estate Administration
- Estate Court/Probate
- Estate Planning
- Estate Tax
- Guardianship
- Living Will/Advanced Directive
- Medicaid/Medicare/Nursing Home Planning
- Power of Attorney
- Simple Will
- Specialty Trusts
- Estate Dispute (Petitioner)
- Estate Dispute (Respondent)
- Trust Dispute (Petitioner)
- Trust Dispute (Respondent)

WORKERS COMPENSATION

- Federal Employee
- Private Employee
- Private Employer
- State Employee

**JOIN US.
September 13 & 14, 2018
9:00AM-3:00PM
Hot Springs & Rapid City, SD**

Dear South Dakota Bar Member:

The University of South Dakota School of Law Veterans Legal Education Group is holding a two-day drop in clinic for veterans on the west side of the state. On **September 13, 2018**, VLEG will be at the VA Hospital located in Hot Springs, SD (500 North 5th Street). The time of the clinic will be from 9:00AM to 3:00PM. We hope to reach nearly 30 veterans this day.

The second day, **September 14, 2018**, will be at the VFW in Rapid City, SD (420 Main Street). The time of this clinic will also be from 9:00AM to 3:00PM. We hope to reach an additional 40 veterans on day two of the clinic.

We currently have law students planning to attend both days.

We are in need of attorneys for both days. If you would like to volunteer or have any questions about the clinics, please reach out to me at Austin.Schaefer@coyotes.usd.edu or by cell phone at 605-380-0812.

We continue to appreciate all of the support from the State Bar of South Dakota Veterans Committee, Young Lawyers Section, and our volunteer attorneys. This project would not be possible without you.

**Sincerely,
Austin Schaefer
President, Veterans Legal Education Group**

USD SCHOOL OF LAW VETERANS LEGAL EDUCATION GROUP

Volunteer

LAWYERS CONCERNED FOR LAWYERS LAWYERS ASSISTANCE COMMITTEE

Your Bar Leadership has been concerned that members needing help with chemical dependency or mental health issues may be reluctant to call State Bar Headquarters to inquire where to seek help. Phone calls seeking help for themselves or a loved one or a partner have always and will continue to be kept strictly confidential. That said, Bar Leadership has determined that a referral agency independent of the State Bar staff may reduce any reluctance to call. Thus, beginning July 1st, we have entered into a contract with Disability Rights South Dakota. Both LCL and LAC committees have provided names and contact information for referrals. You will be provided with the names and phone numbers and proceed to call whomever you select from the appropriate list.

Disability Rights South Dakota: 605-224-8294 or
toll free 800-658-4782

Phone calls to Disability Rights of SD are kept strictly confidential.

Caribou Coffee Club

A group of Sioux Falls and Rapid City area attorneys are holding informal peer-led meetings of lawyers who have faced or are dealing with depression, anxiety and/or similar issues.

Attendance is limited to lawyers.

The groups generally meet twice a month and have confidentiality policies.

For more information or to receive blind copies of group announcements, send an email to:
cariboucoffeeclub@gmail.com



**The Caribou Coffee Club is not affiliated with The State Bar of South Dakota, the Second Circuit Bar Association, or the Pennington County Bar Association.



YOU are NOT Alone

To: All Members of
The State Bar of South Dakota
From: Tom Barnett

We all have problems. And, most often, we manage to solve them ourselves, but sometimes we can't handle them alone. Recognizing that attorneys can develop personal problems that may jeopardize their health, family structure or employment, the State Bar of South Dakota provides members with the Sand Creek Member Assistance Program.

Sand Creek is a confidential telephonic counseling service that can help members solve personal and work related problems before they grow into serious and costly crises.

Employee Assistance Services (EAP) are provided by a staff of professional counselors, clinical psychologists, and social workers skilled at helping you identify and hand handle problems such as marital and family issues, chemical dependency, mental and emotional disorders and educational or career problems.

Free confidential telephonic services provided to you by Sand Creek include: problem assessment, action planning, and follow up along with 24-hour crisis telephone services. To access these services - see the box to your right.

The Sand Creek website, www.sandcreekeap.com, is a useful resource designed to help make your life easier. On the website you will find: Child care and elder care referrals; hundreds of articles on important mental and emotional health issues; work-related resources to help manage stress, cope with job changes or deal with a difficult boss; wellness resources including a comprehensive exercise, nutrition and healthy living portal that has hundreds of articles, recipes and tips for healthy living.

Confidentiality is the bedrock of a Member Assistance Program. All discussions and services are kept strictly confidential. The State Bar of South Dakota will not know that you are using the services. We encourage you to use this valuable benefit.

Sand Creek is a HIPPA compliant service.



Go to www.sandcreekeap.com
 Click the Work Life Wellness Login Link
 Our Company ID is sbsd1
 Or call 800-632-7643
 Monday-Friday, 7:30am-5pm CT

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 888-243-5744

All discussions and services are kept strictly confidential.

The State Bar of South Dakota will not know you are using the service. These services are FREE. You are encouraged to use this valuable benefit.

ANNOUNCEMENTS

Morgan Theeler LLP
is pleased to announce that

M. Lorena Tamayo
has become an associate with the firm
effective May 1, 2018.

1718 N. Sanborn Blvd.
P.O. Box 1025
Mitchell, SD, 57301

Telephone: (605) 996-5588
Facsimile: (605) 996-6129

Kennedy Pier & Loftus, LLP
is pleased to announce that

*Tyler P. Matson and
Nicole M. Brandt*
joined our firm as Associate attorneys.

322 Walnut Street
Yankton, SD 57078

Telephone: (605) 65-3000
Facsimile: (605) 65-2670

www.yanktonlawyers.com



LAW FOR LUNCH

AUGUST 16 • 12:30 - 1:30 PM CST

Topic: Immigration Law
Presenter: Kathleen Moccio,
Indiana University School of Law

[Register here!](#)



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**LICENSED in SOUTH DAKOTA, WYOMING and COLORADO

July 25, 2018

VIA E-MAIL andrew.fergel@sdbar.net and U.S. MAIL

Andrew Fergel
Executive Director and Secretary-Treasurer
State Bar of South Dakota
222 East Capitol Avenue, #3
Pierre, SD 57501-2596

RE: Rocky Mountain Mineral Law Foundation.

Dear Andrew:

The Trustees Council of the Rocky Mountain Mineral Law Foundation held its Annual Meeting in Victoria, British Columbia on July 18, 19, & 20, 2018. I attended the meeting as Trustee for the South Dakota State Bar. Professor Sean Kammer attended the meeting as Trustee for the University of South Dakota of Law.

During the past year, the Foundation sponsored six Short Courses and eight Special Institutes and Workshops, in addition to the Annual Institute. The Institutes, Short Courses and Workshops were attended by over 2,900 registrants.

