



State Bar of South Dakota

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NEWSLETTER

AUGUST 2020

ISSUE – 8

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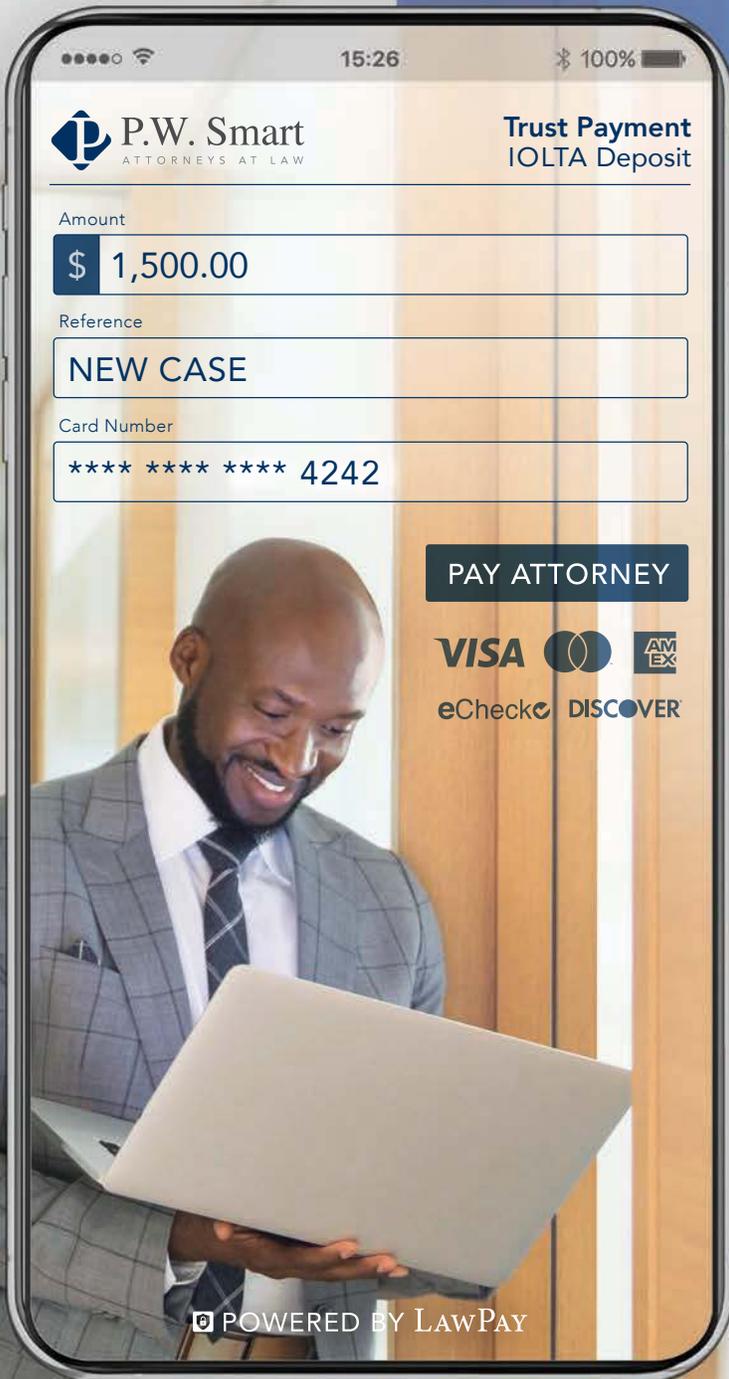
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State Bar of South Dakota

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President's Corner

Terry G. Westergaard

Cancellations and postponements of meetings are now the norm. The ABA held its first virtual meeting this month. Several local bar events have cancelled. The virtual meetings are a good substitute in some situations, but most of us continue to crave in person social interaction.

The Bar Commission recently held its annual retreat. Some of the commissioners attended through Zoom and some attended in person with appropriate social distancing and masks. Masks and hand sanitizer were gifts for commissioners attending in person.



A common theme during the meeting was that commissioners could have opposite viewpoints on an issue but still have a cordial and professional discussion. That type of discussion can be rare these days. These types of discussions need to take place to address the challenges that we face as a profession and that our

society continues to face on a daily basis. As lawyers, we need to take the lead to address these challenges.

Let's start these discussions in a positive way through our committees. The committees can propose CLE's that further the issues for the members. The CLE committee is always looking for programming ideas for our members.

Lawyers have the ability to be zealous advocates and still be friends. We may not always agree, but if we work to understand our opponent's position we can still respect that position and work towards a better solution for all involved. It is only when we understand another's position that we can have an outcome beneficial to both. As I said last month, we can make this the year of Yes. Yes, we can disagree. Yes, we can zealously advocate our position. Yes, we can understand. And finally, Yes, we can professionally and personally still be friends and allies.

DO YOU
HAVE
AN IDEA
FOR A
CLE?

SHARE IT WITH THE
CLE COMMITTEE

ATTORNEYS - OATH OF ATTORNEY

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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.

RETIREMENT ACCOUNTS: PLANNING FOR INHERITED ACCOUNTS AND FOR MARITAL RIGHTS

PROFESSOR CHRISTOPHER R. HOYT, UNIV. OF MISSOURI SCHOOL OF LAW



**September 18, 2020
8:30 am**



**Event has
changed to**

ONLINE

The SECURE Act eliminated the “stretch IRA” for inherited retirement accounts. This session will explain the new rules and various planning strategies that can reduce taxes and thereby increase benefits for both family and charity. In addition, the session will examine the legal rights that one spouse has in the other spouse’s retirement assets. The rules for 401(k) plans are different than those for IRAs. What are each spouse’s rights? What arrangements and strategies can avoid unpleasant surprises?

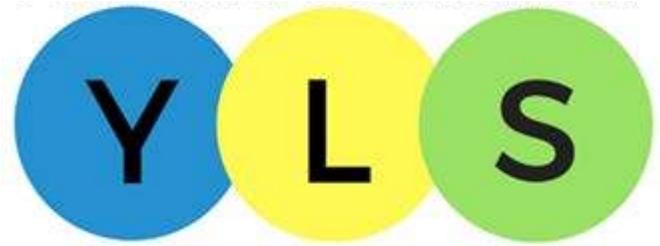
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STATE BAR OF SOUTH DAKOTA YOUNG LAWYERS SECTION



by: Caroline A Srstka
YLS President

And somehow, it's already August. Just last week, the newly elected Young Lawyers Section (YLS) had their first meeting, and we are excited to make this year the best yet. At the beginning of the meeting, we reviewed the purpose and mission of the YLS. To provide a brief overview, the general purpose of the Young Lawyers Section is to foster the identification, discussion, and interchange of ideas relative to the rights, duties, responsibilities, and concerns unique to young lawyers in our state. In doing so, the YLS strives to aid and promote the advancement of young lawyers and encourage their interest and participation in activities of the State Bar, promote the activities of the State Bar, and further the purpose and objectives of the State Bar.

Our YLS are off to a great start! Last week, the YLS, along with the help of the wonderful State Bar staff, put together bar exam care packages and distributed them to all of those taking the exam. These care packages included hand sanitizers, face masks, water bottles, and fun pencils. Thanks to Steve Huff for forwarding on this great idea to show our support to those taking the bar exam during this crazy time.

We are excited to get working on future events that connect young lawyers and advance our purposes:

-Law School Orientation: The YLS are heading to Vermillion on August 12 to welcome the incoming 1Ls during Law School Orientation. Join us!

-Statewide Swearing-In Ceremony: this event will be held on November 6. New admits to the State Bar have the special opportunity to get sworn in by Chief Justice Gilbertson at the Capitol Rotunda, with a reception for their family and friends to follow.

-Nuts & Bolts CLE: The YLS will also be hosting our annual Nuts & Bolts CLE on November 6. This is held in the morning prior to the Statewide Swearing In, where the focus is on useful and interesting topics for young lawyers in the early stages of practice, but also great for all bar members.

-Hagemann-Morris Mentorship Program: If you're a young lawyer, contact one of us on the YLS to apply for a mentor. If you're an experienced lawyer, contact us to become a mentor!

Additionally, each YLS circuit representative will plan mixers in the spring and fall. This year, due to the COVID-19 pandemic, we are brainstorming ideas and thinking of creative ways to safely bring everyone together. Stay tuned!

-Veterans Legal Clinics: the YLS, along with the law school's Veterans Legal Education Group and the State Bar, will volunteer at legal clinics. Come volunteer with us!

-ABA/Young Lawyers Division Conferences: the YLS sponsors young lawyers throughout the year to attend ABA conferences, to connect with other states, and provide reports of the conference in future newsletters.

-Project Destination: the YLS will continue to reach out to students in Indian Country to encourage a career in the legal profession. Last year, the YLS was selected as a 2019 ABA Partnership Award recipient for its Project Destination program!

-Annual Meeting: Look out for events hosted by the YLS at our next annual meeting! Past events include Speed Networking, Legalpalooza, volunteer projects, and more.

I encourage young lawyers and all State Bar members to join us in these events and connect with the profession. Any ideas for future projects or events are encouraged to be shared with the Board.

