



State Bar of South Dakota

August 2019



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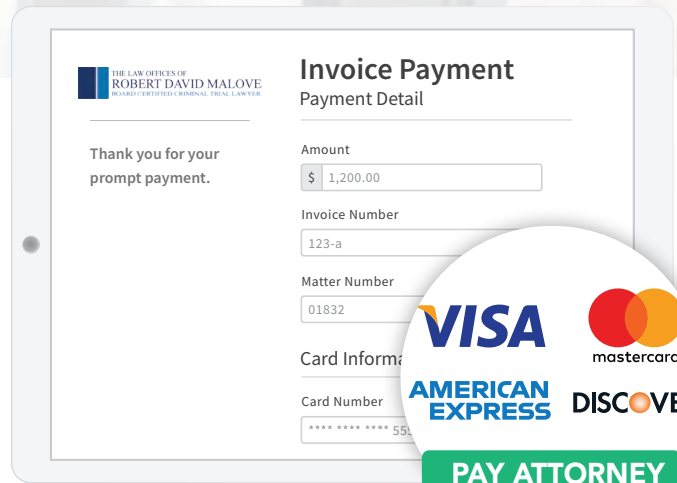
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State Bar of South Dakota

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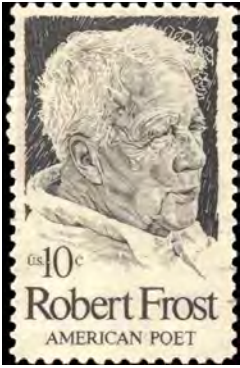
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President's Corner

Pushing Through Challenges and Work Life Balance

by: Steven K. Huff

In a feeble attempt to author my first article for the state bar newsletter, I considered a variety of themes. I kept coming back to what I have been struggling with as far as time management. After conversing with others, I felt this dynamic appeared worthy of sharing.

As anyone who knows me over the years is painfully aware, I am far from a scholar and further from being a poet. However, I think all can appreciate good works, especially ones that stick with you. For me, one of those poets and authors is Robert Frost, who authored "Stopping By Woods on a Snowy Evening." For ease of reference:

*Whose woods these are I think I know.
His house is in the village, though;
He will not see me stopping here
To watch his woods fill up with snow.*

*My little horse must think it queer
To stop without a farmhouse near
Between the woods and frozen lake
The darkest evening of the year.*

*He gives his harness bells a shake
To ask if there is some mistake.
The only other sounds the sweep
Of easy wind and downy flake.*

*The woods are lovely, dark and deep,
But I have promises to keep,
And miles to go before I sleep,
And miles to go before I sleep.*

It was Frost's lines of "promises to keep" juxtaposed with the idea of "miles to go before I sleep" that has stuck with me since first reading this work in high

school. We as attorneys and those who live with or work with us face a multitude of professional and life challenges. Hopefully, we all feel that we have many more miles to go in our personal and professional lives before we retire or stop practicing law.

In talking with many, it appears most are not just busy but overflowing with work. Having busy work lives also makes for even busier personal lives. Yet, despite those challenges, if we all could do just 10 percent more, we would make an even bigger difference to our clients, the public, and our personal and extended families. I would challenge others to consider this idea both professionally and personally and realize that some are already doing all they can for themselves and their offices. For others, I would offer where there is a will, there usually is a way.

The concept of 'miles to go before I sleep' kept coming back to me during recent bar and professional travels, which included a flight to Missoula for the ALPS Bar Leaders Retreat (5 days), then to Pierre (2 days) for a quarterly Bar Commissioner meeting which is also the annual meeting for our bar budget, then to Sioux Falls (2 days) for three depositions, then to Wayne, Nebraska, for my son Nathan's first college visit (1 day).

These were busy and challenging times. Yet, much was accomplished in this condensed period.

In Missoula, and through these other journeys, I learned, despite the time sacrifice, a great deal in a variety of contexts. At the ALPS retreat, I better understood from speaking with other state bar associations and their representatives the various challenges they face. Much like our own, those include, but are not limited to, attorney wellness, providing legal services in rural areas and to indigent persons, making sure there are sufficient well-trained lawyers to replace those retiring or leaving the practice, mandatory bar litigation, and the like.

During this conference, it was recognized that ALPS and our bar took a united step, under the leadership of Reed Rasmussen and past bar presidents and commissions, the Bar Foundation, as well as our

former and current executive directors, to fund a pilot attorney wellness program (Life Above the Bar) which will provide competent and confidential care for attorneys in need. All who have worked on this project anticipate this will be a great short and long-term success.

The legal malpractice insurance business is critical for our bar members and the general public and we all will continue to need to pay attention to insurance related issues facing counsel and clients alike. Moreover, I learned during the ALPS event and in Pierre with the commission, we all need to take some time to ourselves to get to know one another better, communicate more effectively, and above all, be better listeners. I learned a great deal from my bar leadership, fellow commissioners, ALPS colleagues and my spouse Tracy, among others. In particular, I cannot thank Tracy enough for helping me balance an active law practice and family over our twenty years here in South Dakota.

In between Missoula and Pierre, my wife Tracy and kids Nathan and Abby prepared food for the commission. This was a bit of a logistical challenge for us and for our state bar office, but Andy, Nicole and Tracie all helped make things run smoothly for us and the commission thanks them for their efforts. We find that cooking for others encourages fellowship and comradery, albeit with some understandable fatigue.

Both bar commissioners and its young lawyer section were invited to the cookout which occurred the night before our scheduled meetings. The event was a great success. Items provided included a hot and cold meat and cheese feature with skirt steak, brats, several kinds of sausage, seven kinds of Dimmock Cheese, various fresh fruits, crackers and bread squares. There was also a red and white sangria offering along with tea, lemonade and soft drinks. It seemed to go over very well with the new and veteran commissioners hit the ground running for their next day of meetings.

On July 30, East River Legal Services leadership, our executive director Andy Fergel, and esteemed members of the Bar Foundation will meet to discuss a proposal that could substantially improve providing legal services to indigent people. As discussed with

the commission during our most recent meeting, it has been a multi-decade mission of many to expand legal services for indigent persons. This is no small task when you consider geography, available resources, and the challenges of running an efficient legal service organization.

Hope and opportunity abound. To that extent, I hope to be able to report back to you in the coming months that we were successful with the meeting and a potential new venture which could nearly double available resources for ERLS.

I look forward to learning more, listening better and assisting our bar members in the upcoming year. I also want to wish president-elect Terry Westergaard a personal and professional congratulations on the birth of his first grandson, Spencer David.

Miles to go before we sleep, but we have promises to keep.

WHAT A TREAT!

September 2019

Law for Lunch

Farm Finances & Counseling Clients

Examining The Farm Financial Climate & How to Counsel Financially-Stressed Farm Clients

Presented By:
Susan Stokes, Meg Moynihan
and Jeff Peterson



STATE BAR OF SOUTH DAKOTA YOUNG LAWYERS SECTION

by: Nathan Chicoine
YLS President



Being a Governor (class of '06), I always leave the Pierre/Ft. Pierre area with a sense of nostalgia. Walking by all of the State government offices on my trip for a cold treat serves as a friendly reminder that countless people diligently work day after day to serve the people of our great State. Your State Bar is not different. It is constantly evaluating how to best serve its members. The State Bar, Bar Commission, and Young Lawyers Section recently assembled in Pierre with that task in mind.

The Young Lawyers Section board of directors is returning from these productive meetings in which we planned many of our activities for the year. We got to know each other a little better and explored how we can work best as a team. Bar members and young lawyers should be excited about their circuit representatives and the CLEs, mentorship events, and service projects that will be offered to them in the coming year. Circuit Representatives and officers are inspired and eager. They will be promoting programs locally. You may see an invitation to a social mixer, a flyer promoting an upcoming legal clinic for veterans, or the agenda for the Nuts & Bolts CLE on October 18 held in conjunction with the Statewide Swearing-In Ceremony. I encourage bar members and young lawyers to connect with the Young Lawyers Section and attend upcoming events, volunteer to serve, and apply to participate in our Hagemann-Morris Mentorship Coin Program as either a mentor or mentee.

As the Young Lawyers Section implements our programs, we welcome your input. Please attend the local social mixer and connect with your circuit representative. Let's discuss what you enjoy about the activities hosted by the Young Lawyers Section. If you have a suggestion to better a program, please share

your thoughts. We will listen, survey our members, research what young lawyers associations in other state bars are doing, and find ways to improve the programming we currently offer. Do you have an idea that will help lawyers reach a group in need? Serving the public is part of our oath and mission. The Young Lawyers Section will attempt to fill the void. We also continue to welcome any ideas you may have for CLE materials. If you're like me, you've encountered a difficult situation that you wish had come with a roadmap covered in a CLE program a few years prior. When you engage and share your thoughts with the Young Lawyers Section, we are better able to put together productive programs. Take advantage of the opportunity and tell us what you think.

Again, here are the Young Lawyers Section board members to contact with your praise and criticism:

- President: Nathan Chicoine (Rapid City)
- President-Elect: Carrie Srstka (Sioux Falls)
- Secretary/Treasurer: Ole Olesen (Rapid City)
- 1st Circuit: Bert Bucher (Yankton)
- 2nd Circuit: Anthony Sutton (Sioux Falls)
- 3rd Circuit: Tony Teesdale (Brookings)
- 4th Circuit: Mariah Bloom (Spearfish)
- 6th Circuit: Holly Farris (Pierre)
- 7th Circuit: Kelsey Weber (Rapid City)
- At Large Representative: Kelsey Knoer (Sioux Falls)
- Law Student Representative: Whitney Petersen (Vermillion)

We look forward to seeing you at the next bar event!



Congratulations to Tamara Nash for being named one of the Top 40 Young Lawyers by the ABA to receive the 2019 On The Rise Award!



*South Dakota Attorney General's Office,
Sioux Falls, SD*

About the Award

The On The Rise program recognizes ABA young lawyer members who exemplify a broad range of high achievement, innovation, vision, leadership, and legal and community service.

Fellows of the South Dakota Bar Foundation

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

Thank you!