The Foundation's two Scholarship Committees awarded over \$214,000 in law school scholarships last year. The RMMLF Scholarship Recipient Attendance Program pays travel, accommodation, and incidental expenses for law students to attend Foundation Institutes and Short Courses. Applications for this assistance can be made through the law school Trustee. Since 1980, the Foundation's two Scholarship Committees have awarded \$2,946,031 to 550 scholars.

Andrew Fergel – Executive Director and Secretary – Treasurer
State Bar of South Dakota
2018 Rocky Mountain Mineral Law Foundation Report
July 25, 2018

The following officers were elected to serve for the coming year:

- President - William B. Prince, of Dorsey & Whitney LLP, Salt Lake City, Utah;
- Vice President - Rebecca W. Watson of Wellborn Sullivan Meck & Tooley P.C., Denver, Colorado;
- Secretary - Joel O. Bensen, of Davis Graham & Stubbs LLP, Denver, Colorado;
- Treasurer - Rachel E. Salcido, of University of Pacific, McGeorge School of Law, Sacramento, California.

The Annual Meeting of the Trustees Council is held during the Foundation's Annual Institute. This year, 30 papers/topics were presented to over 600 registrants at the Annual Institute. The 2019 Annual Meeting and Institute will be held in Monterey, California from July 18 to 20.

If anyone wants further information, please feel free to contact me. You can also learn more about the Foundation and its many programs and publications, by visiting www.rmmlf.org. It was an honor to represent the State Bar on the Foundation's Trustees Council.

Sincerely,

BENNETT MAIN GUBBRUD & WILLERT, P.C.

/s/ Dwight A. Gubbrud

Dwight A. Gubbrud

DAG/jn
Enclosure

cc: Alex Ritchie, Executive Director, RMMLF

The Right Formula

Meet the KTLLP Business Valuation Team

Certified Business Appraisals

As you know, buy-sell agreements can get stale. Just because your client can “check the box” that he/she has such agreement, doesn’t mean they are “in the clear” of avoiding a legal battle with a shareholder. It is time to brush the dust of the agreement, review the language, and fix what’s outdated. Oftentimes, these agreements include a formula to calculate value. While these formulas are usually written to withstand the test of time, it is unrealistic to think they will work forever.

Therefore, contact your favorite certified valuation analyst to review the valuation formula or to devise a new one.



Ericka Heiser,
MBA, CVA, Director
ericka@ktllp.com

Paul Thorstenson,
CPA/ABV, CVA, Partner
paul@ktllp.com

Ketel Thorstenson, LLP

Certified Public Accountants/Business & Personal Consultants

ktllp.com

810 Quincy Street | Rapid City | 605-716-8997  609 Mount Rushmore Road | Custer | 605-673-3220
123 East Jackson Boulevard, Suite 2 | Spearfish | 605-642-7676

In June, Cutler Law Firm Partner Nichole Mohning spent a week volunteering with Community Health Initiative (CHI) Haiti. Nichole was part of a team of volunteers comprised of medical providers and non-medical volunteers from across the United States as well as Haitian doctors and staff. The team



It was a privilege to get to know and work with them," said Mohning.

What is so rewarding about working with CHI is its mission to work with people in the communities to create the infrastructure and tools necessary for them to provide for themselves. It is a partnership with the goal to not be needed. While the circumstances are

certainly very different, its mission is similar to how Mohning approaches her relationship with clients. Mohning works proactively with employers to identify needs and risks and

conducted medical clinics in the villages of Do Digue and Fondol which are located about an hour northwest of Port-au-Prince.



CHI is a nonprofit organization based out of Coralville, Iowa with a mission of partnering with the rural Haitian communities to identify needs and implement solutions. Along with providing continuous primary health care by conducting several medical and surgical clinics each year in these villages, CHI has assisted with water treatment, latrines and recycling programs.

jointly design and implement solutions with the goal that legal counsel will not be needed to defend claims at a later date.

Mohning primarily assisted with obtaining medical histories from the patients and entering data in the electronic medical records system. The non-medical volunteers were also trained to assist in performing basic treatment such as conducting blood sugar and lab tests, taking blood pressures and giving injections. The team saw nearly 1,700 patients over five days.

"The term life-changing is often over used, but there is really no other way to describe the experience," said Mohning. "I look forward to returning to Haiti in the future and continuing to find ways that I can use my skills to help carry on the mission of CHI."



"I was honored to be a part of such a dedicated and talented group of doctors, nurses, volunteers and staff from the United States and Haiti. It was amazing to see the level of care being provided in the most basic of environments. The area we worked in was incredibly beautiful, yet tough given the terrain and poverty. The people of this region are equally beautiful and tough.

Mohning joined Cutler Law Firm in 2008 and practices primarily in the area of employment law. Cutler Law Firm, LLP is a full-service law firm based in downtown Sioux Falls.

Thank You!

For more than 25 years, SD lawyers have made the USD School of Law the beneficiary at the golf outing in conjunction with the State Bar's Annual Meeting. Over the years, the law school has benefited in excess of \$100,000.

*Thank you, SD lawyers, golfers, and ALPS,
for your continued support.*

*Dean Tom Geu, the USD School of Law,
and the USD Foundation*



HERO

a person who is admired
or idealized for courage,
outstanding achievements,
or noble qualities

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THE JUSTICE SQUAD

Thank you to the following attorneys for accepting a pro bono or modest means 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.

ACCEPTED A CASE IN JULY 2018

- BRAD REYNOLDS
- STEVE HUFF*
- RENA HYMANS
- SUSAN JENNEN
- JODI BROWN**
- LINDA LEA VIKEN
- DAVID LARSON
- JESSICA HEGGE
- DANIEL PAHLKE
- SAMUEL NELSON
- SAM WOODALL
- MARLI SCHIPPERS
- TRAVIS JONES

ACCEPTED A CASE IN JUNE 2018

- KELLEN WILLERT*
- MARY ASH
- REBEKKAH STEINWAND
- SCOTT SWIER
- MICHAEL HENDERSON
- BROOKE SWIER SCHLOSS

* indicates Bar Commissioner

** indicates mentor attorney

And thanks to:

SCOTT MOSES

for his help answering questions on SD Free Legal Answers this month!



It's a LEGAL SUPERHERO!!!!

Is it a bird?

Or a plane??

ARE YOU INTERESTED IN BECOMING A LEGAL SUPERHERO AND MEMBER OF THE A2J JUSTICE SQUAD? PLEASE SEND A MESSAGE TO DENISE LANGLEY AT:

ACCESS.TO.JUSTICE@SDBAR.NET.



ACCESS TO JUSTICE, INC.

To register your firm, please visit
<http://www.statebarofsouthdakota.com>
and click on Access to Justice

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.

Professional Liability Insurance for Attorneys

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The products and coverages advertised herein are not currently available in all states; future availability may be subject to regulatory approval. A.M. Best rating as of 7/21/16. Product availability varies based upon business and regulatory approval and differs between companies. All products administered by Attorney Protective and underwritten by National Liability & Fire Insurance Company or its affiliates. Visit attorneyprotective.com/affiliates for more information. © 2017 Attorney Protective. All Rights Reserved.