Also, as President of the YLS, my goal is to highlight Young Lawyers across the state for their achievements. This month, I have chosen Roxy Hammond, Hughes County State's Attorney. Earlier this year, Roxy drafted a bill that was passed to allow courtroom therapy dogs to provide a level of comfort for victims having to testify against their accusers.

Roxanne Hammond



In late August 2018, one of my detectives called to give me a heads up. "I'm sending up a rape case. Victim is a 9-year-old girl."

He paused.

"It's bad."

I had only been the Hughes County State's Attorney for about six months and had never prosecuted a case this big. Nervously, I dove into the report to see what I was in for, and he was right—it was bad. I left work that day, rode my bike a furious 10 miles, and cried in the shower. My heart was totally broken for that little girl.

I was so angry that this man had perpetrated these crimes as he pleased on that little girl for nearly half of her life. My fury turned to resolve. I vowed to do my best to achieve justice for her, and protect possible future victims. We eventually prepared for trial. Unsurprisingly, the accused didn't want to plead to sex crimes against a child, even with the overwhelming amount of evidence I had against him. When I realized we would be going to trial, I started brainstorming ways I could make it easier on the victim.

In March, I went to a training through the National District Attorneys Association, and one of the speakers talked about therapy dogs being used in court. I was intrigued, being an animal lover myself, but also because it seemed like a very simple way to provide

some comfort to vulnerable victims.

With help from a national email sent out by the Attorney General's office, I learned that several states around the country have therapy dogs that actually live in the courthouse or juvenile detention building. Some areas even have therapy dogs assigned to a particular judge or courtroom. Studies show how therapy dogs aided in calming trauma victims, as well as lowering the stress of everyone they encountered. There were over a dozen states utilizing therapy dogs in trial, but South Dakota was not one of them.

I decided to create the first-ever motion for the use of a therapy dog in a courtroom in South Dakota. I reached out to Therapy Dogs International, where I was connected with a woman named Cindy and her registered border collie, Shep. I made arrangements to have them attend my motions hearing that following April. In the motions hearing, we demonstrated how Shep could sit near the witness without blocking the view of the jury, and how a therapy dog could sit quietly for an extended period of time. Unfortunately, the motion was denied due to lack of legal precedent and authority, and to avoid any issue on appeal.

We went to trial that May. The victim took the stand for nearly 2 hours and was hands-down my best witness. She was scared, but she blew the jurors away with her simple, unwavering honesty—unwilling to be shaken by defense cross-examination or intimidated by her abuser. I got very lucky. Most cases of this type do not have such strong witnesses—by their very nature, they undermine the emotional stability of the victim. After a four-day long trial, we secured 12 guilty verdicts. This vicious abuser was later sentenced to 100 years in prison. He will be eligible for parole around the age of 102.

Despite my win, I was not ready to give up on therapy dogs. My luck with a strong witness was rare, and I knew we needed to do something to protect our vulnerable witnesses. So I used my experiences from my time working as a Legislative Attorney at the Legislative Research Council to create legislation that would grant judges the authority to utilize therapy dogs in a courtroom setting. I found laws from other states and went to work crafting a bill tailored to South Dakota's style and form. I presented the bill to the State's Attorney's Association for consideration, and after giving me the green light, I found sponsors for the bill—Sen. Deb

Soholt and Rep. Ryan Cwach. From there, Senate Bill 136 came to life. With the SAA's lobbyists, I followed the progress of the bill, testifying in each committee and sending out emails to legislators encouraging them to vote for the bill.

It worked. The bill passed through both chambers and was signed by the governor. It is now SDCL 23A-24-10 through 12. As of July 1, 2020, any attorney in South Dakota can move to utilize a therapy dog for a vulnerable witness in a criminal hearing.

Cindy, Shep's handler, gave the victim from my case a stuffed animal replica of Shep to comfort her during the

trial process. She loved it. That little girl is now 11 years old and thriving. We couldn't use a therapy dog to help her during the trial, but her strength in coming forward allowed us to pave the way to provide comfort to future vulnerable victims.

The criminal justice system can be such an ugly and scary place, but I'm so happy South Dakota prosecutors can now take a little weight off of a victim's shoulders in the form of some big brown puppy dog eyes looking up quietly and reminding them that while this experience may be stressful and scary, there's a dog that loves them unconditionally and will make them feel safe for as long as it takes.

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- Fellow – \$500 per year.

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

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Pierre, SD 57501

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

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.

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Our Profession. Our Responsibility.

Dean's List: News from the Law School



by: *Neil Fulton*
Dean
USD School of Law

More than most years, 2020 has produced things that are hard to believe. Add to that list the reality that the class of 2023 is about to arrive at the Law School to begin 1L year. That seems hard to believe for a couple of reasons.

First, you must wrap your mind around the fact that the class of 2023 is on campus. I was just getting over worrying about Y2K. Unless you graduated within the last several years yourself, you do not want to do the math on when these students were born. Trust me. It's painful. But, ready or not, here they come and these lawyers to be are our future.

Second, it is hard to believe that with everything going on in the world it was possible to assemble a class. Please join me in giving an enormous tip of the cap to our Director of Admissions Liz Taggart and Matthew Colbert, who joined the law school as her assistant midway through this recruiting cycle. They worked through the cancellation of both the March and April LSAT, the uncertainty of how classes will be delivered in the fall, and the decision of many students to defer their attendance to put together a great class. They worked creatively to leverage our scholarship dollars to maximum effect, to answer many student questions that lacked clear answers, and to convey to applicants the real opportunity that a USD school of law education presents. I hope I'm not tempting fate to say that I cannot imagine a more difficult recruiting environment, but Liz and Matthew met the challenge brilliantly.

Let me tell you a little bit about the Class of 2023. As I write, we have 70 incoming students. That number always fluctuates until orientation, and even more so this year due to a lot of students being forced into later LSAT administrations and others being uncertain about coming to campus in the fall. Under the circumstances, this is a great number. To accommodate social distancing, we will section most classes with half

of the students attending in person and half watching by video each day and reversing their roles the next day. With social distancing our largest room can hold about 35 students. So about 70 students is perfect to facilitate this accommodation.

Student credentials remain strong. The median LSAT score is 150. That is one point lower than the record high for the class of 2020, but still very strong. The dip was driven in part by our admission of five students through a conditional admission program. These students have slightly lower numeric credentials but other compelling circumstances and will participate in a mandatory "jump start" program before orientation and in an academic excellence program during the semester as a pilot. While numbers are critical to admission decisions, none of us can be reduced to simply our numbers and numbers don't guarantee success. This pilot seeks to identify students who have an opportunity to compete and prove themselves with some additional support. I believe that many of these students, if given a chance, can become exceptional lawyers.

It remains true that most of our students come from South Dakota. 65% of the class comes from South Dakota. The 35% not from South Dakota plummets to 9% when you take out those students from adjacent states like Iowa, Minnesota, and Nebraska. The reality remains that we recruit most of our students from within South Dakota or from other states but within an hour or two from Vermillion. We are a regional law school and we are proud of that. We provide an excellent education for students looking to build their careers in the Midwest, even as we send graduates across the country.

In line with most hometowns being in South Dakota, most students also go to college in South Dakota. USD and SDSU remain the two most common undergraduate alma maters. Dakota Wesleyan, Northern, Black Hills, and USF are all represented. We have one tribal college graduate. There are also graduates of many universities near South Dakota of such as Wayne State, University of Nebraska, Drake, Southwest Minnesota State, Minnesota State University Mankato, Iowa, Iowa State, and the University of Minnesota (Ski-u-mah, Row the Boat, Go Gophers).

These are the things we know today about the Class of 2023. It is an exciting group to welcome to campus. But at least as exciting is all that we do not yet know

about them. It will be exciting to get to know these students as individuals and watch them learn and grow in coming years. It is exciting to realize that sitting in the courtroom during orientation are future leaders in practice, innovators in business, state legislators, judges and Supreme Court Justices, and individuals who will change their world in ways that we do not yet know. In my speech welcoming the Class of 2023 I told them that it was imperative for them to realize, if nothing else, that with each passing day the future “will depend a bit more on your generation at a bit less on mine.” That is true. These students are our future. How they engage the world is lawyers on a daily basis can make the world little bit better, or little bit worse. Everyone at USD is excited to begin the work of giving them the tools and the inclination to make it a little bit better. There is work to be done in the world, and the Class of 2023 is starting to assemble the tools to do it.



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Welcome home Class of 2023, let's get to work!