Life Patron Fellow: \$100,000 plus

Cumulative, including Pledges & Testamentary Gifts

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💎 Thomas C. Barnett Jr. 💎 Robert E. Hayes

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🏆 Scott C. Moses 🏆 Hon. Jack R. Von Wald

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Hon. John L. Brown

Mary Jane Cleary

Edwin Evans

Andrew L. Fergel

Craig A. Kennedy

Hon. Bobbi Rank

Jason R.F. Sutton

Barry R. Vickrey

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★★ John P. Blackburn ★★ Robert E. Hayes ★★ Pamela R. Riter

★★ Richard D. Casey ★★ Terry L. Hofer ★★ Eric C. Schulte

★★ Hon. Michael Day ★★ Steven K. Huff ★★ Jeffrey T. Sveen

★★ Robert B. Frieberg ★★ Hon. Charles B. Kornmann

★★ Thomas H. Frieberg ★★ Bob Morris ★★ Charles M. Thompson

★★ David A. Gerdes ★★ Thomas J. Nicholson ★★ Richard L. Travis

★★ Hon. David R. Gienapp ★★ Gary J. Pashby ★★ Thomas J. Welk

★★ Patrick G. Goetzinger ★★ Stephanie E. Pochop

★★ G. Verne Goodsell ★★ Reed A. Rasmussen

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 aging, substance abuse and mental health issues.

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City _____ State _____ Zip Code _____

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- 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.

Mail payment to:
State Bar of South Dakota
222 E. Capitol Ave., #3
Pierre, SD 57501

Or you can email this form to:
tracie.bradford@sdbar.net or call 605-224-7554 to set up a payment.

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



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HERO,
BABY.**

- Enrique Iglesias

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

- Brooke Harms
- Terry Westergaard
- Kirsten Aasen
- Casey Eekhoff
- Stephen Wesolick
- Mariah Bloom
- Vance Myrabo
- Hope Matchan
- Paul Andrews
- Amy Bartling
- George Grassby
- Jack Nichols
- Alvin Pahlke

**AND MUCH THANKS TO
SCOTT MOSES, ALEX HALBACH AND TIMOTHY JAMES
FOR THEIR ASSISTANCE ON SD FREE LEGAL
ANSWERS THIS MONTH!**

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.

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.

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Dean's List: News from the Law School



by: *Neil Fulton*
Dean
USD School of Law

As you read this the class of 2022 is arriving at USD Law School. It is an exciting time as we welcome this next generation of South Dakota's lawyer leaders to campus and help them begin their careers. We are working hard to orient these new students to the new skills of legal education and professionalism that they have to learn. This is a strong, diverse, and interesting class, I am excited to tell you a little bit about them.

We have more than 80 students from thirteen states. We have students from more than twenty eight towns in South Dakota, reaching from Oral to Dakota Dunes. Most students continue to come from USD, SDSU, and Augustana, but we have students from thirty eight undergraduate institutions in total.

Credentials for the class are also strong, with the median LSAT score of 152 and median undergraduate grade point average of 3.45. Both are higher than last year's entering class which indicates that our recruiting efforts are working and that students see USD law as a community of excellence where they can thrive, grow, and succeed.

This is great news to be able to deliver, but it is not the sort of news that just happens. There is real work behind recruiting a class like this. There is also increasing challenge as students consider careers other than the law, more students consider leaving South Dakota for law school, and schools aggressively bid for students through tuition discounts and scholarships. Our admissions director, Liz Taggart, is active and aggressive in reaching out to undergraduate programs in South Dakota and surrounding areas to get the attention of students and have them consider legal education at USD. I

reached out to individual students and groups to talk about what makes USD Law great and how we can help them achieve their goals and dreams. I have told some of you that I think my job is a little bit like a college football coach. That analogy is a little bit flippant, but it really does capture much of what we are trying to do in recruiting, preparing, and placing great students to serve the needs of legal employers in South Dakota and surrounding areas.

Recruiting is a place where the Law School and the Bar have to be strategic partners. A recent study by the Association of American Law Schools reported that the highest yield of law students came from those who first thought about it during high school and who had a lawyer in their family or as a close contact. This is a place where you can definitely help the Law School: we would love to hear about students in your area who have an interest or aptitude for law school as early as in high school. I have talked with President Huff about expanding the existing Hagemann-Morris Mentorship Program to high school so that we can identify talented prospective law students. I think it is necessary to help us get lawyers allocated to all our communities by identifying students with connections and an interest in returning home to practice. I hope that many of you would reach out if you identify promising candidates or be open to the Law School reaching out to you to be a contact for students who may be considering law school. We need to work together to encourage talented students to consider law school and working in South Dakota.

Even when we identify potential law students, the competition for them has never been more fierce. Scholarship and tuition discount programs for all students are very aggressive, and studies indicate that the current crop of potential law students are very value conscious so price competition is more important than ever. At USD that means a couple things. First it means that we have to keep our tuition and fees at a level that allows students to decide where they want to put their degree to work, not where they have to work to fund their student loan debt. Second, it means that we simply can't recruit and keep the next generation of great South Dakota

here at home without an investment in scholarships. A huge thank you goes out to all of the donors who have invested in this future generation by funding scholarships. One of my key priorities in coming years will be working to advance our endowment to a position so those scholarships are funded for future generations, not just the next year. It will be a heavy lift, but I believe it is possible working together and know that it is imperative for the law school's future.

For the Class of 2022, the future begins now. I am excited to see what the next three years and beyond holds in store for them. They are talented, they are

diverse, they are excited, and they are our future. I am excited to introduce them to you as a group, and really look forward to opportunities to introduce them to many of you individually.

Welcome home USD Law class of 2022. Welcome to our tradition of excellence, service, and leadership. Welcome into the collegial community of the South Dakota Bar. It is a great day to be a South Dakota lawyer; let's go make a great future together.

WHAT A TREAT!
August 2019
Law for Lunch

When Disaster Strikes:
FEMA Appeals &
Related Legal Issues

Presented By:
Lisa Gavin
Iowa Legal Aid

Following the presidentially declared disaster in spring 2019, the SBSD Young Lawyers Section, in partnership with the ABA Young Lawyers Division, FEMA, and legal and public service organizations throughout the state, established a disaster legal services hotline for South Dakota residents impacted. The deadline for submitting FEMA applications is quickly approaching on August 6, 2019. With FEMA decisions being issued, there come appeals. Learn from Iowa legal aid attorney, Lisa Gavin, how you can support SD residents with their FEMA appeals and other disaster related legal issues during our August Law for Lunch!

Program Speaker: Lisa Gavin has been a staff attorney with Iowa Legal Aid since 1995 working under a variety of different grants. In January 2015, she became the project manager of the Midwest Legal Disaster Coordination Project for Iowa Legal Aid. She graduated from the University of Iowa College of Law and Creighton University.

Please register for August Law for Lunch - When Disaster Strikes: FEMA Appeals and Related Legal Issues on Aug 23, 2019 11:30 AM CDT at:

<https://attendee.gotowebinar.com/register/2083511163495034891>

After registering, you will receive a confirmation email containing information about joining the webinar.

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In the service of your clients, you very often come into possession of highly sensitive or confidential materials such as medical records and tax returns. It is also very likely that these records, as well as privileged communications with your clients, are stored and transmitted electronically. Just as you ensure your physical files are properly secured, you must take proper precautions to protect this electronically stored information. Law firms, no matter the size, are increasingly becoming the target of online attacks that seek to improperly access this information.

The Rules of Professional Conduct require that you take appropriate steps to protect electronically stored client information:

ABA Rule 1.1, Comment 8: Maintaining Competence notes that in order to maintain the requisite knowledge and skill a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject. (emphasis added)

Further, ABA Rule 1.6 notes that a lawyer act competently to safeguard information. As it relates to data breach, unauthorized access to, or the inadvertent or unauthorized disclosure of, information relating to the representation of a client does not constitute a violation of paragraph (c) if the lawyer has made reasonable efforts to prevent the access or disclosure. To that effect, one factor considered in determining a lawyer's reasonableness to preserve confidentiality includes the sensitivity of the information. Data breach insurance can serve to minimize harm to both client an attorney as a result of some data breach.

Law enforcement and cyber security experts agree that it is a question of when, not if, a business, including law firms, will fall victim to a cyber security attach or data breach. To protect client information and meet your ethical obligations it is imperative to have policies and procedures in place to protect against cyber intrusions and data breaches These include but are not limited to:

- Devices and systems should be password protected
- Passwords should be strong and not disclosed to unknown parties
- When sensitive documents are electronically transmitted it should be done with encryption or some added security beyond a regular email
- Staff should be trained to recognize spoofed e-mails, phishing attacks, and social engineering

These policies should be supplemented by cyber security or data breach insurance. There are significant consequences to falling victim to a data breach.

- Clients have to be informed their information was disclosed
- You may be subject to regulatory fines or liability to a client if further identity theft occurs
- Client data could be encrypted and held hostage in a cyber extortion scheme

- Forensic experts may be needed to determine the extent of the breach and restore any corrupted data or systems

Many general liability or malpractice policies do not provide coverage for these sorts of damages and liabilities. Everyone, from solo practitioners to large firms, should review what their current policy covers and consider additional cyber security or data breach insurance. These policies may cover your direct expenses such as lost productivity, data restoration, technical and legal fees, notification costs, and extortion payments as well as claims made by third parties such a client who suffers additional identity theft. An additional benefit is that your provider is likely to suggest or require a certain level of security policies that will minimize the chances of a data breach occurring.

The costs of these policies will vary but the need for coverage is undeniable. No attorney or firm would dare go without proper insurance coverage on their physical office. As the practice of law moves online, practitioner should ensure their online presence is also properly insured.

Authored By: Anthony Teesdale and Jordan Bordewyk. Anthony is an Associate Attorney at Ribstein & Hogan Law Firm in Brookings, SD. He serves as co-chair of the Law Practice Management committee and as a board member for the Young Lawyers Section. You can follow Anthony through the State Bar of South Dakota [here](#). Jordan is an Associate Attorney with the Anker Law Group in Rapid City, SD. He is a member of the State Bar Law Practice Management committee and the Young Lawyers Section. You can follow Jordan through the State Bar of South Dakota [here](#).

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 nrnplsweather@gmail.com or 605.390.7243.

Come Hear
The Honorable Karen E. Schreier
Friday July 19th
Noon
Perkins, Fort Pierre

Brought to you by:
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**JOIN US.
September 20 & 21, 2019
Hot Springs & Mitchell**

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 **September 20, 2019**, VLEG will be at the VA Hospital in Hot Springs, SD (500 North 5th Street, Hot Springs, SD 57747). The time of the clinic will be from 9:00AM to 3:00PM. We hope to reach nearly 40 veterans this day.