An Overview of Common Legal Issues re Immigration

Part 4 | SD State Bar Immigration Law Committee

Immigration law and immigration consequences become relevant in other areas of law when non-citizen clients are involved. To assist other practitioners, the immigration committee has put together general information on some of these situations. The committee's goal is to generate awareness of some of the more common non-immigration legal issues that are problematic for the client's status or future status options. Please see previous editions of the bar newsletter for an introduction to this series of articles.

Child Abuse/Neglect

The immigration consequences of abuse and neglect proceedings depend on your client's immigration status. For legal permanent residents and other lawfully admitted aliens, caution is required; for aliens without legal admission to the United States, abuse and neglect proceedings make your client deportable. The federal statute pertaining to removal of legal permanent residents and other lawfully admitted aliens can be found at 8 C.F.R. § 1227. The statute requires a conviction for the LPR or lawfully admitted alien to be put into removal proceedings. A conviction will result in removal proceedings for any non-U.S. citizen.

Abuse and neglect proceedings are civil proceedings rather than criminal. For a non-U.S. citizen parent, abuse and neglect proceedings are preferable to a criminal case. If the parent has not been legally admitted to the United States, this can lead to removal. Although a legal permanent resident should not be put into removal proceedings because of child abuse or neglect proceedings, these proceedings can affect the alien's citizenship application. A legal permanent resident is required to prove "good moral character" for at least 5 years before filing for citizenship. Failing to protect children from abuse or neglect is an issue of "good moral character."

Involuntary Termination of Parental Rights

Abuse and neglect proceedings can lead to the termination of parental rights. The termination of parental rights by itself would not automatically cause problems for a non-citizen. It can cause problems for the non-citizen parent that actively abused or neglected the child. The non-citizen parent and the attorney representing that parent need to be wary of any findings of fact and conclusions of law in which a court determines that the parent abused or neglected the child. Voluntary termination of parental rights should not be a problem for the non-citizen parent's status or future status options.

Prior Topics

- July Newsletter:
International Adoption
and Hague Convention
- June Newsletter:
Firearms Offenses,
Hunting Violations and
Affidavits of Support
- May Newsletter:
Types of Immigration
Statuses

Upcoming Topics

- Protection Orders
- Divorce
- Criminal Offenses

Don't Miss Out!

The 2017 Tax Act has complicated closely-held entity planning and turned estate planning on its head.
This year's Institute presents detailed discussions of these new rules and planning recommendations that are a must for all advisors.



- Three hours from nationally renowned speaker Stephen Akers covering post-mortem tax planning issues and how to structure trustee powers to avoid tax catastrophes.
- Three hours from nationally renowned speaker and Great Plains favorite Stephanie Loomis-Price covering the art of reviewing an appraisal, ethically protecting privileges, avoiding tax problems at the formation of a family business and how a tax litigator views planning for a family business owner. Stephanie will be joined by Stephen Liss, a national tax expert.
- An in-depth review of federal tax law changes, including a specific presentation on the new Section 199A.
- A full discussion on recent developments in Section 355 tax-free spin-offs.
- Detailed analysis of the recent Wayfair decision and the implications for multi-state companies.
- A look at Nebraska and Iowa state tax and economic development updates.
- A review of current developments in income, estate and gift taxes, presented by local tax experts.
- By continued demand, a lengthened presentation on current tax issues and planning opportunities for farmers.
- A practical and valuable ethics presentation from University of Nebraska professor Janet Near. Two hours of the Institute are expected to qualify for ethics credit.

Continuing professional education sponsored by the Great Plains Federal Tax Institute, Inc.

**Thursday & Friday
November 29 & 30, 2018
Meeting in a NEW location!
Embassy Suites and
Conference Center
LaVista, Nebraska**



Registration Fee Discounts:

- Early Registration \$450 if received by November 6
- \$510 thereafter
- \$345 for participants with 5 or fewer years in practice

**Online registration to open
by October 1**

For more information go to
www.greatplainstax.org
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at **402-483-4234**

NORTHERN PLAINS WEATHER SERVICES

Dr. Matthew Bunkers of Northern Plains Weather Services is a certified consulting meteorologist (CCM) and forensic meteorologist with over 25 years of weather analysis and forecasting experience. He can provide reports, depositions, and testimony in the areas of weather and forecasting, severe summer and winter storms, flooding, applied climatology and meteorology, agriculture meteorology, and statistics. More information is provided at <http://npweather.com>, and you can contact Matt at nrnplnsweather@gmail.com or 605.390.7243.

Cybercrime and Social Engineering

Mark Bassingthwaighe, Esq.

Lawyers make referrals. It's something that comes with the territory. For some, making a referral is almost a daily occurrence. They are often made after work is declined. Staff may make them in response to a cold call or give one to a client who needs a service that the firm doesn't provide. Referrals are sometimes made during dinner conversations, at social events, or after a presentation given to the general public. Names may be passed along to family members, friends, a colleague, and to good clients. After all, we do want to make sure our good clients are well taken care of! Too often however, referrals seem to be made without any thought of the potential malpractice exposure. Is such casualness justifiable? Unfortunately, the answer is sometimes no.

Nationwide, malpractice coverage statistics vary geographically and over time due to any number of reasons. Some lawyers do not feel that malpractice coverage is necessary. They prefer to protect their assets in other ways. Others simply can't afford the coverage, particularly during economic hard times. I have even had a few lawyers tell me that they believe having malpractice coverage simply invites claims. As they see it, if they have no insurance no one will bother suing them. Regardless, this is a roundabout way of sharing that contrary to popular belief not all lawyers are insured for malpractice. In fact in a few states the percentage of uncovered lawyers has been estimated to be as high as 50%. This reality begs the question of what would happen if a lawyer made a referral to another lawyer who was uninsured and that lawyer eventually made a mistake? Might the referring lawyer be exposed? You bet. There are ways that liability can be found. It's a hunt for a deep pocket and it will be framed as negligent referral. The good news is that avoiding this type of claim is relatively easy.

The most dangerous type of referral is one that results in a referral fee and it doesn't matter if the fee was expected or simply offered as a gift. Acceptance of the fee can and will bring to the referring attorney liability for the other attorney's work. If a fee is

offered, the best advice is to decline it or suggest that the referral fee be refunded to the client because referral fees are too easily viewed by the client as payment for legal advice to have them work with the other attorney.

If your practice is to accept referral fees, proceed fully aware of the risk involved and be up front with the client about the arrangement. Remember, when you share fees you share liability. Rule 1.5 of the Model Rules of Professional Conduct states that a division of a fee can only occur if the division is in proportion to the services performed and the client agrees in writing. In addition, the fee must be reasonable and each lawyer will assume joint responsibility for the representation. This rule clearly requires that a referring attorney who will be accepting a referral fee inform the client of the presence of the referral fee and obtain written consent to the fee division. Given all this, it would seem to be prudent to stay in contact with the other attorney in order to monitor critical dates and see that work is completed on time because there is no free lunch here.