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Statewide Swearing-In Ceremony

The State Bar of South Dakota Young Lawyers Section requests the honor of your presence at the Statewide Swearing-In Ceremony for new South Dakota attorneys

3:00 P.M.
Friday, November 6

Capitol Rotunda
Pierre, South Dakota

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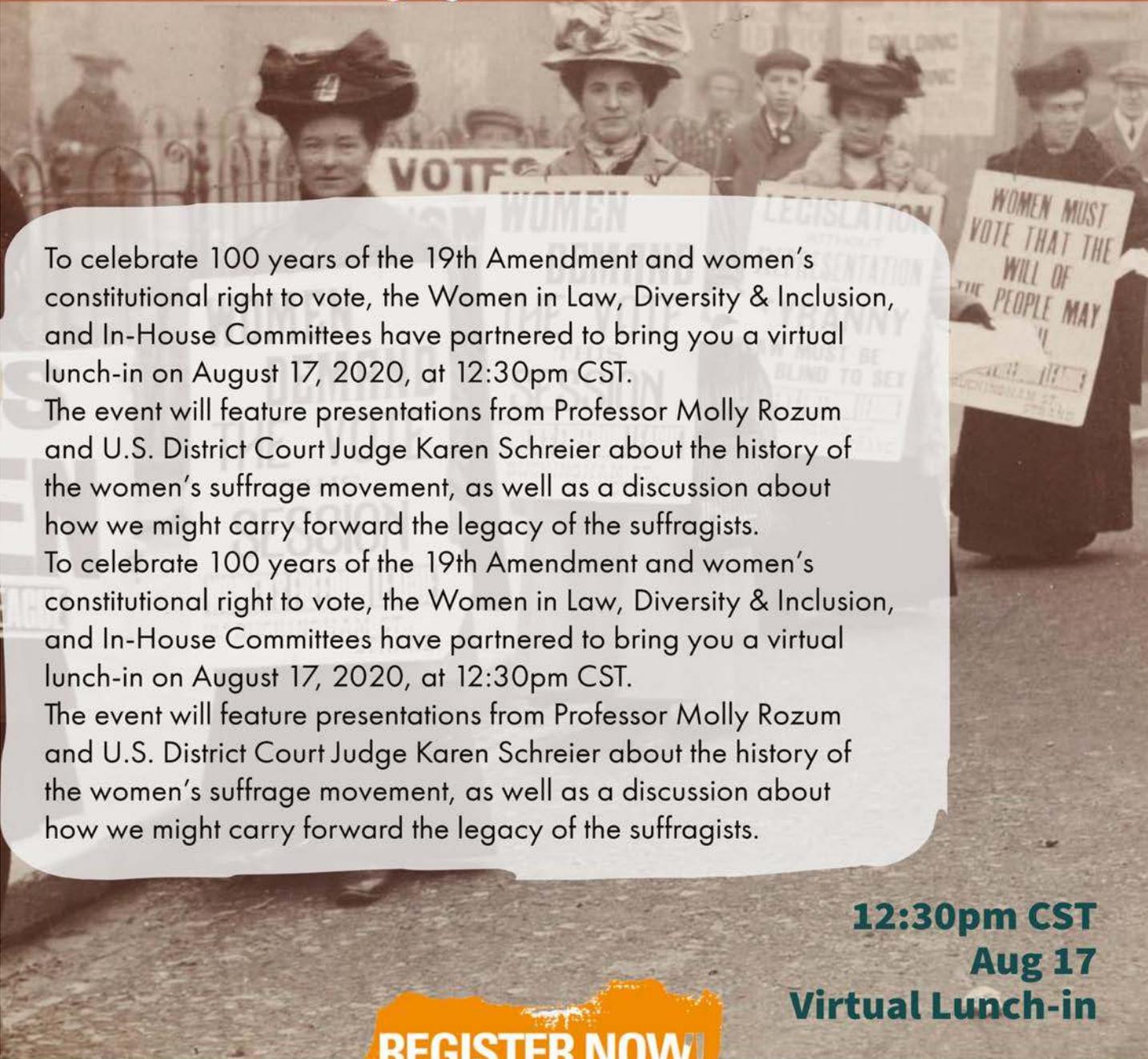


*a person who is
admired or idealized
for courage,
outstanding
achievements, or
noble qualities*

ANNOUNCEMENTS

The 19th Amendment:

Changing Lives, Then and Now



To celebrate 100 years of the 19th Amendment and women's constitutional right to vote, the Women in Law, Diversity & Inclusion, and In-House Committees have partnered to bring you a virtual lunch-in on August 17, 2020, at 12:30pm CST.

The event will feature presentations from Professor Molly Rozum and U.S. District Court Judge Karen Schreier about the history of the women's suffrage movement, as well as a discussion about how we might carry forward the legacy of the suffragists.

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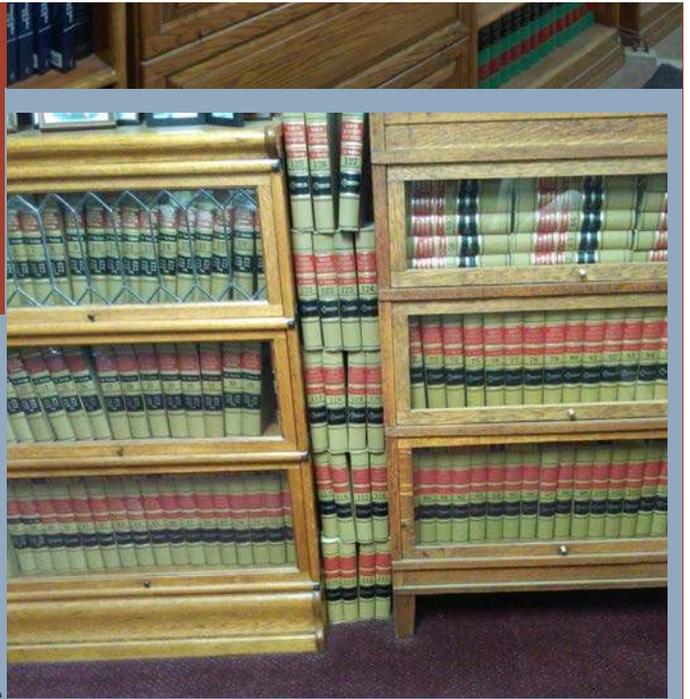
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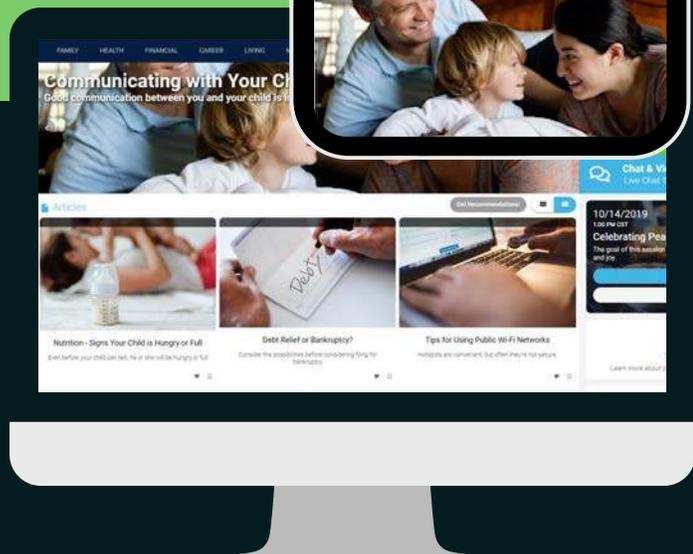
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or entering one, I can help.**

ABOUT *Vicki*

My name is Vicki Nagel. I have been a licensed Social Worker in South Dakota working in elder care for 25 years. I am strictly a “Medicaid Consultant” and should not be considered as offering, legal, financial, investment or accounting advice or decisions.

HOW I CAN *Help You*

Applying for Medicaid can be extremely complicated. There are innumerable guidelines to follow and even simple errors can result in a denial of benefits. The consequences of being denied by Medicaid are severe and can negatively impact the applicants’ finances and peace of mind, especially when one spouse needs to continue to pay the bills at home.

The Medicaid application and review process are time consuming and overwhelming. I can help alleviate this process with one on one guidance and save the applicant time and unnecessary stress.

Together, we will calculate and carefully plan asset protection to meet all income and asset requirements.

I will develop the Medicaid application, file the application and serve as Authorized Representative and interface with the Department of Social Services on your behalf.

Call me today for a free initial consultation!

Vicki Nagel
Licensed Social Worker
Long-Term Care Medicaid Planner

 (605) 310-3250

 vicki@medicaidsolutions.org

 www.medicainsolutions.org



Thank You

FOR YOUR SUPPORT!

Since the announcement of the donor opportunities to assist with funding for the statue of Governor Coe Crawford, more than \$5800.00 has been received to date towards the goal of \$18,000! Thank you bar members, law firms and friends!

Contributors:

Jason Glodt and the Glodt Family will be sponsor donors of one quarter of the cost.

Members of the State Bar of South Dakota have sponsored one quarter of the cost.

Lori Wilbur of Sioux Falls

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Ron Schmidt and Chuck Schroyer, formerly of the Firm Schmidt, Schroyer, Colwill, Zinter & Barnett, PC of Pierre, in Memory of their deceased former partners, Gary F. Colwill & Steven L. Zinter.

The names of all donors will be included on the Trail of Governors website and in future editions of the Newsletter.

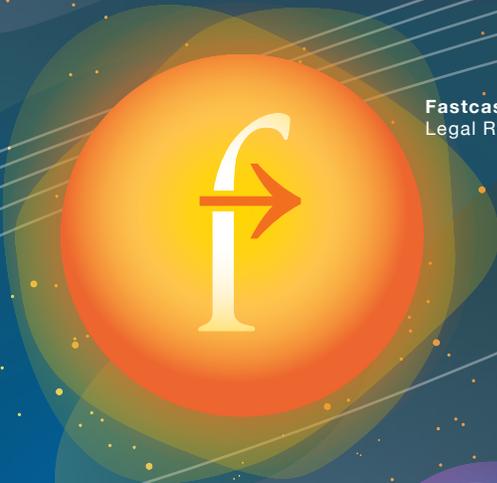


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May 26, 2020

South Dakota State Bar
University of South Dakota School of Law

STATEWIDE SWEARING-IN CEREMONY CHANGE OF DATE

Dear Members of the Bar:

Please be advised that the 2020 Statewide Swearing-In Ceremony has been rescheduled for **Friday, November 6, 2020**, at 3:00 p.m. The Ceremony will be held at the Capitol Rotunda in Pierre, South Dakota.