The second day, **September 21, 2019**, will be at the Mitchell Corn Palace in Mitchell, SD (604 N Main St, Mitchell, SD 57301). The time of this clinic will be from 8:00AM to 4:00PM and held in conjunction with the Davison County Veterans Wellness & Benefits Fair. We hope to reach an additional 40 veterans on day two of the clinic.

We currently have law students planning to attend.

We are currently 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 Ashley.Flood@coyotes.usd.edu.

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,
Ashley Flood
President, Veterans Legal Education Group**

USD SCHOOL OF LAW VETERANS LEGAL EDUCATION GROUP

volunteer

Employment Corner

A publication of the Labor & Employment Law Committee

Author: Shannon George-Larson

CHANGES TO THE SOUTH DAKOTA UNEMPLOYMENT INSURANCE PROGRAM

Effective July 1, 2019, South Dakota's Unemployment Insurance (UI) program was renamed to Reemployment Assistance (RA) program. This is a result of HB 1035, which passed during the 2019 legislative session. The division of the Department of Labor and Regulation that administers the program will be the Reemployment Assistance Division. The main URL is now: <https://dlr.sd.gov/ra>.

The name change reinforces the philosophy of helping people reenter the workforce as quickly as possible. There are no other changes to the administration of this program, such as collection of taxes or payment of benefits. This long-standing program provides temporary weekly benefits to people who have lost their job through no fault of their own. Benefits are not meant to replace total wages lost but to assist with basic necessities until a worker becomes reemployed.

There are many factors that can affect a Reemployment Assistance claim. The Reemployment Assistance Division determines eligibility based on information from the claimant and the former employer(s) and state statutes and regulations. If a separation from employment was for qualifying reasons as defined by South Dakota law, a claimant can receive benefits as long as there are no other eligibility issues with his/her claim. General eligibility requirements for each week include:

Being able and available to accept work;

Being registered with the claimant's state's designated workforce agency;

Actively seeking work, unless the Reemployment Assistance Division advises the claimant otherwise; and,

Participating in all reemployment activities as directed by the local South Dakota Department of Labor and Regulation (DLR) office.

This list does not include all the eligibility requirements as eligibility is determined based on specific circumstances.

A claimant may be denied benefits if he/she quits or is discharged from a job, is not able and available for work, is not actively seeking work, fails to accept suitable work without good cause, fails to apply for suitable work as directed by the local DLR office, has earnings equal to or more than his/her weekly benefit amount (this includes wages, vacation, holiday or separation pay), is self-employed and working full-time hours per week, or fails to satisfy other eligibility requirements not included here.

A claimant needs to file as soon as the claimant becomes unemployed or work hours have been reduced. Waiting to file may cause a loss of benefits. Eligibility for benefits is not based on financial need. These benefits are funded through a dedicated tax that is paid by a claimant's former employer(s). Employees do not pay any portion of the benefit costs or taxes.

A claimant seeking Reemployment Assistance benefits can file a claim online or by telephone. Filing online is available 24 hours a day, seven days a week. To file by telephone, contact the Claims Call Center at (605) 626-3179, Monday through Friday, 8 a.m. to 4:20 p.m. (CST). Speech and hearing-impaired applicants can call (800) 877-1113. More details about how to file a claim for Reemployment Assistance benefits and accessing the online filing system are available on the South Dakota Department of Labor and Regulation website.



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*Public Wi-Fi –
Should Lawyers Just Say No?*
Mark Bassingthwaighe, Esq.
mbass@alpsnet.com

Public Wi-Fi networks are practically ubiquitous. They're in airports, hotels, office buildings, coffee shops, restaurants, malls and many other locations. While accessing one can be convenient when all you want to do is buy a new digital book on your smartphone, check your e-mail on your laptop, or rebook a flight on your tablet, there are associated risks that should never be minimized, or heaven forbid, completely dismissed. Such risks run the gamut from simple eavesdropping to allowing someone to defeat whatever two-factor authentication you had in place with the site you just logged into.

Here are just a few examples of the most common threats everyone faces when accessing public Wi-Fi.

- 1) A hacker inserts himself into the conversation occurring between two users (e.g. you and your bank) giving him the ability to do anything from simply listening in and capturing part of the exchange to taking complete control of the entire exchange. Not only is this the most common type of attack out there, this is also one way two-factor authentication can be defeated.
- 2) You unwittingly login to a rogue network that appears to look legitimate. It may even look identical to known and trusted networks, such as Starbucks. In reality, however, it's a bogus clone of a trusted site. Fall prey to this type of attack and all of the data in transit is being sent directly to the hacker.
- 3) You unknowingly login to a rogue access point, which is something well-meaning employees of various businesses sometimes setup. In short, wireless routers have been added to a network in order to give more customers access to the Internet. Often these routers are not configured properly, which makes them easy to hack into, even though the network itself might be secure.
- 4) You become infected with a worm. Unlike computer viruses, computer worms self-propagate and can be programmed to do all kinds of things to

include stealing documents, capturing passwords, and spreading ransomware. If you happen to be on a public Wi-Fi network and fail to have robust security in place, a worm could readily jump from another infected user currently on the network to you.

- 5) You have allowed your device to discover new and available Wi-Fi networks. As a result, you unintentionally end up connected to an ad hoc network. This means you have just directly connected your device to a hacker's computer giving the hacker free reign to do whatever he wants with your device.

I hope you're starting to get the picture. Public Wi-Fi networks are inherently insecure and some are going to be downright dangerous. That's just the way it is. And unfortunately, it's even worse for those who fail to install robust internet security apps on the devices they use to access public Wi-Fi. Those folks are begging for trouble if you ask me.

Does this mean that lawyers and those who work for them should never access public Wi-Fi? In a perfect world, I might try to argue that one; but I can also acknowledge this wouldn't be realistic. There are going to be times when it's necessary. In fact, I will confess I use public Wi-Fi myself, but only for certain tasks. The better question is if a lawyer has a need to use public Wi-Fi, how can the associated risks be responsibly addressed?

Let's start with the basics. All mobile devices, to include smartphones and tablets, should be protected with a robust Internet security software suite and kept current in terms of software updates. Next, approach all public Wi-Fi networks with a healthy level of distrust. For example, never connect to an unknown network, particularly if the connection is offered for free or states that no password is necessary. Also, be on the lookout for network names that are similar to the name of the local venue offering a Wi-Fi connection. This is because a network connection that happens to be named Free Starbucks Wi-Fi doesn't mean it's actually the legitimate Starbucks network. If you're not 100% certain, always ask what the proper name of the local network you are wanting to connect to is and connect to that. Most importantly, never connect to public Wi-Fi unless you have the capability to secure your own Wi-Fi session,

which means you must use a VPN. VPN stands for virtual private network and allows you to encrypt all of the data you will be passing along through the public network. Finally, while using public Wi-Fi it's best to avoid accessing online banking services and visiting any websites that store your credit card information or other personal information that might be of interest to a cybercriminal.

I can appreciate that the advice to avoid certain types of websites while using public Wi-Fi may not be received well by some. However, I stand by it because often there is a much safer option available. Simply use your mobile phone as a hotspot and connect to your carrier's network. If coupled with the use of a VPN, your entire Internet session will be about as secure as you can make it. If you don't know how to do this, ask your IT support for a quick lesson.

I wish that I could stop here but I can't, because almost every law firm I know of is comprised of more than one person. Anyone at a firm can naively or unwittingly fall prey to a cybercriminal when logging onto a public Wi-Fi network and this could result in very serious and unintended consequences for the firm and firm clients. Best practices would mandate that everyone who uses a mobile device for work be subject to a written policy regarding the appropriate use of public Wi-Fi. If your

firm has no such policy, now's the time. Of course, any policy is going to be meaningless if there is no training on the risks and/or no enforcement of the provisions so keep that in mind.

Now to my initial question. Should lawyers just say no to the use of public Wi-Fi or try to prohibit anyone in their employ from using it? I don't necessarily go that far as long as all users have been made aware of the risks and given the appropriate tools that will help them minimize the risks.

That said, let me share one final thought because I do get push back on this topic and can anticipate you will too. Some will say something along the lines of this. "The Starbucks signal is free, I've used it many times and never had a problem so why all the unnecessary fuss?" My response is always the same. How do you know you were never a victim? No one is going to send you a thank you note for allowing them to steal your credit card number or place a keylogger on your laptop. We all need to understand that hacking tools are widely available to the masses. This isn't just about who made the Wi-Fi available, it's also about what's happening on the public network while you are using it. Always remember that you are never alone while using public Wi-Fi and you simply have no way of knowing what everyone else's intentions are.



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Estate Planning

Joe Dylla, Chair

With Paul S. Lee, J.D., LL.M., the
Global Fiduciary Strategist of
The Northern Trust Company

QSBS: The Quest for Quantum Exclusions (Queries, Qualms & Qualifications)

Qualified Small Business Stock (QSBS) under Section 1202 is not just for tech companies anymore. It's time to reconsider QSBS because the new tax act has paved the way for closely-held companies to benefit "bigly." QSBS provides an exciting array of benefits (and a surprising alternative) for owners of new and pre-existing business (large and small): (i) 100% gain exclusion on sale; (ii) tax-free rollover of gains; and (3) a chance to "stack" (multiply) and "pack" the exclusion by 10 times (maybe more). While the benefits of QSBS are straightforward, the qualifications and questions surrounding QSBS planning are far from it. This presentation will discuss planning opportunities, unanswered questions, potential pitfalls, and best practices in the quest for quantum QSBS exclusions.

Top Tax and Estate Planning Techniques after "Tax Reform" (Sorting Through the COVFEFE)

Tax reform (whether you call it the "Tax Cuts and Jobs Act" or the "Tax COVFEFE and Jibberish Act") is here to stay... sort of. Regardless, it's clear that income tax planning, tax basis management, and planning with the temporary doubling of the applicable exclusion amount will be at the forefront of estate, tax, and family business planning. This session will discuss straightforward and innovative planning opportunities for families (and their businesses) that best take advantage of both the "expiring" and "permanent" provisions of the new tax act, along with the latest IRS guidance and court decisions.

Brought to you by: The First National Bank, SD Continuing Legal Education Committee and The Sioux Falls Estate Planning Council

ANNOUNCEMENTS

The Boos Law Firm of Milbank &
the Jennen Law Firm of Clark
are pleased to announce
they are merging
effective August 1, 2019, to become

Boos Jennen Law Firm
with two office locations:

George Boos
PO Box 1013, 312 S Main St
Milbank, SD 57252
Telephone: (605) 432-6801
George.Boos@BoosJennen.com

Susan Jennen
PO Box 254, 113 1st Ave E
Clark, SD 57225
Telephone: (605) 532-3300
Susan.Jennen@BoosJennen.com

The Goosmann Law Firm
is excited to announce their recent move to their
new Sioux Falls location.