Two side notes are in order. First, prior to ever making a referral where a referral fee is expected, consider making certain that the attorney you are referring to has malpractice insurance in place and that the limits are adequate for the size of the matter being referred. Do not accept verbal verification of coverage. There are attorneys who will say they are insured in order to obtain the business. Ask the other attorney for a copy of the declaration page to the malpractice policy prior to ever making this kind of referral. Second, occasionally an attorney who has recently been disbarred will seek to refer clients and request a referral fee. If the referral happened to be made while this attorney was in good standing with the bar, payment of the referral fee would be acceptable. If this attorney is seeking to make the referral and asking for a fee after being disbarred, the payment of a referral fee would be prohibited under Model Rule 5.4(a) which prohibits the sharing of fees with a non-attorney.

That said, acceptance of a referral fee is not the only method of creating a liability from a referral. Referrals to specific lawyers or a referral made with

a promise such as “Attorney X is the finest personal injury plaintiff attorney in the area and always gets great results” can also create liability. To avoid exposure for a negligent referral claim, the rules are simple. When referring anyone to another lawyer always provide a minimum of three names and make no promises. Of course, suggesting the individual contact a state or local bar referral service would be another very safe practice.

Sometimes, however, we do wish to make a specific referral if for no other reason than to see that a good client is properly taken care of. If negligent referral claims are a concern for you, consider documenting adequate malpractice coverage by asking the other lawyer for a copy of the declarations page to her malpractice policy prior to making a specific referral. Why? It’s because one shouldn’t run with assumptions. Negligent referral claims are about coverage, not competency. Competent lawyers can and sometimes do make a mistake or miss a deadline and again, not all lawyers are insured.

One other type of attorney referral that can potentially create a serious problem is the referral made to an officemate in an office-sharing situation. By their very nature office sharing arrangements create added vicarious liability for every lawyer in the space. A simple referral to an officemate just increases the difficulty of avoiding this liability should a claim ever arise. In this situation it is particularly important to give a minimum of three names. It is fine to include an officemate in this list. Just be certain to disclose that one of the names provided is an attorney in the suite, make no promises about the suitemate, and be certain that the client understands that this attorney is completely independent. It would also be advisable to document how this referral was made in some fashion. Finally never make a referral to an officemate who is uninsured or underinsured. This risk simply isn’t worth it.

Now here is the interesting twist to the issue of negligent referral. Many referrals are made to non-clients. A lawyer’s duties to non-clients are minimal and thus negligent referral claims arising out of such referrals are few and far between. The real concern is

when an attorney refers a client to another attorney or, perhaps more frequently, to another professional. Making matters worse, words of assurance are also often shared with the client in this situation perhaps as a way to make sure the client follows through. To underscore this concern, consider an estate planner who regularly refers clients to the same CPA and is surprised to learn, after the CPA has made an error, the CPA has no errors and omissions coverage. The client, now harmed, may very well look to the estate planning lawyer for a recovery based upon her legal advice to work with that particular CPA. Here, following the above advice becomes even more important. The same rules should apply whenever making a referral to an existing client. Always provide a minimum of three names, make no promises, and verify that an errors and omissions policy is in place if a specific referral is preferred.

Remember that these rules not only apply to referrals made after work is declined. They also apply to referrals made at a dinner party, in an e-mail to a friend, in response to an e-mail from someone contacting you as a result of a visit to your firm’s website, in a casual conversation following a public presentation, on a chat site, or in response to an inquiry over the phone.

The next issue concerns staff. Occasionally a firm will have a sound referral policy in place that all attorneys understand and follow yet a staff member may be completely unaware of the reason the policy is in place and thus not follow the rules in every instance. There is no ill will here, just an honest desire to try and see that clients get the best help possible. Their motivation is to provide good service. This staff person will make a specific referral to an attorney or other professional whom they know and think highly of blissfully unaware of the associated risks. For clients who are upset, staff may even try to reassure them by making certain “harmless” promises about the receiving attorney. “Attorney X is a very good attorney and well respected by our firm.” If attorney X misses a statute date and is uninsured or underinsured, the client may not agree with the statement that attorney X is a good lawyer and they may want to hold the firm liable for their loss.

Make certain that all staff understand your firm's policy and procedure for referrals and also the reasons why such a policy is in place. Develop a referral list with three names for the various types of matters the firm will refer out and make it available to everyone in the office. If this list doesn't cover a referral request, have the staff pass the matter on to one of the attorneys, politely decline by stating the firm does not make referrals, or have staff refer to the state or local bar referral line.

Last but not least, an often overlooked source of potential liability for negligent referral claims may come from links on your firm's website. If there are links to other sites, an appropriate external links disclaimer should be prominently displayed near

these links. The disclaimer should simply state that the firm has provided these links for the convenience of users of the site and that these links do not constitute an endorsement of the linked websites, or of the information, products, or services contained therein.

In reality negligent referral claims are not a significant problem for malpractice carriers. Yet when they arise, and they do, these claims can be costly. Given that the actions that can be taken to avoid this type of claim are highly effective and quite minimal, there really is no reason not to take the prudent course of action and follow the advice shared here.

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Donald E. Covey



Donald E. Covey, 73, of Winner, S.D. passed away Monday, June 11, 2018.

Don graduated from USD in '67 with a B.A. in Government and in '73 with a J.D. Don proudly served as copy editor of the law review. After graduation, he worked as one of the first law-trained magistrates in South Dakota and then entered private practice. He practiced for 41 years in Winner, S.D., taking his turn as Tripp County State's Attorney and as court appointed defense counsel in Tripp and many other counties. He also practiced in federal court.

He served on numerous SD State Bar and Rosebud Bar committees, including the Ethics and ALPS Committees.

In addition to his dedication to the practice of law (he carried a copy of the United States Constitution with him), Don was dedicated to serving his community,

both as an attorney and a citizen, by participating in Rotary, the Winner School Board, Winner Investment Club, several conservation districts, church council, and many others too numerous to mention.

One of his proudest accomplishments was his work on the committee that brought medical professionals to rural areas. Don took time away from his practice to share his beautiful signing voice at many funerals and weddings and also participated in several barbershop choruses.

Don leaves behind his loving wife, four children and their spouses, ten grandchildren, five siblings, and many nieces, nephews, cousins, and friends. He was preceded in death by many esteemed colleagues who shared his passion for, dedication to, and courage in defending the rule of law.





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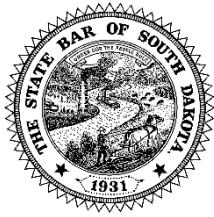
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Jenna Schweiss, Law Student, Vermillion

If there are any corrections that need to be made to either the Committee Assignments or the Officers of Related Groups, please email those changes to Beth at elizabeth.overmoe@sdbar.net.