Our new lawyers look forward to this event every year and we are happy to assist in making the day special for them. The Young Lawyers Section very much appreciates the participation of members of the State Bar, and we look forward to another successful event.

Thank you for your continued support of the Young Lawyers Section.

Sincerely,

Caroline A. Srstka
President-Elect

To Text or Not to Text, that is the Question

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

At times it's hard to believe. Not only have all of our kids reached adulthood, but every one of them is financially independent. Trust me, I checked that "raise the kids" item off my life's "to do" list with a tear in my eye! Now, although they are all living on their own, this doesn't mean my wife and I don't ever want to talk with them. We're still family, after all. To my surprise, however, trying to get ahold of any one of them during these adult years has turned out to be a bit more of a challenge than I thought it would be. While part of me actually likes that, because I can play the game as well, there are times when I can get a little irritated.

It seems like our kid's generation prefers to eschew email and voicemail. In fact, several of our kids at various times during their newfound independence went so far as to allow their voice mailbox to fill up so no one could ever leave a message. That one used to drive me crazy. Better yet, to this day if my wife or I send an email to any one of them, it may be read within several weeks of receipt; but I assure you that any response, let alone a timely response, is quite the rarity.

Don't get me wrong, it's all good in terms of our relationships with our kids. They just prefer to communicate in different ways than we older folks do. Yes, it took a few years; but we've come to learn that if we really need to talk with one of them, texting is the way to go. Most of our texts are answered quickly and sometimes they'll even accept a call in response to a text. We've been trained well.

Now, as I sit here writing about our kids, I also hear in my head my wife saying, Mark, what's your point? Well, my point is this. As tech continues to change our world at a seemingly ever-increasing pace, communication practices and preferences have been changing as well. I suspect our experiences with our own kids are not unique. Their generation's use of texting is just one example of the change in how people prefer to communicate as a result of tech advances.

Change has consequences, however, and that's what I really want to discuss. Texting is ubiquitous in our culture, which makes it too easy. Instead of taking the time to compose an email or pick up a phone, it takes far less time to send a quick text at any time, day or night, and regardless of the setting just like everyone else does. But, is texting a good thing, particularly for a lawyer? Think about Comment 8 to ABA Model Rule 1.1 Competency, which reminds lawyers that they are to "keep abreast of changes in the law and its practice to include the benefits and risks associated with relevant technology." If you are communicating with clients via text messaging, have you thought about the ramifications of doing so? Please understand that I'm not trying to suggest when your lawyer hat is on you should never send a text message. I just want to make sure you've thought about the associated benefits and risks before doing so.

Speaking personally, I think a decision to hand out your cell number to clients is a bad idea absent establishing some healthy boundaries upfront. It's a work/life balance issue for me. I'm not a fan of 24/7 availability because we all need downtime. But think about it, when people send a text, they are generally expecting an immediate response, even if it's after you've gone home for the day. Are you prepared and able to manage that expectation?

I also get concerned about the informality of text messaging and the fact that it's often communication on the fly. Texts are typically short and succinct and that's problematic if texts are being used in furtherance of advising a client or as part of the client's decision-making process. Compounding the problem is the failure of so many to capture and preserve such exchanges as part of the client file. As I so often remind attorneys, in the context of a malpractice claim or disciplinary matter, if it wasn't documented, it wasn't said, or it didn't happen. Are you able to capture and preserve any and all substantive exchanges and are you willing to make the commitment to actually do so? If not, I'd seriously limit the use of texting.

Do you charge for your time texting clients? I would assume you do. Do your clients know that? Text messaging is a very inefficient way to communicate, again in terms of trying to have some sort of substantive exchange. Allowing clients that option is an inefficient use of your time and can needlessly result

in a larger bill than the client might be expecting. Why? It's simply due to the need to send multiple texts to make sure you have all the information you need as well as to confirm the client has correctly understood the exchange. Is this truly the way you want to communicate with your clientele?

Finally, how do you know if the texts you're sending will be received by the correct party? We often don't think about who might have access to the client's cell phone or even the family computer where text messages can show up. Making matters worse, how would you know that a client has texted you an urgent message when your phone is off because you're in court? They will assume you received it and may rely on that belief in some fashion. Could this be a problem for an attorney? It already has been.

Look, I have no problem using text messaging to pass along that there's been a delay, the courtroom where you were to meet your client has changed, that a voicemail has been left that needs the client's attention, or that you are now available. Those types of texts seem appropriate for the method of communication. And let's be honest, while I might choose not to give out my cell number, many of you already have or will. If you count yourself among the group that has or will, keep the above issues in mind and remember this. Just because we can do something, doesn't mean it's a good idea. Texting has its place. I'm just hoping to help you define what that place might look like in your own practice, so you don't get caught unawares.

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In Memoriam



David Lee Braun
December 19, 1952 -
July 27, 2020

David Lee Braun was born on December 19, 1952 to Edward “Bud” and Mary (Milos) Braun in Deadwood,

SD. He graduated from Lead High School in 1971 and attended SDSU, majoring in journalism, before being drafted in 1973 during the Vietnam War. David returned to college after two years of honorable service in the United States Army and graduated with a degree in business from Black Hills State College. He then attended law school at the University of South Dakota and graduated with sterling honors.

David married his high school sweetheart, best friend, and whole world, Darlene Jensen, in 1976 and was proud to say, “we have been married for 44 years and together for more than 50.” He and Darlene moved to Pierre, SD where he interned for Justice Miller then practiced law with Max Gors, Jim Carlon, and Mark Smith.

He served as a deputy states attorney in the Department of Social Services under five governors and began a solo practice after retirement. He used his education and experience throughout his life to fight for the underrepresented and worked to ensure all voices were heard. Never one to shy away from a challenge, he also ventured in business with The Vette Club and a pawn shop.

David lived his life in compassionate service of others and gave generously of his time and talents to anyone in need, great or small. He continued giving after death through donation of corneas and other tissues.

Grateful for traveling together with him on his journey are his wife Darlene; mother Mary; brother Lonnie (Lori); two daughters, Tempe (Joel) Heck and Mandy (Kris) Reed; and five wonderful grandchildren (Clement, Malena, Henry, Elena, and Benjamin). God blessed this humble servant. .



Mark V. Meierhenry
October 29, 1944 -
July 29, 2020

Mark Meierhenry took his final breath on July 29, 2020, having succumbed to pulmonary fibrosis at home in hospice

care. He had been diagnosed with the progressive fatal disease five years ago. He spent the last several months trying to start and finish his memoirs, but had to leave the final touches to his granddaughter, Hannah, as the disease overcame him.

He was born October 29, 1944, in Gregory, South Dakota, two weeks after his father was killed while serving in WWII. His young widowed mother moved to live with her parents in Gregory, where Mark lived until he left for college. His initial ambition to be a college athlete and coach soon gave way to a career in the law. He graduated from the University of South Dakota with a B.A. in 1966 and a J.D. in 1970.

Mark loved the law and spent his life perfecting his skills. His intellectual curiosity and storytelling abilities helped propel his 50-year legal career. He began his career as a legal aid attorney and then became Director of South Dakota Legal Services for the Crow Creek, Lower Brule and Rosebud Indian Reservations from 1970 - 1974. He then moved his family to Vermillion, S.D., and formed the firm Meierhenry, DeVany & Krueger from 1974-1979. In addition to his private practice, he served as an adjunct professor of Trial Practice and Indian Law at the University of South Dakota Law School.

Encouraged by his friend Bill Janklow, he decided to run for South Dakota Attorney General. On January 1, 1979, both men took office – Janklow as Governor, Mark as Attorney General. Mark served two terms as Attorney General. He then returned to private practice in 1987 – this time in Sioux Falls with his son Todd, who had just graduated from USD Law School. He and Todd joined with George Danforth to eventually become Danforth and Meierhenry and more recently Meierhenry Sargent LLP. Mark was proud to see his granddaughter, Mae, join the firm this summer.

Mark Meierhenry was a nationally recognized trial attorney. He tried criminal and civil cases and developed an expertise in eminent domain and property law. He was fortunate enough to argue eight cases to the United States Supreme Court. He recently was awarded the Lifetime Achievement award for his contribution to the legal profession by the South Dakota Trial Lawyers Association. Many of the lawyers he mentored over his career filled the room to pay tribute.

In addition to law, Mark had a variety of endeavors. Mark started Dakota Homestead, a title insurance company. The venture expanded to ownership of several title plants throughout the state. He built an Angus cattle herd on his farm in Gregory County. Mark also co-authored an acclaimed series of children's books with his good friend, Dave Volk, - "The Mystery of Round Rocks," "The Mystery of Tree Rings," "The Mystery of the Maize," and "The Mystery of the Pheasants." With his wife, Judith, he co-authored "South Dakota Trial Handbook."