Prairie Hills Galleria on the corner of
69th Street and Western.

Goosmann Law Firm
2101 W. 69th Street, Suite 200
Sioux Falls, SD 57108.

Telephone: (605) 367-5880

In addition to the firm's Sioux Falls office, they also
have locations in Sioux City, Iowa, and Omaha,
Nebraska.

Fuller and Williamson, LLP
have changed their name to

*Fuller, Williamson, Nelsen &
Preheim, LLP*

Fuller, Williamson, Nelsen & Preheim, LLP
7521 S Louise Ave.
Sioux Falls, SD 57108

Telephone: (605) 333-0003
Facsimile: (605) 333-0007

Richardson, Wyly, Wise, Sauck & Hieb, LLP
is pleased to announce that

Ryan Vogel
has joined the firm as an associate attorney.

Richardson, Wyly, Wise, Sauck & Hieb, LLP
One Court Street
PO Box 1030
Aberdeen, SD 57401-1030

Telephone: (605) 225-6310

rvogel@rwwsh.com



SAVE THE DATE

Statewide Swearing-In Ceremony

October 18, 2019

3:00 P.M.

Capitol Rotunda

Pierre, South Dakota

*Sioux Falls Attorney
General's Office*

has moved to a new location.

Sioux Falls Attorney General's Office
2000 East 52nd Street North
Sioux Falls, SD 57104-5526

Telephone: (605) 367-5880

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PUBLIC NOTICE

REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE

The current appointment of Magistrate Judge Marya Tellinghuisen is due to expire on January 8, 2020. Magistrate Judge Marya Tellinghuisen serves in the Seventh Judicial Circuit.

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

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

Chief Justice David Gilbertson
Supreme Court
500 East Capitol
Pierre, SD 57501

Comments must be received by October 20, 2019

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 2019

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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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:
cariboucoffeclub@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.

Sand Creek

WORKPLACE WELLNESS

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

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

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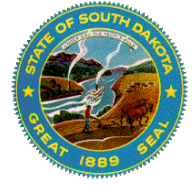
All discussions and services are kept strictly confidential.



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.



State of South Dakota Unified Judicial System



Office of the State Court Administrator

Telephone: (605) 773-3474
FAX: (605) 773-8437

500 East Capitol Avenue
Pierre, SD 57501-5070

June 18, 2019

RE: Summit on Improving Criminal Justice Responses to Those with Mental Illness

Criminal Justice System Stakeholder:

The Unified Judicial System and system partners invite you to attend a Summit on Improving Criminal Justice Responses to those with Mental Illness at the Arrowwood Resort and Conference Center in Oacoma on August 13-14.

With the help of local and national experts, the Summit panels and speakers will examine key decision points in the criminal justice system, starting with the first interaction with law enforcement and concluding with reentry back into the community from jail. The Summit is designed to help participants identify local challenges, existing local resources, and priorities for action. By doing so, each community will leave the conference with a unique action plan to help improve the local response for individuals with a mental illness in the criminal justice system.

One of the purposes of the summit is to increase local collaboration. Participation of the various stakeholders will help each community identify their local strengths and needs, as well as the creation of a local action plan. Our goal is that each community send a multidisciplinary team that includes individuals from the various facets of the justice system. Your involvement in your local process makes you an asset to your team and gives you a unique perspective that can be used to improve the system's response and better serve the community, as well as the individual with a mental illness.

The suggested team composition includes, but is not limited to, the following representation:

- Police
- Sheriff's Office
- Jail Administration
- Judges
- Prosecutors
- Defense Attorneys
- County Commissioners
- Mental Health Providers
- Legislators
- Probation Officers

***Our Mission:** Justice for All*

***Our Vision:** We are stewards of an open, effective, and accessible court system, worthy of the Public's trust and confidence.*

The lack of a full team does not preclude an individual from registering. All are invited to participate.

Attached to this invitation you will find a draft agenda outlining the panels, speakers, and sessions. The summit begins at 1pm on August 13 at Arrowwood Resort and Conference Center in Oacoma. It will conclude the afternoon of August 14. Summit registration can be made at <https://ujsmis.sd.gov/>. While it is not necessary to register as a team, we encourage you to reach out to your other system stakeholders in your area prior to the summit. Participants are responsible for making their own hotel reservations. Information about the hotel blocks is available on the conference webpage.

We look forward to seeing you in August. Please let me know if you have any questions.



Greg Sattizahn
State Court Administrator

South Dakota Sheriffs' Association • State Bar of South Dakota • South Dakota Municipal League • South Dakota Police Chiefs' Association • South Dakota Council of Community Behavioral Health • South Dakota State's Attorneys Association • South Dakota Department of Social Services • Minnehaha County Commission

Summit on Improving Criminal Justice Responses to those with Mental Illness

*August 13, 1-5:15pm
August 14, 8-4pm
Arrowood Resort and Conference Center
1500 Shoreline Drive
Oacoma, South Dakota 57365*

Purpose of Conference

The purpose for convening is to increase local collaboration to better address mental illness in the criminal justice system by engaging law enforcement, jails, courts, and mental health providers.

Conference Objectives

- ❖ Determine local challenges in each community;
- ❖ Identify existing local mental health resources;
- ❖ Develop action plans to better connect people to mental health services at different points in the criminal justice system

Conference Outcome

Participants will leave with a detailed community action plan to disrupt the cycle of criminal justice system involvement among people with serious mental illness. The action plan may include steps to increase opportunities to divert and connect people to mental health services before arrest, in the early part of the court process, and/or when they are released from jail.

Conference Partners

- Unified Judicial System
- Department of Social Services
- State Bar of South Dakota
- South Dakota Municipal League
- South Dakota Police Chiefs' Association
- South Dakota Council of Community Behavioral Health
- Minnehaha County Commission
- South Dakota Sheriffs' Association
- South Dakota State's Attorneys Association

Tuesday, August 13

1:00 Welcome *Chief Justice David Gilbertson*

1:15 Guest Speaker *38th Lt. Gov. Matt Michels*

Session 1: Law Enforcement Challenges and Gaps

Law enforcement contact with an individual with mental illness poses unique challenges to law enforcement when the individual is experiencing a mental health crisis. In a rural state, such challenges can be compounded by geographic difficulties when there are limited resources outside of placing the individual into custody. Session 1 explores ways that law enforcement can be better equipped to address such a situation in a way that is more beneficial for the officer, as well as the individual.

1:40 Panel *Chad Mosteller, Tessa Mitchell, and Sheriff Mike Milstead*

Participants will learn about Crisis Intervention Team (CIT) training and the new statewide CIT Coordinator available to coordinate CIT training in local communities. Additionally, participants will learn about an online crisis response training resource currently in development.

2:15 Work Session 1 Introduction *TBD*

2:20 Work Session: Law Enforcement

Teams will be asked to identify and discuss the following items:

- Law enforcement challenges in responding to crises
- Law enforcement gaps in responding to crises

3:00 Report Out *Greg Sattizahn*

3:15 Break

Session 2: Jail Mental Health Resources and Challenges

By default, some jails have become a frequent provider of mental health services. However, jails are often not fully equipped to handle the needs of individuals with serious mental illness (SMI). Session 2 focuses on jail detention. The work session will challenge participants to consider what services are available to their local jails and what community resources might be available to assist jails.

3:30 Session 2 Introduction *Commander Rob Yantis*

3:40 Work Session: Jail Detention

Teams identify:

- Available resources for jails to provide MH services
- Jail challenges in detaining people with SMI

4:20 Report Out *Greg Sattizahn*

4:35 Panel *Sheriff Kurt Hall and Dr. Tom Stange*

Partnering is one way that rural communities can overcome regional challenges. In South Dakota, there are several examples of local organizations working together to improve the responses to mental illness. During this panel, Faulk County's Sheriff Hall and Dr. Stanage of Lewis and Clark Behavioral Health Services will discuss how local collaboration has improved access to mental health services in local jails.

5:00 Wrap-up

Greg Sattizahn

5:15 Day 1 Concludes

DRAFT

Wednesday, August 14

8:30 Welcome *Greg Sattizahn*

8:35 Opening Speaker *TBD*

Session 3: Initial Court Hearing Decision-Making Tools

Interaction with the judicial system is a vital point for any individual involved in the justice system. Defendants with mental health concerns call for unique considerations. Session 4 will present participants with ideas about how initial court hearings can be an opportunity to connect people to services.

8:40 Panel *Judge Patrick McCann, Judge Jeffrey Connolly, TBD*

During this panel, participants will learn how judges in Codington County use mental health information from the jail in court, how the Pennington County Mental Health Court helps individuals post-adjudication, and diversion practices.

9:25 Work Session: Initial Court Hearing

Teams identify:

- Tools and resources judges have available for decision making
- Community-based options or supports judges have available for people with SMI released pretrial

10:00 Report Out *Greg Sattizahn*

10:30 Guest Speaker *Doris Fuller, Treatment Advocacy Center*

11:00 Break

Session 4: Community Reentry From Jail

One way to break the cycle of recidivism for individuals with a mental illness leaving a correctional facility is to connect them to mental health services. Session 4 will explore community mental health resources and ways to connect individuals to these resources.

11:10 Introduction to Session 4 *Terry Dosch*

11:15 Work Session: Reentry

Teams identify:

- Community mental health resources
- How people leaving jail are currently connected to those resources

11:50 Report Out *Greg Sattizahn*

12:00 Lunch

1:30 Guest Speaker *Former Sheriff Gary Raney, Former Ada County (Idaho) Sheriff*

Session 5: Putting it All Together: Creating a Community Action Plan

2:00 Introduction to Session 5 *Minnehaha County Commissioner Cindy Heiberger*

Building off all prior sessions, Session 5 is an opportunity for participants to create a community-specific action plan to address local priorities.

2:15 Work Session: Putting it All Together

Teams Identify:

- Teams do priority setting exercise
- Teams discuss possible solutions using structured questions
- Teams put together a community action plan using template

3:15 Report Out *Greg Sattizahn*

3:45 Conclusion *Greg Sattizahn*

4:00 Summit Concludes

*Agenda subject to change.