STRESS and DEPRESSION HELP

Contact information for the regional mental health centers in South Dakota is located at www.statebarofsouthdakota.com ("For SDBAR Members" Under the Health & Wellness tab, click on the Stress/Depression/Addiction link. We have reached an understanding with all these centers and all will honor our agreement. If you are stressed out or you believe that you may be suffering from depression, the State Bar encourages you to seek a professional evaluation. If you don't have insurance or otherwise lack the financial resources, the State Bar project, funded by ALPS and the SD Bar Foundation, will cover the evaluation and several follow-up counseling sessions if indicated. You need only schedule the appointment and show them your 2018 active membership card. This is a confidential project. Counseling records are not, repeat, are not made available to the State Bar. We just pay the bill for those who can't afford it, up to the limit of \$500 per lawyer.

If you have a law partner or lawyer friend that you believe may be suffering from stress and depression, visit with them. Encourage this lawyer to consider having an evaluation. Depression caught at the early stages prior to becoming chronic is much, much easier to address. In just a few counseling sessions, you/your friend can learn techniques to deal with the stress more effectively in our lives, whether personal or professional.



SOLACE PROGRAM

If you are aware of anyone within in the South Dakota Legal Community (lawyers, law office personnel, judges, courthouse employees, or law students) who have suffered a sudden and/or catastrophic loss due to an unexpected event, illness, or injury, the South Dakota SOLACE Program may be able to assist. Please contact solace@sdbar.net if you, or someone you know, could benefit from this program.

We have a statewide (and beyond) network of generous South Dakota attorneys willing to get involved and help. We do not solicit cash but can assist with contributions of clothing, housing, transportation, medical community contacts, and a myriad of other possible solutions through the thousands of contacts available through the State Bar of South Dakota and its membership.

August 2018

Official Publication of the State Bar of South Dakota

If you wish to advertise in our publication or post job opportunities, please contact:
Tracie at tracie.bradford@sdbar.net.

The deadline for submissions in the newsletter is the 26th of each month, excluding December and February when it is the 23rd of the month. If the deadline falls on a weekend, the deadline is the Friday prior.

Address Changes:

email tracie.bradford@sdbar.net or log in to your profile at www.statebarofsouthdakota.com

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Job Postings and Classified Advertisements

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

ATTORNEYS

LITIGATION ASSOCIATE: Sioux Falls, SD

Donahoe Law Firm P.C. is seeking a litigation associate with 2-5 years of experience. The position will focus on practice support and client contact, including research and brief writing, trial preparation and participation in the areas of agricultural, construction and railroad law and complex litigation before public bodies or agencies, and the state and federal courts in South Dakota, Minnesota and Iowa. Work will primarily be in litigation, although development in other areas of the law is anticipated. Candidates should possess excellent research and writing skills, some trial experience, a desire to learn new areas of the law, an interest in practicing using the latest developments in technology and the ability to engage in the development of the firm. Applicants should be licensed in South Dakota. All applications will be held in confidentiality. Please send a cover letter and resume to: Donahoe Law Firm, P.C., 401 East 8th Street, Suite 215, Sioux Falls, SD, 57103.

Managing Attorney: Fort Thompson, SD

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Managing Attorney position in our Fort Thompson, South Dakota, branch office. The Fort Thompson office serves the Crow Creek and Lower Brule Indian Reservations in South Dakota and Brule, Buffalo, Hughes, Hyde, Lyman, Stanley and Sully 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's 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. If Applicant does not possess this experience we would consider Applicant for a staff attorney position until qualified to be a Managing Attorney.

SALARY: Competitive, depending on experience.

DPLS has an excellent fringe benefits package including generous leave benefits and employee insurance coverage (medical, dental, life, disability).

CLOSING DATE: September 15, 2018.

APPLICATION INFORMATION: Please submit a letter of interest and resume to: John J. Buchy, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, dpls1@gwtc.net

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

Business Attorney: Sioux Falls

The Goosmann Law Firm is seeking a Business Attorney to join its high growth firm and deliver quality timely legal advice. We provide a WOW client experience, keep up with the pace of business, under-promise and overdeliver. Our service attracts great national and industry leading clients. We partner with our clients to anticipate their legal needs in a fast-paced, positive, goal driven, productive culture that encourages and rewards productivity, excellence, teamwork, a giving mindset, integrity and professionalism. Goosmann Law Firm places strong emphasis on leveraging strengths, technology, marketing, training, and coaching. Deal making lawyers work with business owners and executives in our business transactional law department that has completed over two billion dollars in deals.

Salary and bonus structure are competitive and based on performance. Benefits include unlimited

PTO, 401K, health insurance, vision, dental, flex spending account, short term disability, life insurance, annual CLE budget, paid bar dues and professional memberships, iPhone, laptop, desktop, office furniture, paid parking, training, staff and administrative support. This is an opportunity for top candidates to become part of a growing law firm where passion fuels success. Our team feels it's WORTH IT! South Dakota bar license required. Ideal candidates are top performers with five or more years of legal experience. Please send a resume and cover letter to Human Resources Generalist, Marit Westrich at WestrichM@GoosmannLaw.com. Goosmann Law Firm is an equal opportunity employer. All inquiries will remain confidential.

Attorney: Sioux Falls

Homestead Holdings, Inc. is seeking to add an attorney to its I.R.C. §1031 tax-deferred exchange business - Homestead Escrow and Exchange Company. This position will focus on providing information and guidance to attorneys, tax advisors, and potential exchangers on the rules and regulations related to 1031 exchanges, which includes the identification of issues and complications associated with the proposed exchange plan, and aiding in the explanation of potential solutions and exchange structures that can be used to achieve the desired goals. Full training on 1031 exchanges will be provided by existing attorneys making prior knowledge of tax deferred exchanges a strong positive but not a requirement. The ideal candidate must have strong oral and written communication skills and the ability to work with both professional and non-law trained clients. Prior experience or education in the areas of federal income tax and real property law are essential. Position includes competitive pay, health and other benefits, and the opportunity for growth with the expansion of the business. Candidates must be licensed or planned to be licensed in South Dakota, Minnesota, Iowa, and/or Nebraska. Please send a cover letter and resume to Eric Hanson, Eric@dakotahomestead.com.

Senior Associate: Sioux Falls

The Sioux Falls law firm of May & Johnson, P.C. is currently seeking a Senior Associate to join our litigation team. The candidate should have the experience to immediately handle files, conduct discovery, and appear in court. All inquiries will be

kept confidential.

Requirements:

3+ years of experience in a comparable position and/or relevant practice;

JD from an ABA accredited law school;

In good standing with South Dakota State Bar Association;

Civil trial experience in state and federal court;

Motivated to build a litigation practice in Sioux Falls.

Salary and benefits will be competitive with the market and the candidate's skills.

