



State Bar of South Dakota

December Newsletter

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TO BE A SUPERHERO...**



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SUPERHERO IN 2018?**

#TimeForGiving



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– Cheryl Ischy, Legal Administrator
Austin, Texas



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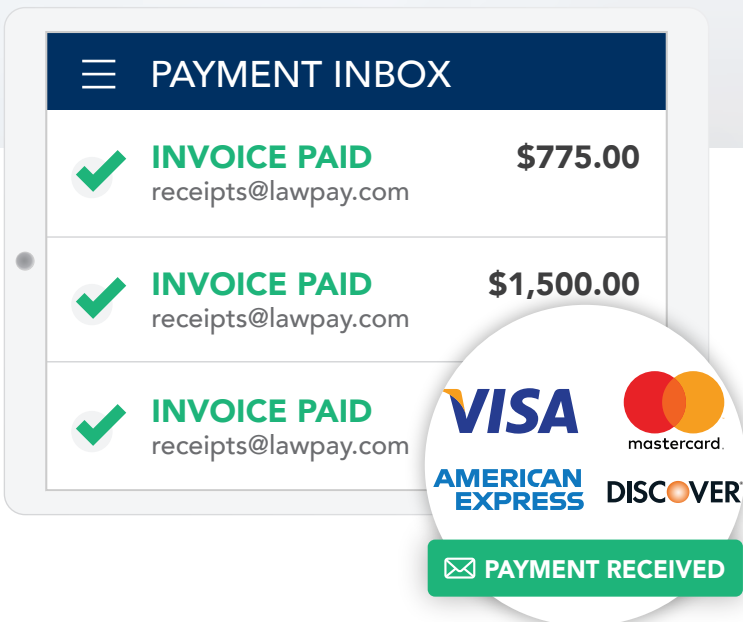
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State Bar of South Dakota

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President's Corner *Reed A. Rasmussen*



The search is on for a new dean of the USD Law School. Chief Justice Gilbertson and I are members of the Search Committee which also includes members of the Law School faculty, law students, USD leadership and others. The Committee is chaired by USD Medical School Dean Dr. Mary D. Nettleman.

Both the Chief Justice and I have received inquiries concerning the status of the search. Due to confidentiality restrictions, we cannot provide a great deal of information at this time. I can report that a large number of applications have been received. The position description may be found at <https://www.usd.edu/-/media/files/law/deanoflawschool.ashx>. The Search Committee has reviewed the applications and selected candidates for brief initial interviews, which will be conducted in December. Following that, the Committee will recommend candidates for on-campus interviews and these names will be made public. On-campus interviews are planned for January and February and will include meetings with faculty, staff,

students, members of the USD administration, the Search Committee and others. In January's newsletter, I will hopefully be able to provide further information.

Efforts to raise money for law school scholarships continue. Last month's newsletter included a report from Sara Hughes, the Director of Development for the Law School. She reported on the class fundraising challenge. As of the date of that report, the classes of 1970, 1976, 1979, 1988, and 2008 have all raised over \$5,000, with 1988 leading the way at \$7,268. The challenge ends December 31, 2018. I encourage all of you to consider donating to this worthy cause.

Congratulations and thanks to the lawyers who will be serving in the 2019 legislative session. In the House they are Ryan Cwach from Yankton, Mike Diedrich from Rapid City, Jon Hansen from Sioux Falls, Steve Haugaard from Sioux Falls and Tim Johns from Lead. Craig Kennedy from Yankton, Art Rusch from Vermillion, Lance Russell from Hot Springs and Lee Schoenbeck from Watertown are serving in the Senate. Lawyer legislatures are essential to the effective operation of the legislature. All of these individuals deserve thanks for their willingness to serve.

By now you should have received your 2019 dues statement. As part of the payment of your yearly dues, you can include a \$75 contribution to the South Dakota Bar Foundation. The Bar Foundation funds a number of worthy projects. I strongly encourage everyone who is able to do so to make that contribution.

We continue to try and encourage all eligible Bar members to sign up for the Lawyer Referral Program. Information regarding this Program is included in the Newsletter. This Program will not only be beneficial to practicing attorneys but also to the public we seek to serve.