Estate Planning with Paul S. Lee, J.D., LL.M

September 20, 2019 | 8:30 am

Ramkota Hotel | Sioux Falls

QSBS: The Quest for Quantum Exclusions
(Queries, Qualms & Qualifications)

Top Tax and Estate Planning Techniques
after "Tax Reform" (Sorting Through
the COVFEFE)



CLICK
TO
REGISTER

In Memoriam

Larry D Plank

February 3, 1955 - July 10, 2019

RAPID CITY - Larry D. Plank, 64, passed away peacefully on Wednesday, July 10, 2019 at Regional Hospice House in Rapid City. He was born in Armour, SD to Robert and Miriam Plank. Larry and his siblings grew up in Pierre, South Dakota where he graduated high school. He studied various subjects in college and found his passion in law; he attended Law School at Arizona State University before returning to his home state.

Larry went to work as staff attorney at Legal Services and later earned the position of Director. He entered private practice in 1996 where he continued to work until the time of his passing. While serving his community through his employment, he also dedicated time volunteering on numerous boards. Larry was devoted to helping others and remained true to his oath as an attorney by putting people first.

Larry is survived by his wife, Lori Plank; his children, Matt and Beth (David); granddaughter, Madelyn; siblings Cheryl (Brad), Jim, Linda (Clayton), and Marge; and his nieces and nephews. He is preceded in death by his parents and brother, Robert.



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July 25, 2019

VIA E-MAIL and U.S. MAIL

andrew.fergel@sdbar.net

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 Monterey, California on July 17, 18, & 19, 2019. 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 three Short Courses, and eight Special Institutes and Workshops, in addition to the Annual Institute. The Institutes, Short Courses and Workshops were attended by over 2,400 registrants.

The Foundation's two Scholarship Committees awarded over \$232,000 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 over \$3,100,000 to 585 scholars.

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

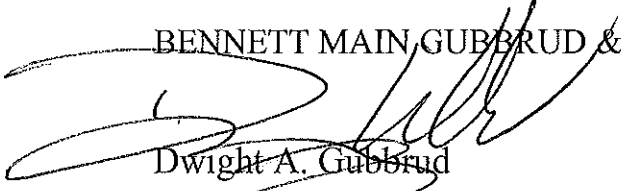
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The Annual Meeting of the Trustees Council is held during the Foundation's Annual Institute. This year, 33 papers/topics were presented to almost 800 registrants at the Annual Institute. The 2020 Annual Meeting and Institute will be held in Salt Lake City, Utah 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.



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cc: Alex Ritchie, Executive Director, RMMLF



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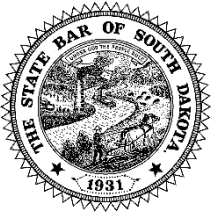
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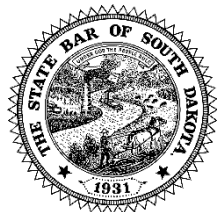
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Vacant, 5th Circuit, Aberdeen
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Kelsey Knoer, At Large, Sioux Falls
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South Dakota Lawyer Referral Service ENROLLMENT AGREEMENT

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

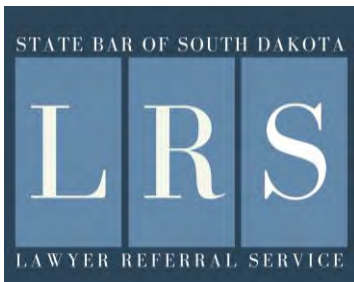
If you pay online, scan and email this completed form to: findalawyer@sdbar.net

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, plus tax**, 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, plus tax**, 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 of any change in my address or phone number.
8. Enclosed is the total amount of **\$53.25** 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. _____ (Total: **\$74.55**)
2. _____ (Total: **\$95.85**)
3. _____ (Total: **\$117.15**)
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.
12. I am willing to accept cases in the following circuits (check all that apply):
1st _____ 2nd _____ 3rd _____ 4th _____
5th _____ 6th _____ 7th _____

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

Name: _____ Email: _____
(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

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE PROPOSED) AMENDMENT OF SDCL 15-6-45(b)) AMENDMENT OF SDCL 15-26A-75) AMENDMENT OF SDCL 19-19-502) A PROPOSED COURT RULE CONCERNING) THE CARRYING OF A CONCEALED PISTOL) IN THE STATE CAPITOL AREAS UNDER) THE AUTHORITY OF THE SUPREME COURT.)	NOTICE OF SPECIAL RULES HEARING NO. 140
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Petitions for amendments of existing sections of the South Dakota Codified Laws and a proposed adoption of new rule having been filed with the Court and the Court having determined that the proposed amendments and proposed adoption of a new rule should be noticed for hearing, now therefore,

NOTICE IS HEREBY GIVEN THAT ON AUGUST 26, 2019, at 10:00 A.M., C.T., at the Courtroom of the Supreme Court in the Capitol Building, Pierre, South Dakota, the Court will consider the following:

1. Proposed Amendment of SDCL 15-6-45(b). Subpoena for production of documentary evidence. A subpoena may also command the person to whom it is directed to produce the books, papers, documents, or tangible things designated therein, regardless of whether the attorney also notices the person's deposition; but the court, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may:

(1) Quash or modify the subpoena if it is unreasonable and oppressive; or

(2) Condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

Explanation for Proposal

In 1991, Federal Rule of Civil Procedure 45(a)(1) was amended to allow "the issuance of a subpoena to compel a non-party to produce evidence independent of any deposition. This revision spares the necessity of a deposition of the custodian of evidentiary material required to be produced." Advisory Committee Notes to 1991 Amendment of Rule 45(a) (the paragraph that begins "Fourth").

This amendment has proven useful in federal practice. It reduces the cost of obtaining records from a non-party because a deposition is not required. It is consistent with the goal of South Dakota's Rules of Civil Procedure "to secure the just, speedy and inexpensive determination of every action." Rule 1 (emphasis added). The reason for the proposed change is to increase the efficiency and reduce the cost of obtaining discoverable documents from a third party.

The change is based on F.R.Civ.P 45(a)(1)(A)(iii). The change is different in form from F.R.Civ.P. 5(a)(1)(A)(iii) because the 1991 federal changes to Rule 45 substantially revised Rule 45. The proposed change to South Dakota Rule of Civil Procedure 45 can be made without making any other changes to it, and without bothering with the other 1991 changes to F.R.Civ.P. 45. The right of a subpoenaed party to obtain relief from an unreasonable or oppressive subpoena is preserved in South Dakota's existing Rule 45.

The proposed change would bring state practice in line with federal practice.

The change would allow an attorney to subpoena a non-party to produce evidence without a deposition. Current law requires a deposition.

2. Proposed Amendment of SDCL 15-26A-75. Time for serving and filing briefs. (1) **Appellant's brief.** If a transcript is obtained prior to appeal, or if no transcript is ordered, the appellant's brief shall be due within forty-five days after service of the notice of appeal. If a transcript is ordered but not received prior to appeal, or if procedures pursuant to § 15-26A-54 or 15-26A-55 are followed, the appellant's brief shall be due within forty-five days after service of the transcript or filing of the statements provided for in § 15-26A-54 or 15-26A-55.

(2) **Appellee's brief.** The appellee's brief shall be due for service and filing within forty-five days after service of the appellant's brief, or in the case of multiple appellants, within forty-five days after service of the last appellant's brief.

(3) **Appellant's reply brief.** The appellant's reply brief shall be due for service and filing within ~~fifteen~~ thirty days after service of the appellee's brief, or in the case of multiple appellees, within ~~fifteen~~ thirty days after service of the last appellee's brief.

In any appeal from a judgment or order in an adoption or an abuse and neglect proceeding, including a judgment or order terminating parental rights, all time periods under subdivisions (1) and (2) of this section shall be reduced to twenty-five days.

Explanation for Proposal

A reply brief would be due thirty, not fifteen, days after service of the appellee's brief, or the last appellee's brief.

The reason for the change is to improve the quality of justice by improving the quality of reply briefs. A good reply brief requires deep thought and analysis of the appellee's brief; careful legal research to determine the weak points in the appellee's brief to explore issues that have not been previously researched; careful first drafting of the reply brief, making sure not to repeat the opening brief, and to be fully responsive to appellee's brief, while at the same time being as concise as possible; reviewing the first draft and making substantive changes, additions, and deletions needed; completing additional legal research that on second thought is needed; reviewing, revising, and editing the brief at least once (preferably more), as suggested by Justice Brandeis' dictum that "there is no great writing, only great rewriting"

(<https://www.goodreads.com/quotes/6772530-there-is-no-great-writing-only-great-rewriting>) (last visited March 27, 2019); making final changes in the brief to produce the best possible finished product; stepping back from the finished product and saying to oneself "what's wrong with this, and how can I improve it?"; making

In a large law firm where a senior partner has junior partners or associates who can be assigned to do this work, perhaps fifteen days is a reasonable amount of time for all this to occur.

Never having worked in a large law firm, I don't know. But for a small firm or sole practitioner, who are most of the lawyers in South Dakota, fifteen days is too few.

I have spent my career as a sole practitioner or in a small firm. Between the South Dakota Supreme Court and federal appellate courts (mainly the Eighth Circuit), I estimate I've written 50 to 60 reply briefs. It is always a struggle to comply with this Court's fifteen-day time limit. The other demands of practice (depositions, motions, telephone calls, e-mail, office administration, client conferences, other briefs, etc.) don't stop, and limit my ability to set aside the blocks of time needed to prepare the best possible reply brief. Some of these demands can be postponed; others can't be.

Perhaps 20 years ago, I heard Justice John Konenkamp give the Pennington County Bar suggestions about practicing in the Supreme Court. He told us always to file a reply brief. He said that his reaction to an initial brief was often "Sounds pretty good," and his reaction to a response brief was often "Sounds pretty good." He said he then looked to the reply brief.

A good lawyer writes the best reply brief possible. The ultimate winner is this Court, and its administration of justice, which benefits from high-quality legal work. Extending the time limit for a reply brief to thirty days would make it much easier for a lawyer to provide this Court with high-quality legal work.

Federal Rule of Appellate Procedure 31(a)(1) provides a twenty-one day time limit for a reply brief, and provides that a reply brief must be filed at least seven days before argument. I have never had a case in which the "seven days before argument" provision applied, because federal courts of appeal do not ordinarily set oral argument so close to the due date for the reply brief.

United States Supreme Court Rule 25.3 provides thirty days for filing a reply brief.

The change would extend the time for filing a reply brief from fifteen to thirty days.