Mark was a storyteller. Every life experience became a story to be told and embellished and retold. Anyone who knew Mark knew he loved to talk and to tell stories. His family probably endured his storytelling more than anyone. For the most part, they enjoyed listening and had heard some of the stories so many times, they could correct him if he misspoke.

Mark believed that providing and caring for his family was important. He and his wife, Judith, were a team for 59 years. They shared a passion for family, law, literature, and USD women's basketball. He was proud of his children and grandchildren and delighted in their individual personalities and their achievements.

Mark accepted his diagnosis and impending death philosophically. For many years, Mark kept a daily journal. In one of his last entries, he reflected on his journey and concluded: "A life well lived is enough."

Mark joins those who predeceased him: his father, Vernon Meierhenry, his mother Mary Casey Meierhenry O'Neill, stepfather Robert O'Neill, and three grandchildren, August "Gus" Meierhenry, Lauren Dosch, and Mark Dosch.

He leaves behind his wife, Judith, son Todd (Sabrina

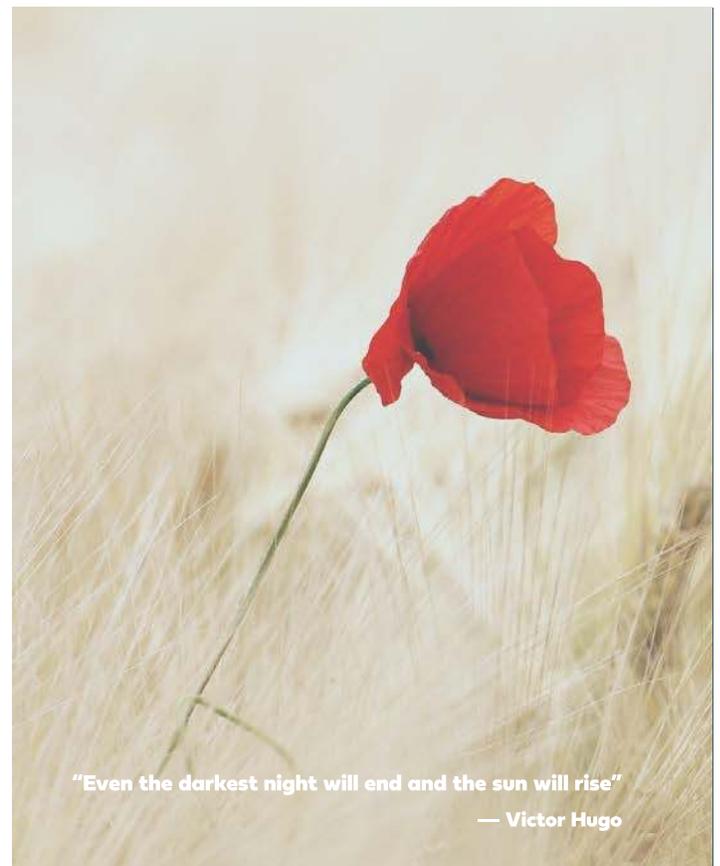
Siebert), daughter Mary Meierhenry (Wade Dosch), seven grandchildren, Michael Dosch, Maxwell Meierhenry, Mae Meierhenry, John Dosch, Hannah Dosch, Margaret Meierhenry and Amy Dosch.

The family requests memorials go to the School of Law USD Foundation "The Judith and Mark Meierhenry Family Endowment."

Private memorial services will be held. A public visitation with the family will be from 4:00-7:00 pm Tuesday, August 4th at Miller Funeral Home, Southside Chapel.

The family respectfully requests that all people attending the visitation please observe social distancing protocols and to wear a mask while in attendance. - Thank you!!

Mark's memorial service will be live streamed over the Miller Funeral Home You Tube Channel. You may access this live stream at 10:00 am Wednesday, August 5th by going to <https://youtu.be/Bs7FAIpp5dY>



IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE PROPOSED)
ADOPTION OF A NEW RULE RELATING TO)
THE CREATION OF A COMMISSION ON)
PARENTING TIME GUIDELINES)
AMENDMENT TO THE APPENDIX OF CHAPTER)
16-2, SOUTH DAKOTA CODE OF JUDICIAL)
CONDUCT: CANON 3(B) (9). CONCERNING)
THE ABILITY OF A JUDGE TO COMMENT ON)
PENDING MATTERS UNDER CERTAIN)
CONDITIONS)
AMENDMENT TO THE APPENDIX OF CHAPTER)
16-2, SOUTH DAKOTA CODE OF JUDICIAL)
CONDUCT: CANON 3(D). CONCERNING THE)
DISCLOSURE OF INFORMATION OBTAINED AS)
PART OF A JUDICIAL OR LAWYER)
ASSISTANCE PROGRAM AND RULE 8.3 OF)
THE RULES OF PROFESSIONAL CONDUCT)

NOTICE OF SPECIAL
RULES HEARING

NO. 142

Petitions for amendments of existing sections of the South Dakota Codified Laws and adoption of a new rule having been filed with the Court, and the Court having determined that the proposed amendments and adoption should be noticed for hearing, now therefore,

NOTICE IS HEREBY GIVEN THAT ON AUGUST 25, 2020, at 9:00 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 Adoption for a New Supreme Court Rule Relating to the Creation of a Commission on Parenting Time Guidelines.

Section 1. That a new rule be added to SDCL ch. 25-4A as follows:

The Supreme Court shall, commencing in the year 2021, establish quadrennially a Commission on Parenting Time Guidelines. The commission shall review the standard parenting guidelines outlined in § 25-4A-10 and shall report its findings and recommendations to the Supreme Court, Governor and the Legislature no later than October 1 of the year in which it is appointed.

Section 2. That a new rule be added to SDCL ch. 25-4A as follows:

The commission shall be composed of seven members.

- (1) The Supreme Court shall appoint the following positions:
 - (1) A member of the South Dakota Judiciary;
 - (2) A member in good standing of the South Dakota State Bar;
 - (3) A professional in the field of childhood development.
- (2) The Governor shall appoint the following two positions:
 - (1) Noncustodial parent;
 - (2) Custodial parent.
- (3) The Speaker of the House of Representatives shall appoint the following position:
 - (1) State Representative.
- (4) The President Pro Tempore of the Senate shall appoint the following position:
 - (1) State Senator.

Section 3. That a new rule be added to SDCL ch. 25-4A as follows:

The Commission shall hold at least three public hearings on three separate occasions prior to the submission of the report. In addition to public testimony, the Commission may receive and review other information deemed necessary in preparation of its report and recommendations.

Explanation for Proposal

The proposed rule offered by the State Court Administrator is intended to create a Commission to review and make recommendations to the Supreme Court related to the minimum standard parenting time guidelines. SDCL § 25-4A-10, as amended during the 2020 Legislative Session (HB 1140), requires the Supreme Court to create a public hearing process to review the minimum standard guidelines and to recommend any amendments determined appropriate.

The proposed rule is not directly based on any other federal or state law, but does borrow from the structure created for the Child Support Commission as provided for in SDCL § 25-7-6.12 and enacted by Executive Order 2016-01.

Please find the following attached for reference:

- 2020 House Bill 1140
- Executive Order 2016-01
- SDCL 25-7-6.12

2020 House Bill 1140 - Enrolled

20.224.12 95th Legislative Session 870

2020 South Dakota Legislature
House Bill 1140
ENROLLED

AN ACT

ENTITLED An Act to provide for a regular review of parenting guidelines.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 25-4A-10 be AMENDED:

25-4A-10. Noncustodial parenting time--Minimum standard guidelines--Promulgation of court rules.

The South Dakota Supreme Court shall promulgate court rules establishing standard guidelines to be used statewide for minimum noncustodial parenting time in divorce or separate maintenance actions or any other custody action or proceeding. The minimum standard guidelines shall provide a framework for noncustodial parenting time including frequency and time for noncustodial parenting time; hours or days of noncustodial parenting time; definitions for weekends, holidays, birthdays, and other special occasions; and time periods for summer noncustodial parenting time.

In establishing the minimum standard guidelines, the court may consider varying ages and circumstances of children and treat varying ages and circumstances differently.

The Supreme Court shall establish rules pursuant to § 16-3-1 to provide for a public hearing process to review the minimum standard guidelines and to recommend any amendments deemed to be necessary.

An Act to provide for a regular review of parenting guidelines.

I certify that the attached Act originated in the:

House as Bill No. 1140

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1140

File No. _____

Chapter No. _____

Received at this Executive Office
this _____ day of _____,
2020 at _____ M.