I always enjoy humorous anecdotes involving lawyers and judges. I am involved in defending an individual in a civil matter who is incarcerated in the state penitentiary. Plaintiff's counsel recently contacted me about scheduling my client's deposition. Since a Court Order is required, he sent an e-mail to the judge assigned to the case asking the judge if there was anything in particular

the judge wanted included in such an order. The judge responded with the following: "I have no specific terms to prescribe. Although, I think it would be a good idea for counsel who will be taking the deposition to spend the night prior at the site of the deposition, so that bad weather didn't prevent attendance." I responded that I thought it would be most appropriate for plaintiff's counsel to spend a night in the penitentiary but that I would take my chances with the weather.

This month's picture is presented in the spirit of the season. I hope all of you have a Merry Christmas and take some time to get away from the office and enjoy the holiday season with friends and family.

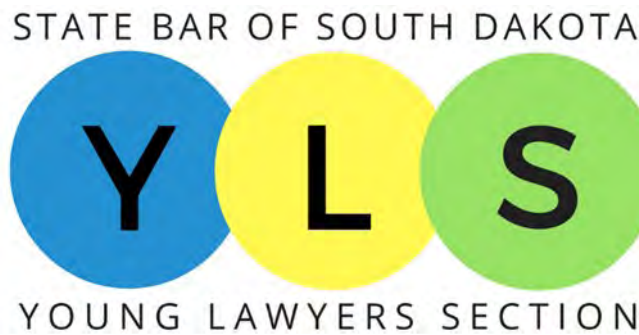


ATTENTION

DUES NOTICES WILL BE MAILED AT THE BEGINNING OF NOVEMBER

MEMBER FEES ARE DUE BY DECEMBER 31, 2018

NEW THIS YEAR!
STARTING NOVEMBER 1ST,
YOU CAN
PAY YOUR BAR DUES ONLINE AT
WWW.STATEBAROFSOUTHDAKOTA.COM



by: Tamara Nash, YLS President

Season's greetings!

The holidays seem like an appropriate time for reflection. This month I would like to reflect on the value of mentorship within our Bar. This is a topic I discuss often, but it is one which is always worth mentioning. Many take mentorship for granted, but for a young lawyer, it can be integral to their success in the legal profession.

Mentorship is one of the most important facets of our profession. It is how we share and provide information and knowledge between generations. It fosters professional growth and advancement, and most importantly, these relationships can transcend barriers and connect people whom may otherwise never find themselves connected.

The holidays are also a time for giving. More-experienced attorneys, please consider giving the gift of your knowledge to a younger attorney this year. Your experience, insight, and critiques are valuable to young attorneys individually and to the overall betterment of our profession. Please consider reaching out to the young lawyer representative in your circuit with an offer to mentor a less experienced colleague through the Hagemann Morris Young Lawyer Mentorship Coin Program (HMMCP). We are always looking for mentors to take on this important responsibility!

If you have hesitations about taking on a mentee, that's ok! Many people have questions about what the relationship should look like or what the responsibilities of a mentor are. The #SDYLS has a guidebook in place that covers these details for you. Please reach out to me if you have any questions or concerns or if you would like a copy of the guidebook! This year, consider making a resolution to learn more about how you can become a mentor to a younger, less-experienced attorney. I promise, it's easier and less work than you think.

Thank you to those who choose to take part in this process. If you have taken on the mission of mentoring a new attorney, your time and commitment is appreciated! If you are a young attorney who serves as a mentee, you are appreciated. It takes all of us to elevate the profession and make it the very best.

If you would like a mentor, please contact your circuit representative today or submit your application here: <https://www.surveymonkey.com/r/KKR8XXR>.

This holiday season, I wish you and your family joy and peace.

We encourage you to reach out to any of our Board members to voice your concerns and ideas. It is important to us that we provide you with quality programming and opportunities. Your 2018-2019 Board of Directors are:

- President- Tamara Nash (Sioux Falls)
- Vice-President – Nathan Chicoine (Rapid City)
- Secretary/Treasurer – Carrie Srstka (Pierre)
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- 5th Circuit Representative – Ryan Dell (Aberdeen)
- 6th Circuit Representative – Holly Farris (Pierre)
- 7th Circuit Representative – Kassie Shiffermiller (Rapid City)
- At Large Representative – Kelsey Knoer (Sioux Falls)
- Law Student Representative – Jenna Schweiss (Vermillion)

Kindest regards,
Tamara P. Nash



NORTHERN PLAINS WEATHER SERVICES

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

Fellows of the South Dakota Bar Foundation

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

RAISING THE BAR: OUR PROFESSION. OUR RESPONSIBILITY.