3. Proposed Amendment of SDCL 19-19-502. Lawyer-client privilege. (a) Definitions. As used in this section:

(1) A "client" is a person, a fiduciary of a trust or estate, public officer, or corporation, limited liability company, association, or other organization or entity, either public or private, who is rendered professional legal services by a lawyer, or who consults a lawyer with a view to obtaining professional legal services from him;

(2) A representative of the client is one having authority to obtain professional legal services, or to act on advice rendered pursuant thereto, on behalf of the client;

(3) A "lawyer" is a person authorized, or reasonably believed by the client to be authorized, to engage in the practice of law in any state or nation;

(4) A "representative of the lawyer" is one employed by the lawyer to assist the lawyer in the rendition of professional legal services;

(5) A communication is "confidential" if not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication.

(b) General rule of privilege. A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client:

(1) Between himself or his representative and his lawyer or his lawyer's representative;

(2) Between his lawyer and the lawyer's representative;

(3) By him or his representative or his lawyer or a representative of the lawyer to a lawyer or a representative of a lawyer representing another party in a pending action and concerning a matter of common interest therein;

(4) Between representatives of the client or between the client and a representative of the client; or

(5) Among lawyers and their representatives representing the same client.

(c) Who may claim privilege. The privilege may be claimed by the client, his guardian or conservator, the personal representative of a deceased client, or the successor, trustee, or similar representative of a corporation, association, or other organization, whether or not in existence. The person who was the lawyer or the lawyer's representative at the time of the communication is presumed to have authority to claim the privilege but only on behalf of the client.

(d) Exceptions. There is no privilege under this section:

(1) Furtherance of crime or fraud. If the services of the lawyer were sought or obtained to enable or aid anyone to commit or plan to commit what the client knew or reasonably should have known to be a crime or fraud;

(2) Claimants through same deceased client. As to a communication relevant to an issue between parties who claim through the same deceased client, regardless of whether the claims are by testate or intestate succession or by inter vivos transaction;

(3) Breach of duty by a lawyer or client. As to a communication relevant to an issue of breach of duty by the lawyer to his client or by the client to his lawyer;

(4) Documents attested by a lawyer. As to a communication relevant to an issue concerning an attested document to which the lawyer is an attesting witness;

(5) Joint clients. As to a communication relevant to a matter of common interest between or among two or more clients if the communication was made by any of them to a lawyer retained or consulted in common, when offered in an action between or among any of the clients.

4. Proposed adoption of a court rule concerning the carrying of a concealed pistol in the state capitol areas under the authority of the Supreme Court.

Section 1. That a new rule be added to SDCL Ch. 22-14 as follows:

For purposes of SDCL 22-14-24(5), the Supreme Court chamber in the state capitol building shall include the courtroom, the offices of the justices, the clerk of courts office, law library and the non-public areas of the Supreme Court's administrative and legal staff offices. The public area of the state court administrator's office is not included as part of the Supreme Court chamber.

Section 2. No firearms are permitted in any of the areas included in the Supreme Court chamber as defined in Section 1.

Section 3. Public notice of these provisions shall be posted conspicuously at each public entrance to an area included in the Supreme Court chamber as defined in Section 1.

Section 4. The Chief Justice may waive the application of this rule upon petition of an interested person for good cause shown.

Section 5. This rule is adopted pursuant to SDCL 22-14-25 and shall be effective immediately.

Explanation for Proposal

This rule is proposed in response to the legislative changes made during the 2019 session in SB 115 authorizing certain persons to carry concealed pistols in the state capitol building. The rule defines "chamber" of the Supreme Court to include the courtroom, justice's offices, clerk of courts office, law library and those non-public administrative areas where the justices work and confer with their staff. The restriction does not apply to the public office of the state court administrator for those that comply with the provisions of SDCL 22-14-24(5). The intent is to clarify that the only area under the authority of the Supreme Court in the state capitol building where a member of the public may carry a concealed pistol under the new provisions is the office of the state court administrator.

22-14-24. Exceptions to penalty for possession in a county courthouse or state capitol. The provisions of § 22-14-23 do not apply to:

(1) The lawful performance of official duties by an officer, agent, or employee of the United States, the state, political subdivision thereof, or a municipality, who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law or who is an officer of the court;

(2) The possession of a firearm or other dangerous weapon by a judge or magistrate;

(3) The possession of a firearm or other dangerous weapon by a federal or state official or by a member of the armed services, if such possession is authorized by law;

(4) The possession of a concealed pistol in the state capitol by a qualified law enforcement officer or a qualified retired law enforcement officer in accordance with the Law Enforcement Officers Safety Act of 2004, 18 U.S.C. § 926B-C;

(5) The possession of a concealed pistol anywhere in the state capitol, other than in the Supreme Court chamber or other access-controlled private office under the supervision of security personnel, by any person not otherwise referenced in this section, provided:

(a) The person possessing the concealed pistol holds an enhanced permit issued in accordance with § 23-7-53;

(b) At least twenty-four hours prior to initially entering the state capitol with a concealed pistol, the person notifies the superintendent of the Division of Highway Patrol, orally or in writing, that the person intends to possess a concealed pistol in the state capitol;

(c) The notification required by this subdivision includes the date on which or the range of dates during which the person intends to possess a concealed pistol in the state capitol, provided the range of dates may not exceed thirty consecutive days; and

(d) The notification required by the subdivision may be renewed, as necessary and without limit; and

(6) The lawful carrying of a firearm or other dangerous weapon in a county courthouse incident to a hunter safety or a gun safety course or for any other lawful purposes.

Notice of Special Rules Hearing No. 140 - August 26, 2019

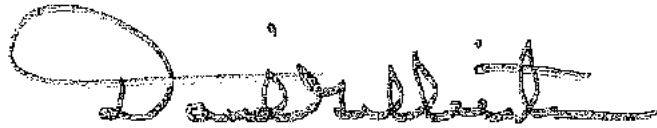
Any person interested may appear at the hearing and be heard, provided that all objections or proposed amendments shall be reduced to writing and the original and ten copies thereof filed with the Clerk of the Supreme Court no later than August 14, 2019.

Subsequent to the hearing, the Court may reject or adopt the proposed amendments or adoption or any rule germane to the subject thereof.

Notice of this hearing shall be made to the members of the State Bar by electronic mail notification, by posting notice at the Unified Judicial System's website at <http://www.ujs.sd.gov/> or the State Bar of South Dakota's website at <http://www.sdbar.org/>.

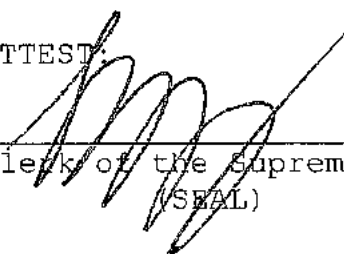
DATED at Pierre, South Dakota this 25th day of July, 2019.

BY THE COURT:



David Gilbertson, Chief Justice

ATTEST:



Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

JUL 25 2019


Clerk

CAREER CENTER



LINCOLN COUNTY (SD)
invites applications for the position of:

Chief Civil Deputy State's Attorney

All applications must be submitted by 5:00 p.m. on the date the position closes.

SALARY: \$2,536.00-\$3,752.80 Biweekly **OPENING DATE:** 7/9/19 **CLOSING DATE:** Continuous

With budget approval, a compensation study is anticipated to be implemented at the end of 2020. The potential salary range is projected to be \$3,779.20 - \$5,592.80 Biweekly.

GENERAL INFORMATION:

The State's Attorney invites applications for the position of Chief Civil Deputy State's Attorney. The Chief Civil Deputy State's Attorney performs supervisory and complex professional legal work in the civil representation of Lincoln County in state and federal courts and before administrative and legislative agencies and bodies. Responsibilities include providing legal advice and representation to County officials and staff, prosecuting violations of state law and County ordinances, drafting, filing and presenting proposed legislation and performing a variety of public relations functions.

EXAMPLES OF DUTIES INCLUDE:

- Represent and advise the Board of County Commissioners, elected and non-elected county department heads, and county agencies and offices on litigation and legal issues by attending commission meetings, drafting correspondence, giving oral and written legal opinions, and preparing and reviewing contracts, agreements, easements, bid specifications, civil/criminal proceedings, and other legal documents.
- Represent the County in criminal, involuntary civil commitment and juvenile case proceedings, prepare and present cases for legal proceedings, perform pre-trial motion practice, and perform appellate work.
- Supervise and assign work to paralegals, provide direction to attorneys and other staff, consult in the planning, development, and implementation of office policy and procedures for State's Attorney's Office, and assist the State's Attorney on internal personnel issues.
- Prepare and present training to County officials on legal issues involving county government, coordinate and plan with other governmental legal and management staff at the municipal, township, state, and federal levels of government on county issues.
- Represent the State's Attorney's Office and Lincoln County at public, private, and inter-governmental programs and events, attend speaking obligations and educational functions, and communicate with the media.
- Assist and advise County offices on the collection of obligations to the County. Review mortgage foreclosure actions.
- Draft, file and present proposed County ordinances and state legislation, lobby legislative and other State governmental agencies on the operation and funding issues of county governments.

MINIMUM QUALIFICATIONS:

Graduation from a college of law and attainment of a Juris Doctorate degree from an accredited law school and five years of relevant legal work experience, along with admission by the Supreme Court of South Dakota to practice law in the state of South Dakota or be licensed to practice law in any other state and able to take the next available South Dakota bar examination. Comparable combination of education and experience may be considered.

PREFERRED QUALIFICATIONS:

Demonstrated leadership abilities, supervisory skills, and strong organizational and motivational skills.

APPLICATIONS MAY BE FILED ONLINE AT: <http://www.lincolncountysd.org>

HUMAN RESOURCES OFFICE IS LOCATED AT: 104 N. Main Canton, SD 57013 605-764-6609 jdisburg@lincolncountysd.org

Lincoln County is an Equal Opportunity Employer and does not discriminate on the basis of race, color, creed, religion, national origin, citizenship, ancestry, gender, gender identity, sexual orientation, marital status, pregnancy, age, disability, veteran's status, genetic information, or any other protected group in accordance with state and federal law. Arrangements for accommodations required by disabilities can be made by contacting Human Resources at (605) 764-6609

CAREER CENTER

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

Tenure-Track Position in Criminal Law - Vermillion

The University of South Dakota School of Law looks to hire an Assistant or Associate Professor, dependent upon qualifications, with expertise in the fields of Criminal Law and Criminal Procedure. This position is on the tenure track and will start at the beginning of the 2020-2021 academic year.