By
for the Governor
The attached Act is hereby
approved this _____ day of
_____, A.D., 2020

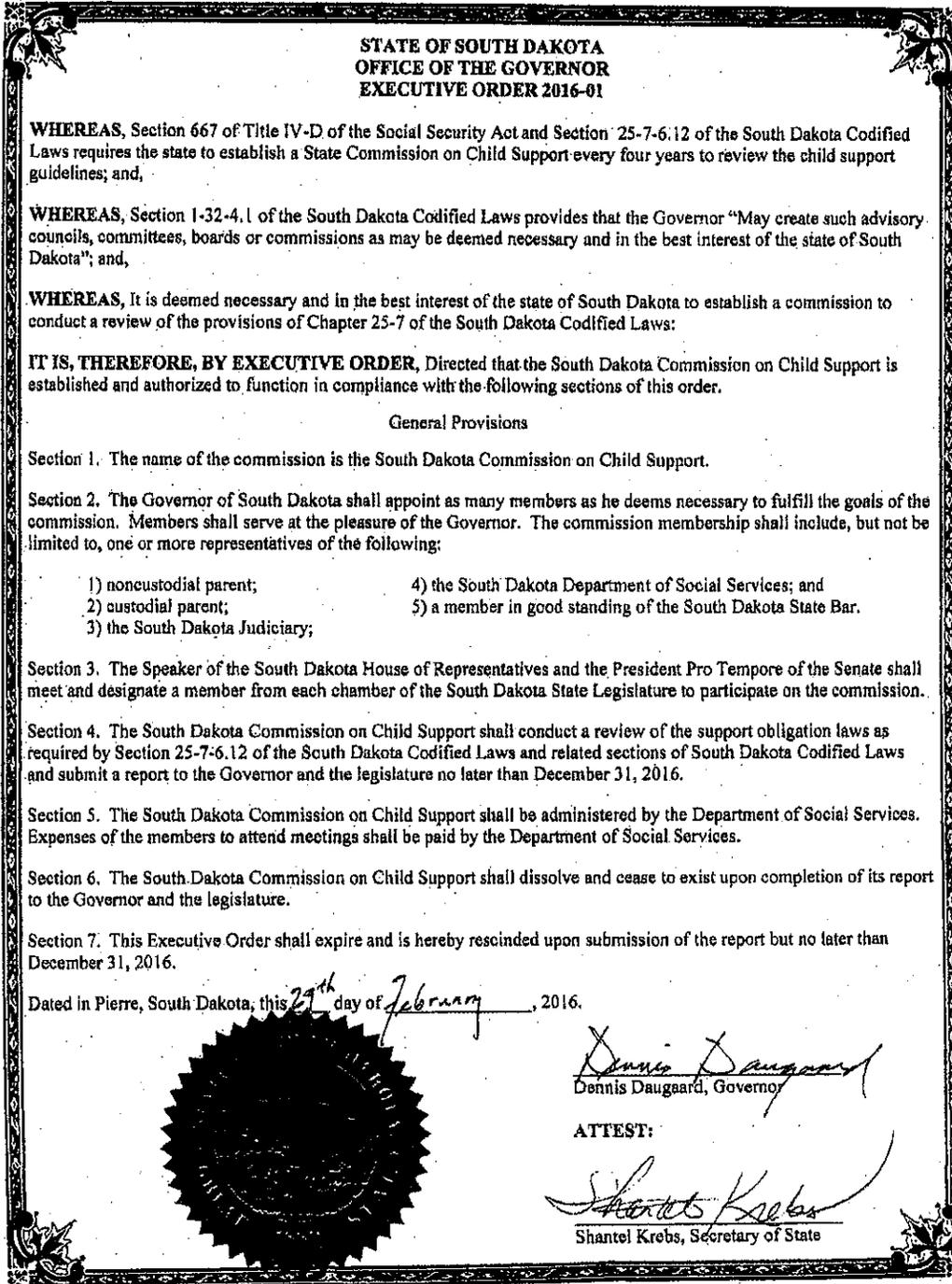
Governor
STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State
Filed _____, 2020
at _____ o'clock __ M.

Secretary of State
By
Asst. Secretary of State

EXECUTIVE ORDER

Executive order 2016-01 establishes and outlines the commission required by §25-7-6.12. The final report can be found [here](#).



25-7-6.12 Review and amendment of schedule.

25-7-6.12. Review and amendment of schedule. The Governor shall, commencing in the year 2000, establish quadrennially a commission on child support. The commission shall review the provisions of this chapter, shall report its findings to the Governor and the Legislature, and may propose amendment thereof to the Legislature.

Source:(1)

**2. Proposed Amendment of Judicial Canon 3(B) (9).
Concerning the ability of a judge to comment on pending matters
under certain conditions.**

Section 1. That Canon 3(B) (9) of the Code of Judicial Conduct found in SDCL ch. 16-2 (appendix) be amended as follows:

CANON 3 A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently.

B. Adjudicative Responsibilities.

(9) A judge shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or make any nonpublic comment that might substantially interfere with a fair trial or hearing. The judge shall require * similar abstention on the part of court personnel * subject to the judge's direction and control. This Section does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court. This Section does not apply to proceedings in which the judge is a litigant in a personal capacity. In connection with a judicial election or recall campaign, this canon does not prohibit a judge from making a public comment about a pending proceeding, provided (a) the comment would not reasonably be expected to affect the outcome or impair the fairness of the proceeding, and (b) the comment is about the procedural, factual, or legal basis of a decision about which a judge has been criticized during the election or recall campaign.

(10) A judge shall not, with respect to cases, controversies or issues that are likely to come before the court, make pledges, promises or commitments that are inconsistent with the impartial * performance of the adjudicative duties of the office.

B(9)(10) COMMENTARY

Sections 3B(9) and (10) restrictions on judicial speech are essential to the maintenance of the integrity, impartiality, and independence of the judiciary. A pending proceeding is one that has begun but not yet reached final disposition. An impending proceeding is one that is anticipated but not yet begun. The requirement that judges abstain from public comment regarding a pending or impending proceeding continues during any appellate process and until final disposition. Sections 3B(9) and (10) do not prohibit a judge from commenting on proceedings in which the judge is a litigant in a personal capacity, but in cases such as a writ of mandamus where the judge is a litigant in an official

capacity, the judge must not comment publicly. The conduct of lawyers relating to trial publicity is governed by South Dakota Rule of Professional Conduct 3.6.

Explanation for Proposal

The proposed rule would allow a judge to comment on pending matters under certain conditions. The proposed rule is based on a recent proposed amendment to the California Code of Judicial Conduct.

**3. Proposed Amendment of Judicial Canon 3D.
Concerning the disclosure of information obtained as part of
a judicial or lawyer assistance program.**

Section 1. That Canon 3D of the Code of Judicial Conduct (SDCL 16-2 Appendix) be amended as follows:

D. Disciplinary Responsibilities.

(1) A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this Code should take appropriate action. A judge having knowledge * that another judge has committed a violation of this Code that raises a substantial question as to the other judge's fitness for office shall inform the appropriate authority.*

(2) A judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Code of Professional Responsibility should take appropriate action. A judge having knowledge * that a lawyer has committed a violation of the Code of Professional Responsibility that raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects shall inform the appropriate authority.*

(3) Sections 3D(1) and 3D(2) shall not apply to information obtained by a judge as a member of a committee, organization or related group established or approved by the South Dakota Judges Association, the State Bar or the Supreme Court to assist lawyers, judges or law students with a medical condition as defined in §16-19-29(1), including the name of any individual in contact with the member and sources of information or information obtained therefrom.

(4) A judicial member of an entity described in Section 3D(3) shall not be required to treat as confidential, communications that cause him or her to believe a person intends or contemplates causing harm to himself, herself or a reasonably identifiable person and that disclosure of the communications to the potential victim or individuals or entities reasonably believed to be able to assist in preventing the harm is necessary.

(3 5) Acts of a judge, in the discharge of disciplinary responsibilities, required or permitted by Sections 3D(1), 3D(2), 3(D)3 and 3(D)4 are part of a judge's judicial duties and shall be absolutely privileged, and no civil action predicated thereon may be instituted against the judge.

COMMENTARY

Appropriate action may include direct communication with the judge or lawyer who has committed the violation, other direct action if available, and reporting the violation to the appropriate authority or other agency or body.

Information about a lawyer's or judge's misconduct or fitness may be received by a judge in the course of that judge's participation in an approved lawyers or judges assistance program. In that circumstance, providing for an exception to the reporting requirements of Sections 3D(1) and 3D(2) of this Rule encourages lawyers and judges to seek treatment through such a program. Conversely, without such an exception, lawyers and judges may hesitate to seek assistance from these programs, which may then result in additional harm to their professional careers and additional injury to the welfare of clients and the public.

Section 2. That Rule 8.3 of the Rules of Professional Conduct (SDCL 16-18 Appendix) be amended as follows:

Rule 8.3. Reporting Professional Misconduct

(a) A lawyer having knowledge that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.

(b) A lawyer having knowledge that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority.

(c) Paragraphs (a) and (b) shall not apply to information obtained by a lawyer or judge as a member of a committee, organization or related group established or approved by the State Bar or the Supreme Court to assist lawyers, judges or law students with a medical condition as defined in § 16-19-48 29(1), including the name of any individual in contact with the member and sources of information or information obtained therefrom. Any such information shall be deemed privileged on the same basis as provided by law between attorney and client.

(d) A member of an entity described in paragraph (c) shall not be required to treat as confidential, communications that cause him or her to believe a person intends or contemplates causing harm to himself, herself or a reasonably identifiable person and that

disclosure of the communications to the potential victim or individuals or entities reasonably believed to be able to assist in preventing the harm is necessary.

COMMENT:

[1] Self-regulation of the legal profession requires that members of the profession initiate disciplinary investigation when they know of a violation of the Rules of Professional Conduct. Lawyers have a similar obligation with respect to judicial misconduct. An apparently isolated violation may indicate a pattern of misconduct that only a disciplinary investigation can uncover. Reporting a violation is especially important where the victim is unlikely to discover the offense.