Please send resumes and references to marndt@mayjohnson.com.

STAFF ATTORNEY: SISSETON, SD

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our Sisseton, South Dakota, office. The Sisseton office serves the Lake Traverse, Flandreau and Yankton Indian Reservations in South Dakota and Grant, Roberts and Charles Mix counties in South Dakota, as well as Native Americans in the eastern half of 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: September 15, 2018.

APPLICATION INFORMATION: Please submit a letter of interest and resume to: John J. Buchy, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, dpls1@gwtc.net.

Managing Attorney: Mission, South Dakota
DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, is accepting applications for a Managing Attorney position in our Mission, South Dakota, branch office. The Mission office serves the Rosebud Sioux Indian Reservation in South Dakota 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; must demonstrate an interest in poverty law and working with Native American and low income clients.

Applicant must have at least one year's 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. If Applicant does not possess this experience we would consider Applicant for a staff attorney position until qualified to be a Managing Attorney.

SALARY: Competitive, depending on experience.

DPLS has an excellent fringe benefits package including generous leave benefits and employee insurance coverage (medical, dental, life, disability).

CLOSING DATE: September 15, 2018.

APPLICATION INFORMATION: Please submit a letter of interest and resume to: John J. Buchy, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, dpls1@gwtc.net

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

Litigation Staff Attorney: Avera in Sioux Falls

The Staff Attorney-Litigation, is responsible for providing any and all legal services for collection of primarily out-of-state patient accounts on behalf of Accounts Management, Inc. ("AMI"); responsible for assisting with AMI claims and county poor relief claims of Avera Health hospitals in the state of South Dakota, time permitting and as requested by the Avera Patient Accounts Attorney, to the extent that such

proceedings or actions necessitate the involvement of legal counsel; and serves as an additional legal resource to the Director and Litigation/Collection Manager of AMI with respect to the collection of such patient accounts.

REQUIRED EDUCATION and/or EXPERIENCE: Juris Doctor required; BS or BA in Business preferred.

REQUIRED CERTIFICATION, LICENSURE, and/or REGISTRATIONS:

- Attorney duly licensed to practice in the state of South Dakota.
- Current Iowa License to practice law in good standing, or minimum 5 years of law practice (litigation emphasis) with the ability to obtain Iowa Licensure within 6 months of employment.
- Ability to obtain additional law licensure within other states as deemed necessary by AMI (Nebraska and/or Minnesota).
- This position requires a valid driver's license, and that the employee is insurable by the Avera Health automobile liability insurance carrier.
- Responsible for maintaining CLE requirements in all states in which licensed to practice.

MANAGING ATTORNEY: EAGLE BUTTE, SD

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Managing Attorney position in our Eagle Butte, South Dakota, branch office. The Eagle Butte office serves Cheyenne River Indian Reservation in South Dakota and Dewey, Haakon, Potter and Ziebach 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's 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. If Applicant does not possess this experience we would consider Applicant for a staff attorney position until

qualified to be a Managing Attorney.
SALARY: Competitive, depending on experience.
DPLS has an excellent fringe benefits package including generous leave benefits and employee insurance coverage (medical, dental, life, disability).
CLOSING DATE: September 15, 2018.
APPLICATION INFORMATION: Please submit a letter of interest and resume to: John J. Buchy, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, dpls1@gwtc.net
Native Americans, Women and Minorities are encouraged to apply. Dakota Plains Legal Services is an Equal Opportunity Employer.

Lead Estate Planning Attorney: Sioux Falls
Thompson Law, P.C. is an established, estate planning law firm in Sioux Falls whose mission is to provide families with quality estate planning resources. Our law firm specializes in estate planning for the unique needs of family businesses and farms. We help clients preserve their financial wealth through a holistic approach to estate planning where life stories and family heirlooms are prepared for future generations. Thompson Law is a great place to work for those who enjoy a family friendly environment where serving the clients' needs is the highest priority. It is a busy office where each staff member is valued and relied upon for team success. Career growth is encouraged, and opportunities are available for those who have the desire to succeed.

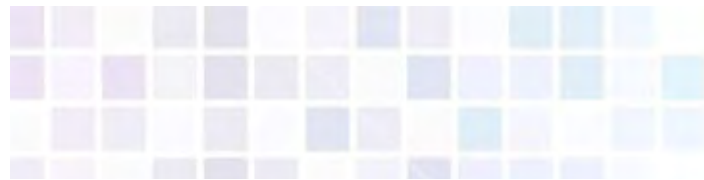
Position Description- The Estate Planning Attorney is the cornerstone of the law firm's service fulfillment efforts. This person is responsible for helping people achieve their estate planning goals. The Estate Planning Attorney consults with prospective clients, drafts and reviews estate planning documents and manages estate administration and probate matters. This person has a high degree of responsibility and directs the efforts of other staff in client support, document production and execution services. This person will be responsible to support the organization with expert knowledge of estate planning law and application.

Skills - Warm friendly person with excellent people skills and excellent counseling skills. Excellent listener who enjoys working with older people. Ability to explain estate planning subjects in layman's terms. Energetic, highly professional, team-oriented. Professional appearance and attire required. Excellent verbal and written communication skills. Familiarity

with MS Office Suite. Non-smoker preferred. Strong organization skills and attention to detail. Excellent customer service and communication skills – verbal and written. Ability to adapt easily to a constantly changing environment, juggle multiple tasks and prioritize work to maintain efficiency. Ability to take initiative and work as part of a team. Ability to think strategically and tactically. Creative problem resolution skills. Ability to consistently meet and exceed targeted business metrics. To Apply: Submit cover letter, resume and references to joan@cathompsonlaw.com or complete the online Employment Application found at www.cathompsonlaw.com/employment-opportunities. Opened until filled.

Deputy Public Defender: Deadwood, SD
The Lawrence County Public Defender's Office is seeking applications for a full-time Deputy Public Defender position. Duties of the position are as follows: Representation of indigent clients through all stages of the state court system in criminal and some civil matters. This includes pre-trial proceedings, motions, various court hearings and jury trials in criminal matters, appeals, habeas corpus proceedings, abuse and neglect actions, and juvenile proceedings. The successful applicant must possess a J.D. degree and be a current member in good standing or eligible for admission to the South Dakota Bar. Criminal trial experience or clinical program experience in criminal law are preferred. Applicant must be a resident of Lawrence County or willing to become a resident within eleven months of start date. Applications will be reviewed until position is filled with a start date dependent upon applicant's availability. Salary will be a range of \$60,197.40 - \$71,664.06. (Dependent upon experience) Lawrence County offers health, dental and life insurance, paid vacation and sick leave and retirement benefits. Please contact the Office of the Lawrence County Public Defender for more information at (605) 578-3000.

A résumé and writing sample can be submitted to: Amber L. Richey, Chief Deputy, Office of the Lawrence County Public Defender, 90 Sherman Street, Deadwood, SD 57732.