The successful candidate will teach our Criminal Law, Criminal Procedure, and Advanced Criminal Procedure courses. The remainder of the course package will be subject to negotiation. Areas of potential interest include dispute resolution, insurance, bankruptcy, secured transactions, cyberlaw, intellectual property, and agricultural law.

Individuals appointed to tenure-track positions are expected to fulfill the tripartite responsibilities of teaching, scholarship, and service. The successful applicant must be a licensed attorney in a United States jurisdiction (a state or the District of Columbia).

The University of South Dakota embraces and practices the values of diversity and inclusiveness. Candidates who support these values are encouraged to apply. EEO/AA

Applications must be submitted through the Board of Regents electronic employment site: <https://yourfuture.sdbor.edu/>. For application assistance or accommodation, call 605-677-5671. Please include your application letter, vita, and the names and addresses of three current references.

Inquiries may be directed to Tiffany C. Graham, Associate Dean of Academic Affairs, University of South Dakota School of Law, 414 East Clark Street, Vermillion, SD 57069. You may also send a message by email to Tiffany.Graham@usd.edu, or you may call at 605-658-3509.

Deputy/Senior Deputy Public Defender - Sioux Falls

Seeking a compassionate attorney with excellent advocacy skills who are 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 an accredited 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. Consideration for appointment as a Senior Deputy Public Defender requires a minimum of two years of relevant work experience. Hiring range is \$2,603.20 - \$3,093.60/biweekly DOQ, with full earning potential up to \$3,768.80/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 to apply visit: <http://jobs.minnehahacounty.org>. Applications will be reviewed as they are received. EO/AA Employer. Contact HR with questions at 605-367-4337.

Associate Attorney - Sioux Falls

Boyce Law Firm, LLP, a top-rated 20+ lawyer firm located in Sioux Falls, is accepting applications for ASSOCIATE ATTORNEYS in the firm's litigation and business sections, which include work in trusts & estates, real estate, corporate law, and business transactions. Applicants must be self-starters with a strong desire to learn. Superior written and verbal communication skills are of utmost importance. Visit our website at www.boycelaw.com to learn more about the firm, our history, and our people.

All applicants are welcome to apply. Preference will be given to applicants in the top 1/3 of their class and to those who have work experience outside the practice of law.

Start Date: Upon graduation from law school.

Benefits include generous 401K match, profit sharing, health insurance, annual CLE tuition, professional dues

and memberships, and numerous incidental benefits including reimbursement for bar prep classes and license application fees and expense reimbursement related to bar exam.

Direct resume, cover letter, and law school transcript to Paul Tschetter, Boyce Law Firm, LLP, PO Box 5015, Sioux Falls, SD 57117-5015 or to pwtschetter@boycelaw.com.

Attorney – Department of Revenue: Pierre

Innovation – We are always looking for new ways to push forward and evolve.

Professional growth– We provide new challenges for you to tackle and provide valuable trainings.

Career development – Investing in our employees’ development through our onboarding, mentoring, and leadership programs.

Who we want

- An attorney interested in practicing within a broad range of legal subjects, including, but not limited to: taxation, Indian law, motor vehicle, alcoholic beverages, tobacco, lottery, and gaming.
- A highly motivated and experienced attorney with a passion for service and desire to make a difference.
- A dedicated individual who will represent the Department of Revenue with strong leadership skills and legal advice on a wide range of highly visible and sensitive issues.

What you will do

The duties of the Attorney include:

- Representing the department before state and federal court.
- Preparing briefs and participating in oral arguments.
- Providing legal services to all divisions with the department.
- Drafting administrative rules and assisting with the promulgation process.
- Providing legal advice to the Secretary, Deputy Secretary, and Division Directors of the department.
- Drafting and reviewing contracts and Requests for Proposals.
- Collaborating with other State agencies and departments.

What you need

Education/Licenses:

- Graduate of an accredited law school.
- Licensed to practice law in South Dakota or ability to become licensed within six months of employment.

The ideal candidate will have:

- Experience in state and federal court.
- Knowledge of litigation practice and strategies.
- Prior experience or interest in Indian law.
- Excellent written and verbal communication skills.
- Ability to analyze complex technical issues, facts, evidence and precedents to arrive at a logical interpretation.
- Ability to develop and maintain strong relationships with diverse groups.

Equally as important will be a strong work ethic and interpersonal skills, discretion, confidentiality, and a positive attitude!

Salary: \$65,000 - \$85,000 annually, depending on experience. Apply on line at <http://bhr.sd.gov/workforus> and reference job #11916.

Program Attorney

The National Judicial College seeks an experienced Program Attorney responsible for researching, designing and implementing continuing judicial education programs. Under direction of the Academic Director the Program Attorney will:

- Manage NJC’s Tribal Judicial Center including supervision of program manager.
- Research, design and implement curricula for in-person and web-based continuing judicial education programs.
- Identify and recruit judicial, medical, legal, and other professional faculty.
- Develop faculty, provide feedback on performance and presentation style.
- Edit faculty-provided material for accuracy and compliance with NJC standards.
- Analyze enrollment trends and promote NJC products through a wide array of marketing tactics to increase judicial participation.
- Lead manager/administrator team during all stages of course facilitation.
- Handle all logistics for off-site courses including direct contact with host site staff.
- Participate in grant concept papers and applications, including deliverable identification, budgeting time and expenditures, and project length. Ensures deliverables are met.
- Develop yearly program budgets.
- Assist in all areas of the Academic Department and special projects as required.
- Continually uphold the NJC values of maintaining an absolute commitment to justice, delivering and inspiring excellence and innovation in our work,

championing integrity, and demonstrating engaged leadership.

• Depending on experience, position may be filled as a Senior Program Attorney or Tribal Program Attorney.

KNOWLEDGE/SKILLS REQUIRED:

- Law degree from an ABA accredited law school.
- Exemplary written and verbal communications skills with the ability to express ideas clearly and concisely.
- Ability to be professional and diplomatic, and relate well with individuals at all levels.
- Excellent organization and time management skills.
- The ability to manage multiple priorities and produce under tight deadlines.
- Flexibility to handle multiple priorities with the ability to adjust to high pressure and rapidly changing business conditions.
- Broad based knowledge of issues that come before the nation's judiciary.
- Proficient use of Microsoft Office programs and databases required.
- Travel as required.

PREFERRED SKILLS

- Experience with events planning, program or project management, or meeting planning preferred.
- CJE/CLE program design experience preferred.

This position is open until filled; salary DOE. To apply please visit: jobs.judges.org

FINANCIAL INSTITUTION EXAMINER—South Dakota Division of Banking

The Division of Banking is seeking inquisitive and analytical applicants with excellent communication skills to join our team of professional Financial Institution Examiners in Pierre or Sioux Falls. The Division regulates the state's banking, trust, and financial services industries to assure confidence in financial markets and services. Examiners determine the condition of state-chartered banks, trust companies, and other licensed financial institutions; evaluate adequacy of internal control procedures; determine compliance with State and Federal statutes related to banking, trust, licensing, and consumer protection; evaluate trust and loan administration and corresponding investment portfolios for prudence, quality, and suitability; make recommendations on findings; and investigate consumer complaints related to supervised financial institutions.

Bachelor's degree in banking, finance, accounting, business, economics, or a related field, and advanced degrees (JD, MBA, etc.) preferred.

Starting salary: \$40,000 - \$45,000 annually, depending on experience. Excellent training and salary advancement opportunities.

No previous examination experience necessary.

Overnight travel is required. For more information visit <https://bhr.sd.gov/job-seekers/work-for-state-government/index.html>. Apply at: <http://tinyurl.com/y2syfka5>. "An Equal Opportunity Employer"

To be considered, please attach a letter of interest, post-secondary transcripts, and a writing sample. The State of South Dakota offers paid employee health insurance, ten paid holidays, generous vacation leave accrual, plus medical, dental, vision, and other benefits.

Special Assistant U.S. Attorney: Rosebud Sioux Tribe

Closing Date: Ongoing

Salary: DOE

Qualifications:

Applicants must possess a J.D. degree, be an active member of the bar in good standing, as well as being admitted to practice in federal court, District of South Dakota, (applicants not licensed in South Dakota will have one year to gain admittance to the South Dakota Bar), and have at least 2 years post-J.D. professional experience. Outstanding academic record, criminal litigation experience, including trial and courtroom experience. Experience in managing investigations and violent crime experience, as well as appellate experience and strong legal research and writing ability. Investigative grand jury experience would be helpful. Experience in Indian Country criminal prosecution is preferred.

The appointment is subject to the completion and a favorable adjudication of any background checks required by Rosebud, the U.S. Attorney's Office (USAO), and the United States Department of Justice. Completion of Questionnaire for Public Trust Position https://docs.wixstatic.com/ugd/724f9e_4dc5004377d24908b72cf675f7c9ec27.pdf and the Investigative Questionnaire for Law Enforcement Position https://docs.wixstatic.com/ugd/724f9e_9439c43c8dc24634ac18364d88ed7773.pdf

In addition to the documentation listed above, the Rosebud Sioux Tribe requires that you complete its application found at https://docs.wixstatic.com/ugd/ed1fef_fa630cec5fb140beb2fb43e15f823075.pdf

and send to the address listed on the Application. No packets will be processed or considered without all of the information requested. Please include resume and cover letter.

Responsibilities shall include, but not be limited to working full time on the investigation and prosecution of cases concerning domestic violence, dating violence, sexual assault, human trafficking, stalking, and related offenses, that are committed within the boundaries of the Rosebud Sioux Indian Reservation. Although cases of sexual assault involving young children may be covered by this project, the USAO and the Rosebud Tribe will prioritize using resources allocated to this project to investigate and prosecute cases where adult and adolescents are victimized. The Tribal SAUSA will divide their time between Rosebud and the USAO. The Tribal SAUSA will have responsibilities at the USAO in Pierre, South Dakota, and Rosebud, South Dakota. The Tribal SAUSA will spend the first 120 days of work exclusively at the USAO in Pierre. Thereafter, the Tribal SAUSA will develop a schedule, with the approval of Rosebud Sioux Tribe and the USAO, keeping in mind the purpose of the OVW grant that created the position. The Tribal SAUSA shall be subject to the same laws, rules, regulations and policies as are applicable to all federal employees of the Department of Justice, the Executive Office for United States Attorneys and the United States Attorney's Office, including personnel policies and procedures and ethics laws, regulations, and policies. These include the standards of ethical conduct for employees of the Executive Branch, 5 C.F.R. Part 2635; supplemental standards of ethical conduct for employees of the Department of Justice, 5 C.F.R. Part 3801; federal conflict of interest laws, 18 U.S.C. Sections 202-211; and political activity restrictions, 5 U.S.C. Section 7321 et seq.