[2] A report about misconduct is not required where it would involve violation of Rule 1.6. However, a lawyer should encourage a client to consent to disclosure where prosecution would not substantially prejudice the client's interests.

[3] If a lawyer were obliged to report every violation of the Rules, the failure to report any violation would itself be a professional offense. Such a requirement existed in many jurisdictions but proved to be unenforceable. This Rule limits the reporting obligation to those offenses that a self-regulating profession must vigorously endeavor to prevent. A measure of judgment is, therefore, required in complying with the provisions of this Rule. The term "substantial" refers to the seriousness of the possible offense and not the quantum of evidence of which the lawyer is aware. A report should be made to the bar disciplinary agency unless some other agency, such as a peer review agency, is more appropriate in the circumstances. Similar considerations apply to the reporting of judicial misconduct.

[4] The duty to report professional misconduct does not apply to a lawyer retained to represent a lawyer whose professional conduct is in question. Such a situation is governed by the Rules applicable to the client-lawyer relationship.

[5] Information about a lawyer's or judge's misconduct or fitness may be received by a lawyer in the course of that lawyer's participation in an approved lawyers or judges assistance program. In that circumstance, providing for an exception to the reporting requirements of paragraphs (a) and (b) of this Rule encourages lawyers and judges to seek treatment through such a program. Conversely, without such an exception, lawyers and judges may hesitate to seek assistance from these programs, which may then result in additional harm to their professional careers and additional injury to the welfare of clients and the public. These Rules do not otherwise address the confidentiality of information received by a lawyer or judge participating in an approved lawyers assistance program; such an obligation, however, may be imposed by the rules of the program or other law.

Explanation for Proposal

The proposed rule change is intended to mirror the language found in the Rules of Professional Conduct related to the disclosure of information obtained as part of a judicial or lawyer assistance program and bring those provisions into the Code of Judicial Conduct. The proposed rule also fixes an errant statutory reference to SDCL 16-19-48 in Rule 8.3 concerning the definition of "medical condition" which is instead defined in SDCL 16-19-29(1).

REFERENCED STATUTES

16-19-48. Transfer to medical inactive status for a medical condition. If, during the course of a disciplinary investigation or proceeding, the attorney claims to be unable to assist in the attorney's defense to a disciplinary complaint because of a medical condition, the Supreme Court shall enter an order immediately transferring the attorney to medical inactive status until a determination is made of the attorney's ability to comply with the Rules of Professional Conduct and § 16-19-31. The determination shall be made in a proceeding instituted in accordance with the provisions of § 16-19-89. An attorney transferred to medical inactive status shall not practice law. An attorney transferred to medical inactive status shall not act as a legal assistant except as provided by §§ 16-18-34.4 to 16-18-34.7, inclusive. The Supreme Court shall enter such orders as are necessary to notify the attorney's clients of the attorney's change in status.

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

- (1) To consider and investigate any alleged ground for discipline or alleged medical condition of any attorney called to its attention, or upon its own motion, and to take such action appropriate to effectuate the purposes of this chapter. As used in this chapter, "medical condition" is any condition that deprives an attorney of the ability to act in compliance with the Rules of Professional Conduct and any other standards required of practicing attorneys.
- (2) To appoint a board secretary, board counsel, deputy board counsel, and such personnel as may from time to time be required to assist in the performance of the functions and duties of the board.
- (3) To hold informal conferences.
- (4) To privately reprimand attorneys for misconduct.
- (5) To maintain permanent records of all matters processed and the disposition thereof.

- (6) To prosecute all disciplinary proceedings before the Supreme Court.
- (7) To prosecute all proceedings before the Supreme Court to determine the medical condition of attorneys as set forth in §§ 16-19-88 to 16-19-91, inclusive.
- (8) To hear applications for approval and complaints for revocation of approval of disqualified persons to act as legal assistants under subdivisions 16-18-34.4(2) to (4), inclusive.
- (9) To adopt internal rules of procedure not inconsistent with this chapter and to file the same with the clerk of the Supreme Court.

Jurisdiction for complaints against members of the judiciary for conduct that occurred prior to becoming a member of the judiciary shall be vested with the Judicial Qualifications Commission.

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 five copies thereof filed with the Clerk of the Supreme Court no later than August 10, 2020. 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 <https://uj.s.sd.gov/Supreme Court/Hearings.aspx> or the State Bar of South Dakota's website at <http://www.sdbar.org/>.

DATED at Pierre, South Dakota this 7th day of July, 2020.

**SUPREME COURT
STATE OF SOUTH DAKOTA
FILED**

JUL - 7 2020

BY THE COURT:

Shirley A. Johnson-Leged
Clerk

David Gilbertson

ATTEST:

David Gilbertson, Chief Justice

[Signature]
Clerk of the Supreme Court
(SEAL)



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Jason Sutton, Sioux Falls

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Job Announcement

CHIEF PROSECUTOR & ASSISTANT TRIBAL PROSECUTOR

Standing Rock Sioux Tribal Court
PO Box 363
Fort Yates, ND 58538

OPEN: Until Filled

SALARY: Negotiable

The Standing Rock Sioux Tribe is soliciting applications for employment, as an independent contract employee, for a **Chief Prosecutor and Assistant Tribal Prosecutor for the Standing Rock Sioux Tribal Court.**

The Chief Prosecutor and Assistant Prosecutor positions are full time positions. The number of hours, days of employment and compensation are all negotiable. The terms of employment will be determined by the agreement of the parties. The contract shall be compensated on an hourly basis.

The statutory prerequisites for employment are: To be eligible to serve as a Tribal Court Prosecutor, a person shall (1) be a member in good standing of the bar in any state or federal court; (2) at least 21 years of age, (3) be of high moral character and integrity, (4) have a law degree from an (ABA) accredited law school, (5) must never have been convicted of a felony; (6) shall not have been dishonorably discharged from the Armed Services, and must (7) be physically able to perform the duties of the office.

The Standing Rock Sioux Tribal Code of Justice, 30-202, extends a limited preference based on political status, in order, to: 1) Tribal members, 2) local Indians, 3) other Indians, and 4) all other qualified applicants. The Standing Rock Sioux Tribe is an equal opportunity employer and does not discriminate on the basis of race (*"Indian" is a federally recognized political status*), national origin, sex or sexual orientation, religion, age, or disability).

Applications shall be in writing, to include a professional resume, Proof of Bar Membership, legal qualifications, letters of recommendation and any other submissions at the option of the applicant. All applications are considered on merit.

Applications for the Assistant Tribal Prosecutor position may be sent to **Ms. Dellis M. Agard, Court Administrator, Standing Rock Sioux Tribal Court, PO Box 363, Fort Yates, ND**, or by Email to dagard@standingrock.org. Ms. Agard can also be contacted by Telephone at **(701) 854-7244 Ext. 7419**.

The worksite for this position is located at the Standing Rock Tribal Court in Fort Yates, ND. The Sitting Bull College Transit provides bus services, at nominal cost, to and from Bismarck, ND; Mobridge, SD; McLaughlin, SD and Selfridge, ND and coordinated with the Tribal Work Day, which is 8:00 AM to 4:30 PM (Central Time).

Career Center



STATE BAR OF SOUTH DAKOTA CLASSIFIEDS

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

ATTORNEY

Deputy State's Attorney - Lincoln County

Lincoln County State's Attorney's Office
Lincoln County invites applications for a Deputy State's Attorney. The Deputy State's Attorney performs routine professional legal work in the prosecution of civil and criminal crimes, juvenile crimes, and juvenile abuse and neglect cases in Lincoln County. Minimum Qualifications: Graduation from a college of law, attainment of a Juris Doctorate degree from an accredited law school, and 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 or be a recent or imminent law school graduate, eligible to sit for the next available South Dakota bar examination. Comparable combination of education and experience may be considered. \$2,840.00 - \$3,135.20 bi-weekly. To view a full listing of qualifications and to apply visit: <http://www.lincolncountysd.org> then click on the Employment tab. Application deadline: August 10th. Contact Human Resources with questions at 605-764-6609. Equal Opportunity Employer.

Trust Officer - Mitchell

First Dakota National Bank, Mitchell, SD
Due to a planned retirement at the end of the year, First Dakota National Bank is searching for a Trust

Officer to serve our Mitchell, SD location and surrounding area. Our ideal candidate will direct and coordinate activities relative to selling and administering investment agency, IRA, trusts, probate estates and court ordered conservatorships.

We are looking for a professional with a Bachelor's degree from a four-year college or university with 5 years related experience or training. A preferred candidate would possess a JD, CPA, CTFA or CFP designation. A team player, willingness to learn, positive attitude and wanting to help people is essential.

For more information contact:

Tyler Bowen, SVP

605-731-5122

tbowen@firstdakota.com

Full job information: <https://www.firstdakota.com/careers/trust-investments-officer>

Litigation Associate - Sioux Falls

Growing AV-rated regional firm in Sioux Falls, SD seeks a litigation associate with zero to two years of legal experience. Strong academic credentials (top 35% of law school class preferred) and excellent communication skills (both oral and written) required. Confidential inquiries, including résumé and cover letter detailing experience, should be directed to Meredith Moore, Cutler Law Firm, LLP, PO Box 1400, Sioux Falls, SD 57101-1400 or by email at meredithm@cutlerlawfirm.com

Attorney - Watertown

Beacon Center Mission

To empower individuals and families of abuse to achieve self-responsibility and initiate through advocacy and support; and to educate and motivate the community to move toward our vision of eliminating abuse.