Staff Attorney: Sioux Falls, SD

Disability Rights South Dakota is currently seeking an attorney for the position of Staff Attorney and Protective & Advocacy of Individual Rights Program Director in the Sioux Falls, SD office. The primary purpose of this position is to provide legal representation to clients of Disability Rights South Dakota and perform oversight of program(s) within Disability Rights South Dakota. The successful candidate will hold a Juris Doctor degree with admission to the state bar or within six months of hiring date; one to three years applicable law and litigation experience is preferred. The candidate should be highly motivated, organized, have excellent communication skills (written and oral), be detail orientated, and have an understanding of database programs. Other skills needed are the ability to meet and greet the public, work in a team environment, and have an understanding of the service delivery system. This position requires the incumbent to have knowledge of grant management including compliance to the sponsored programs at the local, state and/or federal levels (depending on granting agency). The incumbent should have knowledge of state laws, programs, and issues concerning persons with disabilities and understanding of a non-profit office environment. Competitive salary and full benefits are provided. Position is open till closed. To apply please include a letter of interest, resume, and writing sample to hooks@sadvocacy.com or mail to:
Disability Rights South Dakota
Attn. Sandy Hook - Executive Assistant
221 S. Central Avenue, Ste. 38
Pierre, SD 57501
For a detailed job description please visit the employment page at www.drdsdlaw.org.

Deputy Director: Mission

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Deputy Director position in our Mission, South Dakota, office. DPLS provides free legal services to low income and elderly clients located primarily in the western half of South Dakota and to Native American clients located throughout South Dakota and on the Standing Rock Indian Reservation which extends into North Dakota.
QUALIFICATIONS/RESPONSIBILITIES: Applicants must be admitted to practice law in the courts of at least one state 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; have at least one year of experience in the practice of poverty law or Native American law with trial experience in state and federal courts or two years of experience in the general practice of law; have a demonstrated interest in poverty law and sensitivity to the legal needs of low income clients; have strong writing skills; and be familiar with budgets or be willing to learn.

The Deputy Director assists the Executive Director in overseeing the operation of DPLS and will have primary responsibility for fundraising, overseeing the Human Relations functions of DPLS, staff development and training.

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

CLOSING DATE: September 15, 2018.

APPLICATION INFORMATION: Please submit a letter of interest and resume to: John J. Buchy, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, dpls1@gwtc.net.

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

Staff Attorney: Sioux Falls

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our Sioux Falls, South Dakota, office. The Sioux Falls office serves primarily Native Americans in the vicinity of Sioux Falls and in the eastern half of South Dakota. This job requires at least two days of travel every week.

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: September 15, 2018.

APPLICATION INFORMATION: Please submit a letter of interest and resume to: John J. Buchy, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, dpls1@gwtc.net. Native Americans, Women and Minorities are encouraged to apply. Dakota Plains Legal Services is an Equal Opportunity Employer.

Deputy/Senior Deputy Public Defender: Sioux Falls
Seeking compassionate lawyer with excellent advocacy skills who is committed to ensuring justice, humanity, and equality to indigent clients appearing in the criminal and juvenile justice system. Will defend clients charged with misdemeanor and felony offenses, involuntary commitment proceedings for mental illness or chemical abuse, abuse and neglect proceedings, and juvenile delinquency matters. Requires graduation from law school, JD degree, and have either passed the South Dakota bar exam and eligible to practice law in SD; or be licensed to practice law in any other state and able to take the next SD bar exam; or be a recent or imminent graduate able to sit for the next SD Bar Exam. Bilingual skills a plus. Appointment as a Senior Deputy Public Defender requires 2+ years of relevant work experience. The salary range is \$2,552.00 - \$3,695.20/biweekly. Minnehaha County offers a competitive benefits package including health, dental, vision, and life insurance, a generous paid time off program, extended sick leave, retirement, and an employee assistance program.

For a full list of qualifications and the application process visit: <http://jobs.minnehahacounty.org>. Posting will remain open until the position is filled. Contact HR with questions at 605-367-4337. EO/AA Employer.

Deputy/Senior Deputy State's Attorney: Sioux Falls
The Minnehaha County State's Attorney's Office is looking for a prosecutor to join our top performing team of attorneys. Supported by experienced investigators, victim/witness assistants, paralegals, and legal office assistants, our attorneys enjoy a strong sense of camaraderie working in a think tank of legal minds. Incumbents will perform professional legal

work on behalf of Minnehaha County in civil and criminal court and administrative proceedings. Requires graduation from law school, JD degree, and admission by Supreme Court of SD to practice law; or out of state license & eligible to sit for next SD bar exam. Appointment at Senior level requires 2+ yrs of relevant experience. Salary range: \$2,552.00 - \$3,695.20/bi-weekly. Minnehaha County offers health, dental, vision and life insurance, a generous paid time off program, extended sick leave, retirement, and an employee assistance program.

For a full list of qualifications and the application process visit: <http://jobs.minnehahacounty.org>. Posting will remain open until the position is filled. Contact HR with questions at 605-367-4337. EO/AA Employer.

Associate Attorney: White Lake

Swier Law Firm's office in White Lake, South Dakota is seeking an ASSOCIATE ATTORNEY to join its rapidly growing practice. We are looking for an entrepreneurial-minded attorney to lead our Aurora County office in White Lake. The ideal candidate will want to create a life centered around small-town South Dakota, become part of the White Lake community, and grow the practice to surrounding counties. Swier Law Firm offers competitive compensation packages, unlimited growth, and proven results. Candidates must possess outstanding oral and written skills, along with a desire to excel. South Dakota license required. Please send a resume and cover letter to Executive Director Sara Travis at Sara@swierlaw.com. All inquiries will remain confidential.

Family Law Attorney: Rapid City

Swier Law Firm, Prof. LLC is seeking a FAMILY LAW ATTORNEY in Rapid City with a minimum 2 years of experience. Candidates must possess outstanding oral and written skill and a desire to excel. Attracting and retaining top talent is the key to Swier Law Firm's success. Our compensation structure rewards contributions to our clients and reflects the competitiveness of the legal market. This is an opportunity for a top candidate to become part of a growing law firm with a state, regional, and national client base. Please send a resume and cover letter to Executive Director Sara Travis at sara@swierlaw.com. All inquiries will remain confidential.

Assistant United States Attorney: Pierre

The South Dakota United States Attorney's office is seeking an experienced attorney to fill one Assistant United States Attorney position in the Civil Division, Pierre Office. This attorney primarily will be responsible for the Affirmative Civil Enforcement (ACE) program, which pursues civil actions against corporations and individuals that engage in fraud, violate federal laws, and divert controlled substances. Link to South Dakota U.S. Attorney's Office: <http://www.justice.gov/usao/sd/>.