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

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Cumulative, including Pledges & Testamentary Gifts
Fred & Luella Cozad

LIFE FELLOW: \$25,000 plus -
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Frank L. Farrar

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

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

SILVER FELLOWS: \$1,000 per year

Kimberly A. Mortenson, Scott C. Moses (In memory of William J. Janklow), Timothy J. Rensch, Hon Jack Von Wald, Gregory A. Yates

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

\$10,000 PRESIDENTIAL FELLOWS

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

GOLD FELLOWS: \$5,000 -

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

YOU ARE INVITED TO JOIN!

Fellows of the South Dakota Bar Foundation

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

Full Name _____

Address _____

City _____ State _____ Zip Code _____

I would like to contribute:

in Lump Sum Annually Semi-Annually Quarterly Monthly

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- Sustaining Life Fellow – \$50,000 or more, cumulative.
- Life Fellow – \$25,000 or more, cumulative.
- Diamond Fellow – over \$10,000, cumulative.
- Platinum Fellow – \$10,000, cumulative.
- Gold Fellow – \$5,000, cumulative.
- Silver Fellow – \$1,000 per year.
- Fellow – \$500 per year.

In Memoriam

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

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

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

Credit/Debit Card Payments:

Name on Card (if different than above) _____

Address Tied to Card (if different than above):

Card Number: _____

Expiration Date: _____ CVV: _____

*Alternatively, you can call The State Bar (605-224-7554) to setup your payment(s).

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

Jason R. Sutton
Bar Commissioner

My friends and colleagues, thank you for taking the time to read the newsletter and this commissioner spotlight. The newsletter is wonderful and informative. As for my commissioner spotlight, yes, I admit these are three minutes of your life that you will never get back. I hope they are minutes well spent.

Let me start by introducing myself. I am Jason Sutton, and I am the commissioner for the Second Circuit. I am in the last year of my three-year term. I also serve as chair of the CLE Committee of the State Bar. When I am not working on bar issues, I try to practice law as a litigation partner with Boyce Law Firm, LLP. I have a diverse civil litigation practice. In my “spare time,” I enjoy spending outdoors and chasing my four children with my wife.



In writing this spotlight, I reflected on why I am involved with the State Bar. I realized it really comes down to three reasons.

First, camaraderie and collegiality. I love lawyers! We are smart, interesting, and generally likable people. The State Bar has introduced me to people throughout the state that I otherwise would have never met. Attorneys from different generations. Attorneys from different practice areas. Attorneys from different parts of the state I rarely visit. (I would say Buffalo, for example, but Commissioner

Ginsbach recently told me that he has a room to rent if I trek to Harding County deer hunting.) Simply put, meeting these folks has been a lot of fun.

I started with fun because, let’s be honest, the practice of law is hard. Someone forgot to teach me that in law school. But, knowing other lawyers makes it easier. Having a friend whom you can call for advice regarding a judge. Knowing a potential referral recommendation for a client. Talking to someone who might have run into an issue. By getting involved with the State Bar, my network has expanded immensely. In turn, this rewarding but difficult profession has gotten a little bit easier.

Second, professional development opportunities. As a private practice attorney, the economic reality is that I need to generate business and find clients. In my world, the best source of new business is referrals from other attorneys. The State Bar has introduced me to dozens of other attorneys. Some of them have been kind enough to refer clients in my direction. Those are clients and referrals I would have never received if I had just sat behind my computer instead of getting involved.

Third, and frankly the most important for me, the State Bar has given me a platform to make our profession and our state better. I did not go to law school to answer interrogatories. When I explain to my small children what I do, I do not say “take long, tedious depositions.” Yes, I do those things. But, I do those things because people have a dispute, they need help, and I help them. That is what I do. That is why most of us went to law school. Lawyers are fixers, and we help people with problems.