Telecommunications/Consulting Attorney - Mitchell

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

Primary Functions:

- Work with consulting staff to provide, legal, regulatory and business consulting for telecommunications, wireless, CATV and ISP clients
- Regulatory research and client compliance with FCC

and state regulatory commission rules

- Contracts, network and customer service agreements, CATV programming and interconnection negotiations, acquisitions, mergers and business and strategic planning

Required Qualifications:

- Juris Doctorate with excellent academic and work history
- 0-5 years' experience in the telecommunications industry – will train the right person
- Interest in Internet, telecommunications, video and wireless law and technology
- Excellent written and verbal communication skills and ability to interact effectively with clients
- Ability to independently manage a substantial workload in cooperation with and support of consulting team on a variety of time-sensitive matters
- Ability to determine the facts, law and the client's business position and efficiently assimilate information from a variety of sources to determine creative business plans and solutions
- Outstanding legal research and writing skills
- Understanding of business finances and business planning basics
- Strong computer skills, including Microsoft Office Suite (Excel, PowerPoint, MS Office, Word)

Review of qualified candidates will begin August 24.

VPS offers a competitive pay and outstanding benefits package based on experience. VPS is an employee owned ESOP. Please submit a resume and cover letter to Doug Eidahl, VP of Regulatory and Legal at doug.eidahl@vantagepnt.com. See www.vantagepnt.com for more information about VPS.

Indigenous Justice Organizer - Rapid City

The ACLU of South Dakota seeks applicants for a full-time Indigenous Justice Organizer position, which will be located in its Rapid City, South Dakota office. The ACLU-SD defends civil liberties and civil rights in South Dakota, North Dakota, and Wyoming through litigation, legislation, and public education.

Reporting to the Director of Campaigns, the Indigenous Justice Organizer will work to implement a community outreach strategy to build scalable public education and advocacy programs, while incorporating organizing, coalition-building, leadership development, communication, and lobbying tactics.

RESPONSIBILITIES

- Execute effective organizing plans with motivating

tactics for volunteers that balance achieving immediate campaign goals with building long-term volunteer capacity.

- Develop, strengthen, and nurture alliances and work in coalition with tribal leaders, community members, and other stakeholders in South Dakota and North Dakota.
- Recruit and train community leaders and volunteers in support of campaigns.
- Elevate the stories and experiences of impacted communities and individuals, ensuring that the interests and vision of impacted populations and the broader community are reflected in campaigns.
- Develop advocacy materials including fact sheets, toolkits, action alerts, blog posts, and social media content in collaboration with the Communications Director and Communications Associate.
- Demonstrate a commitment to diversity and inclusion within the workplace; using a personal approach that values all individuals and respects differences in regards to race, ethnicity, age, gender identity and expression, sexual orientation, religion, ability, and socio-economic circumstance
- Other duties as assigned.

QUALIFICATIONS

- History of living in or working with Indigenous communities, preferably in South Dakota or North Dakota.
- Knowledge regarding current Indigenous movements, including: Standing Rock, Keystone XL, and Missing and Murdered Indigenous Women.
- Three years' experience in community/field organizing and base building.
- Ability to work on fast-paced campaigns with many moving pieces and ability to adapt to changing circumstances.
- Self-starting and willing to learn.
- Ability to travel across the state, as necessary, and participate in occasional evening and weekend meetings.

HOW TO APPLY

Please send cover letter and resume by email to HRJobsSD@aclu.org. Reference [ASD-91] in subject line. Please email: southdakota@aclu.org with quesitons.

Please indicate in your cover letter where you learned of this career opportunity. Applications will be accepted until the position is filled.

This job description provides a general but not comprehensive list of the essential responsibilities and

qualifications required. It does not represent a contract of employment. The ACLU reserves the right to change the description and/or posting at any time without advance notice.

This is a two year, grant funded position.

JOB OPPORTUNITIES WITH DAKOTA PLAINS LEGAL SERVICES

Click job for complete job description

[MANAGING ATTORNEY – FORT THOMPSON](#)
[STAFF ATTORNEY - MISSION](#)
[MANAGING ATTORNEY - PINE RIDGE](#)
[MANAGING ATTORNEY - MISSION](#)

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: Open until filled.

APPLICATION INFORMATION: Please submit a

letter of interest and resume to: Thomas S. Mortland, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, dpls@venturecomm.net

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

Staff Attorney - Rapid City

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

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

SALARY: Competitive, depending on experience.

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

CLOSING DATE: Open until filled.

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

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

Estate Settlement Administrator - Sioux Falls

The First National Bank in Sioux Falls is accepting applications for an Estate Settlement Administrator. This is an excellent opportunity to join an industry leading Wealth Management team with a focus on providing excellent service and expertise. This position will handle administration of Estate accounts naming The First National Bank in Sioux Falls in

a fiduciary capacity and assist with Irrevocable Trusts where the work involved is gathering and distributing decedent's assets in accordance with testamentary documents. At times, the Specialist will also cover administration of open accounts when an Administrator is absent. Will handle Medicaid applications for clients whose assets are depleted. Will maintain close communication with personal trust officer, beneficiaries, and professionals to accomplish goals and objectives of account relationships and cohesively and collaboratively work with other trust officers and risk management to share knowledge on unique and unusual assets. Will also assist with business development activities of the Wealth Management Department.

Candidates must have a Bachelor's Degree and attain a CFP, CTEA or CIFRS certification within five years of employment. Three to Five years of Trust or Banking/Financial services experience or an advanced degree are preferred. Please visit our Careers page to learn more about us and to apply: www.fnbsf.com/careers.

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.

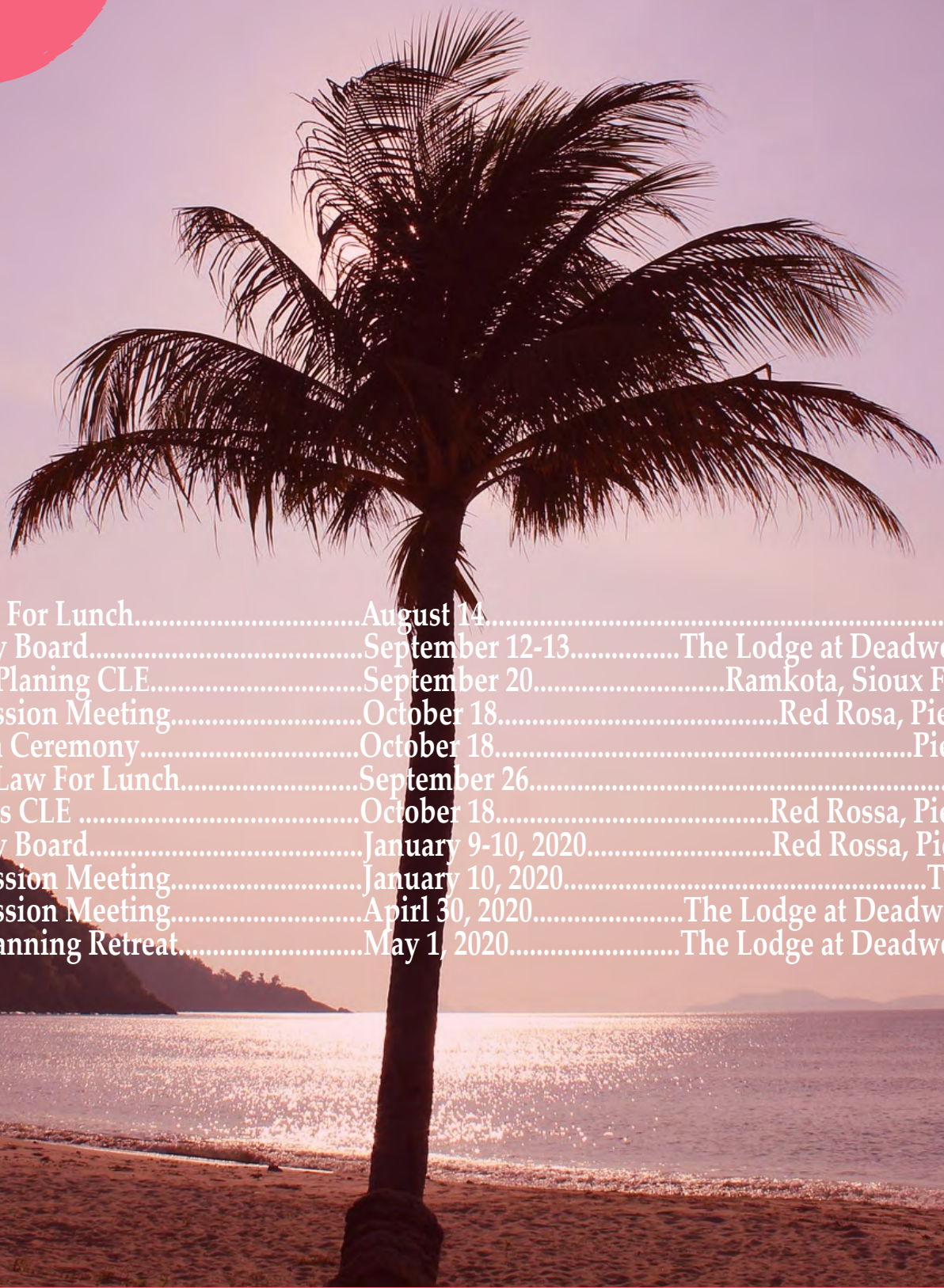
Woods Fuller offers a strong benefits package and competitive wages. Hourly wage \$24+ DOE.

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

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

AUGUST

IMPORTANT DATES!



August Law For Lunch.....	August 14.....	
Disciplinary Board.....	September 12-13.....	The Lodge at Deadwood
2019 Estate Planing CLE.....	September 20.....	Ramkota, Sioux Falls
Bar Commission Meeting.....	October 18.....	Red Rosa, Pierre
Swearing In Ceremony.....	October 18.....	Pierre
September Law For Lunch.....	September 26.....	
Nuts & Bolts CLE	October 18.....	Red Rossa, Pierre
Disciplinary Board.....	January 9-10, 2020.....	Red Rossa, Pierre
Bar Commission Meeting.....	January 10, 2020.....	TBA
Bar Commission Meeting.....	April 30, 2020.....	The Lodge at Deadwood
Strategic planning Retreat.....	May 1, 2020.....	The Lodge at Deadwood