Applicants must possess a J.D. degree, be an active member of the bar (any jurisdiction) and have at least one year of post-JD legal or other relevant experience, be a U.S. Citizen or National. Applicants must demonstrate a quick analytical ability and the facility to articulate accurately and precisely the critical issues in a case. Applicants must demonstrate superior oral and writing skills as well as strong research and interpersonal skills and good judgment. Applicants must possess excellent communication and courtroom skills and exhibit the ability to work in a supportive and professional manner with other attorneys, support staff, and client agencies. Applicants must have a demonstrated capacity to function, with minimal guidance, in a highly demanding office and courtroom environment.

The range of basic pay is \$61,218 to \$160,122, which includes a locality payment of 15.37%. Relocation expenses not 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.

To apply, you must create a USAJOBS account or log in to your existing account. Applicants must submit a resume and all required documents through USAJobs.gov. Log into USAJobs.gov and search for Announcement number 18-SD-10259189-AUSA or click the link to view: <https://www.usajobs.gov/GetJob/ViewDetails/506050000>. You will be required to complete an online Occupational Questionnaire, as well as provide a resume and writing sample (not to exceed 15 pages). Applications accepted on USAJobs July 25 – August 10, 2018.

Assistant United States Attorney: Pierre

The South Dakota United States Attorney's office is seeking an experienced attorney to fill one Assistant United States Attorney position in the Criminal Division, Pierre Office. Link to South Dakota U.S. Attorney's Office: <http://www.justice.gov/usao/sd/>. Applicants must possess a J.D. degree, be an active member of the bar (any jurisdiction) and have at least one year of post-JD legal or other relevant experience, be a U.S. Citizen or National. 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.

The range of basic pay is \$61,218 to \$160,122, which includes a locality payment of 15.37%. Relocation expenses not 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.

To apply, you must create a USAJOBS account or log in to your existing account. Applicants must submit a resume and all required documents through USAJobs.gov. Log into USAJobs.gov and search for Announcement number 18-SD-10257729-AUSA or click the link to view: <https://www.usajobs.gov/GetJob/ViewDetails/506050200>. You will be required to complete an online Occupational Questionnaire, as well as provide a resume and writing sample (not to exceed 15 pages). Applications accepted on USAJobs July 25 – August 10, 2018.

PARALEGAL

Paralegal: Sioux Falls

Woods Fuller Law Firm is seeking an experienced full-time Paralegal to join our fast-paced Business and Estate Planning practice groups. Successful candidate will be a motivated, hardworking team player with impeccable organization and communication skills.

Prior experience preparing and filing 706 and 709 regulatory and tax filings a plus.

Key skills and abilities of a successful candidate: (1) Ability to organize and prioritize multiple tasks under

time constraints; (2) Experience providing outstanding client-centered service; (3) Experience drafting corporate maintenance documents; (4) Experience preparing tax and regulatory filings; (5) Experience preparing estate and probate documents; (6) Strong knowledge of Microsoft Word and Microsoft products. If you are looking for a work family, Woods Fuller is the place for you. We offer excellent benefits and a family-friendly atmosphere.

Woods Fuller offers a strong benefits package and competitive wages. Hourly wage \$24+ DOE.

To apply, submit a cover letter and resume to Rachell.Henning@woodsfuller.com

To learn more about the firm, visit our website at WoodsFuller.com.

Equal Opportunity Employer

Woods, Fuller, Shultz & Smith P.C. provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to age, race, color, creed, disability, religion, sex, ancestry, national origin, protected veteran status, or genetic information. In addition to federal law requirements, Woods, Fuller, Shultz & Smith P.C. complies with applicable state and local laws governing nondiscrimination in employment in every location in which the company has facilities.

Legal Assistant/Paralegal: Sioux Falls

The Federal Public Defender for the Districts of South Dakota and North Dakota is accepting applications for a Legal Assistant/Paralegal. The position will be located in the Sioux Falls, South Dakota, office. More than one position may be filled from this announcement.

Description: The Legal Assistant/Paralegal provides support to the attorneys. This position requires advanced knowledge of legal terminology; work and information processing software; proficiency with case management technology; and an understanding of district and circuit court rules and protocols. Also required is editing and proofreading documents, cite checking, assembling materials for filing; handling telephone and in-person callers; screening and routing incoming mail and preparing correspondence. Calendars for the attorneys must be maintained, and meetings and phone conferences arranged.

The candidate will have a general understanding of office confidentiality issues, such as attorney/client privilege; the ability to analyze and apply relevant

policies and procedures to office operations; exercise good judgment; have a general knowledge of office protocols and secretarial processes; analyze and recommend practical solutions; be proficient in Microsoft Word and Adobe Acrobat; have the ability to communicate effectively with assigned attorneys, other staff, clients, court agency personnel, and the public. Salary will be based on qualifications and experience. Compensation includes federal employee benefits. Qualified applicants should send a cover letter, resume, and three references to: Neil Fulton, Federal Public Defender, P.O. Box 1258, Pierre, SD 57501 or via email to: Neil_Fulton@fd.org. Position will remain open until filled. The selected candidates will be subject to a background check as a condition of employment. EOE.

EXECUTIVE DIRECTOR

Executive Director, Mission

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, is accepting applications for the Executive Director position in our Mission, South Dakota, office.

GENERAL RESPONSIBILITIES: The Executive Director has overall responsibility for the operation of Dakota Plains Legal Services, including general administration of the program, its fiscal affairs, the securing of funds and the maintaining of funding levels sufficient to meet programmatic needs, personnel management, working with the organized Bar throughout the state, implementing programmatic policies, and providing necessary litigation support.

QUALIFICATIONS: Applicants must be admitted to practice in any jurisdiction for a minimum of four years; must be admitted to practice law or applying for admission to practice law in South Dakota; must have a minimum of two years administrative experience at a policy making level in legal services or a legal services program; and must be bondable.

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

CLOSING DATE: August 31, 2018.

APPLICATION/INFORMATION: Persons interested

in being considered for this position should submit a letter of introduction along with a resume and references to: Dalene Bettelyoun, Administrator, Dakota Plains Legal Services, P.O. Box 727, Mission, SD 57555 or to dpls2@gwtc.net. For further information, or to request a copy of the full job description for this position, please contact Dalene Bettelyoun at (605) 856-4444. Native Americans, Women and Minorities are encouraged to apply. Dakota Plains Legal Services is an Equal Opportunity Employer.



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August 2018

Disciplinary Board.....	September 13-14.....	Ramkota, Rapid City
Estate Planning CLE am.....	September 28.....	Ramkota, Sioux Falls
Ag Law pm.....	September 28.....	Ramkota, Sioux Falls
SD YLS Swearing-In Ceremony.....	October 19.....	Rotundra, Pierre
Nuts and Bolts CLE.....	October 19.....	Red Rossa, Pierre
Bar Commission Meeting.....	October 19.....	Red Rossa, Pierre
Juvenile Law CLE.....	December 7.....	Ramkota, Rapid City
Bar Commission Meeting.....	January 4.....	Aberdeen