Responsible to: Executive Director

Classification: Exempt

Starting Salary: \$50,000 - \$70,000

Benefits: Vacation and Sick Time; Retirement after one year of employment, Health Insurance Allocation after 60 days of employment and 7 Paid Holidays when Applicable

General Purpose of Position:

To provide support and/or legal counsel to sheltered and non-sheltered clients as well as community education outreach.

Qualifications:

- A juris doctor degree in law is required. Applicant must have passed the SD Bar to be an attorney in South Dakota.
- Must have a valid driver's license and pass a background check

Requirements:

- Effective written and oral communication skills
- Demonstrate strong problem solving and critical thinking skills
- Plan and organize work for maximum effectiveness and efficiency
- Be a team member
- Demonstrate effective public communications and public relations skills
- Think logically and make practical decisions
- Be welcoming and accepting to clients and the public, by telephone and in person.
- Respond to a high degree of activity, keeping composure and self-control
- Demonstrate initiative, accept responsibility, and participate in active problem solving
- Be a positive role model
- Demonstrate physical and emotional stamina to effectively handle job related issues and stress
- Demonstrate enthusiasm, personal energy, and endurance
- Abide by ethical standards
- Possess awareness of cross cultural diversity

Job Responsibilities

- Provide individual consultations and legal assistance

to victims of domestic violence, stalking and sexual assault

- Advise clients and represent them and their legal rights in civil and criminal cases
- Assist clients with preparation of legal documents
- Appear in court before a judge or jury to orally defend a client's rights and best interests
- Establish a supportive relationship with clients at times when they might not be at their best
- Provide and model client advocacy Education, Outreach, and Advocacy
- Assist with training and supervision of team, interns, and volunteers
- Represent Beacon Center at community organizations
- Provide education on issues of abuse through outreach activities
- Participates in outreach with underserved populations

Team Member Responsibilities

- Articulate and adhere to the mission and vision of Beacon Center
 - Know and consistently follow Beacon Center policies and procedures
 - Attend assigned meetings and trainings
 - Work hours as scheduled
 - Answer door and phone
 - Other duties deemed necessary and appropriate by the Executive Director or designee
 - Provide ancillary services
 - Completes paperwork in a timely manner
- Please contact Dawn Sikkink with your resume to apply: dawn@beaconcentersd.com

Trust Officer - Sioux Falls

Citi Trust (Sioux Falls, SD)

Responsibilities:

An individual in this role will be expected to:

- Manage an existing book of trust and estate accounts: types of accounts include revocable and irrevocable trusts, testamentary trusts, ILITS and IRA accounts, various types of charitable trusts, estate accounts, and agency accounts, both discretionary and directed; initiate investment management of the accounts by coordinating with Private Bankers and Investment Counselors and utilizing both internal and external investment managers.
- Assess the client's overall estate and tax planning needs: including the knowledge and skill to

review legal and trust documentation and have an understanding of the provisions in order to effectively assist the client and their advisors in achieving specific trust and estate objectives.

- Compliance with legal requirements and internal procedures in relation to account activity: including identification and reporting to our Senior Risk Committee and management of the risk of financial loss and/or damage to Citi's reputation arising from the activities within the Citi Trust businesses; Communicating with internal and external auditors as well as state examiners; working with Investment Management Oversight on the identification of and diversification of a discretionary portfolio's exposure to a single security, issuer or industry.

- Communication: Communicate effectively with the client and/or the client's attorney on all trust and estate matters and attending in person client meetings and investment reviews; interact with and establish a working relationship with the Private Banking and Investment team in regard to the trust and overall client relationship including timely and accurate responses to inquiries.

- Participation in internal and external training opportunities for ongoing professional development; drafting of policies and procedures as assigned by management and additional projects as requested; maintain a local presence in the trust and estate professional community.

- Appropriately assess risk when business decisions are made, demonstrating particular consideration for the firm's reputation and safeguarding Citigroup, its clients and assets, by driving compliance with applicable laws, rules and regulations, adhering to Policy, applying sound ethical judgment regarding personal behavior, conduct and business practices, and escalating, managing and reporting control issues with transparency.

Qualifications:

- MBA or JD desired.

- CTFA designation preferred.

- Strong knowledge and proven technical proficiency in legal, investment and tax issues relative to trust and / or estate management and administration.

- Experience with Fiduciary Income Tax and Estate Administration preferred.

- Proven strong communication skills is required, such to interact effectively with clients and / or their attorneys as well as private bankers and investment counselors.

- Proven project management and strategic planning skills.

- Proficiency in Microsoft Office applications is required.

Please contact David Grennan with your resume to apply: david.grennan@citi.com

Coverage Attorney - S. Sioux City, NE

Great West Casualty Company

1100 W. 29th Street, South Sioux City, NE 68776

careers@gwccnet.com

Do you dream of a challenging and fulfilling legal career that also offers you the healthy work-life balance necessary to juggle the demands of your busy life? Great West Casualty Company has a Coverage Attorney position open with our Corporate Legal team that affords you the ability to achieve just that, all with no billable hours.

As a Coverage Attorney for Great West, you will focus on the motor carrier policy, providing counsel, training, and assistance to the regions' claims departments to foster consistent, efficient, and appropriate claims practices. You will prepare coverage opinions and memoranda on claims legal topics as well as oversee litigation and declaratory judgment action while supervising outside counsel. We are looking for candidates with a JD degree and must be licensed to practice in at least one state. Insurance defense, litigation, regulatory compliance, or administrative law experience is preferred. To be successful in this role, you will need to be detail-oriented with above-average multitasking skills and the ability to adapt quickly to situations that require an immediate transition. Excellent communication and public speaking skills are a must. This position qualifies for relocation assistance.

Who we are:

Great West Casualty Company provides specialized insurance products unique to the trucking industry and outstanding customer service to the thousands of truck drivers and trucking companies we serve.

Over the past 60 years, we have grown to five offices serving insureds in over 40 states. We are now one of America's largest insurers of trucking companies. If your passion is to help others, you value education and continuous improvement, you enjoy participating in community activities, and you want to be valued for your contributions, come be part of our successful team.

Apply at <http://bit.ly/2yYkOjg>.

EXECUTIVE DIRECTOR

South Dakota Telecommunications Association - Pierre, SD

The South Dakota Telecommunications Association (“SDTA”) has a long and successful history of representing rural telecommunications and broadband industry interests in the State of South Dakota. SDTA and its leadership have been a voice of influence for decades on both State and Federal communications-related policy matters. The Association supports the development and adoption of public policies that allow its member companies to deploy and use the newest and best technologies and provide South Dakotans with affordable access to state-of-the-art communications services, including high-quality, high-speed broadband.

Due to a planned retirement, the Association is seeking a new Executive Director. The Executive Director will have comprehensive managerial and financial responsibilities for SDTA operations, managing all internal and out-sourced staff resources. SDTA is fortunate to have a seasoned and well-respected legislative lobbyist on staff. The Executive Director will report directly to the Association’s Board of Directors.

Our Requirements:

- A four-year degree in a public policy related field or a Juris Doctorate (JD) is preferred
- A strong set of verbal and written communications skills, and a comfort in the role of public spokesperson for an association that is active in developing State and Federal communications policy
- Experience in developing, advocating and implementing public policy reforms.
- Knowledge of the communications industry is preferred.
- A strong personal connection to the State of SD or to the Midwest.
- A leader with the passion and energy to keep SDTA and its membership at the forefront of meeting the communications and broadband needs of rural South Dakota citizens.

What this Position Offers You:

- The opportunity to lead an association that supports the development and adoption of public policies that allow its members to deploy and provide high quality, high speed broadband to the people of South Dakota.
- A career located in Pierre or the surrounding region.

- The regional area is blessed with two river reservoirs offering a variety of water recreation activities including fishing, boating, waterskiing, windsurfing, and jet skiing, and is also in the heart of one of the nation’s premier pheasant hunting regions.

- An attractive compensation and benefits package. Please forward cover letter, resume, and salary requirements to:

Consortia Consulting, c/o Dan Caldwell
16924 Frances Street, Suite 115
Omaha, NE 68130

dcaldwell@consortiaconsulting.com

telephone - 402-441-1671

Accepting applications until August 7, 2020

Equal Opportunity Employer



**DO YOU HAVE A JOB
ANNOUNCEMENT?**

Send it to
tracie.bradford@sdbar.net

August 2020

Disciplinary Board September 17-18, 2020 Lodge at Deadwood
Estate Planning CLE September 18, 2020 Virtual
Strategic Planning Retreat September 18, 2020 Virtual
Nuts & Bolts CLE November 6, 2020 TBA, Pierre
Swearing-In Ceremony November 6, 2020 Capitol Rotunda, Pierre
Bar Commission Meeting November 6, 2020 Capitol Rotunda, Pierre

For all upcoming webinars, check out the calendar on the State Bar website at
www.statebarofsouthdakota.com.