By getting involved in the State Bar, you have an opportunity to “fix things” on a larger scale. When I first considered running for the Bar Commission, I was told it was the “easiest job in the bar.” I will tell you that in my three years on the commission, that has not been true. We have debated serious and sometimes very contentious issues. We have

made decisions affecting resources and education opportunities for our members. We have made decision impacting the access to legal services. We have tackled real, practical problems—lack of attorneys in rural areas; concerns about decreasing number of new lawyers; and navigating the transition to a new executive director. After nearly three years, I am not sure I will leave the organization in a better place than when I started. I have sure tried though.

Which brings me to my final point. I got involved in the State Bar because someone asked. My mentor Tom Welk and past-president Pamela Reiter both asked me to get involved. Over the

years, I have heard one of the reasons people do not get involved is because no one asked them. So, I am asking you. Get involved. See what the State Bar can do for you. Join a committee. Attend a CLE (shameless self-serving plug). Attend a local bar mixer. Attend the annual meeting. Attend a Bar Commission meeting. Run for the Bar Commission. We need someone like you to carry the torch in the future. I assure you, when you look back at your career, I doubt you will say: “Gee, sure glad I spent all that time reviewing those discovery documents.” This is our legacy. You will not be disappointed, and you might just find that you actually kind of like lawyers, too!



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A2J Pro Bono Case



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Case



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access.to.justice@sdbar.net
(855)287-3510

Donations can be made to:
Access to Justice
222 E. Capitol Ave. # 3



THE JUSTICE SQUAD

2018 was a fantastic year for A2J and it would not have been possible without the generous support of our volunteers. Thank you to the following attorneys for accepting a pro bono or reduced rate case from Access to Justice, Inc. in November! Welcome to the A2J Justice Squad – this is 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. You are a **LEGAL SUPERHERO!**

And thank you to:
SCOTT MOSES
for his help answering questions on SD Free Legal Answers this month!

TERRI LEE WILLIAMS
RICHARD L. JOHNSON
JACK NICHOLS
HANNAH VELLINGA
CRAIG THOMPSON *
RUSS JANKLOW

***Indicates Mentor Attorney**



**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.**

Application for Pro Bono Emeritus Status

I, _____, an active member of the State Bar of South Dakota, do hereby apply for Pro Bono Emeritus Status, for the year 2019.

I understand that if approved, rather than pay regular dues for the year 2019, I will only be required to tender the sum of \$100 (same as inactive dues) but I will be entitled to all the rights and privileges of an active member of the State Bar.

Further, I recognize that this status means that I will be requested to take a referral from East River Legal Services, Dakota Plains Legal Services, or Access to Justice, and I am willing to accept at least one referral in the year 2019.

Finally, I acknowledge that pursuant to the Pro Bono Emeritus Status, I have retired from the active practice of law and I cannot accept private clients, cases for friends or relatives (even if no fee is charged) and that my practice is limited to such referral cases as I accept from the Legal Services Programs, Access to Justice or a non-profit specifically approved by the State Bar. In the event that I decide to accept cases other than those referred to me and which I accept, that I will tender regular active dues and withdraw from the Pro Bono Emeritus Status Program.

I understand that the Pro Bono Emeritus Status Program will provide me with professional negligence insurance limited to those referral cases of which I accept.

Dated this _____ day of _____, 20__

Signature _____

Printed Name _____

Address _____

City, State, Zip Code _____

Phone _____ Email _____



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

November 15, 2018

Andrew Fergel
State Bar of South Dakota
222 E. Capitol Avenue
Pierre, South Dakota 57501

RE: 2019 Court-Appointed Attorney Fees and Mileage

Dear Mr. Fergel:

Please publish the following announcement in the December 2018 issue of the State Bar Newsletter:

“Court-appointed attorney fees for 2019 will be \$95 per hour pursuant to UJS policy which provides that these fees increase in an amount equal to any cost of living increase approved for state employees by the Legislature. Mileage for court-appointed attorneys will be paid at the rate of \$1.00 per mile.”

If you have any additional questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Sattizahn".

Greg Sattizahn
State Court Administrator

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.

ANNOUNCEMENTS



Goosmann Law Firm
is pleased to announce that

Tyler Coverdale
has joined the firm as an Attorney.

Goosmann Law Firm
5010 S. Minnesota Ave.
Sioux Falls, SD, 57108

Telephone: (605) 371-2000

CoverdaleT@GoosmannLaw.com

Goosmann Law Firm
is pleased to announce that

Sarah Laughlin
has joined the firm as an Attorney.

Goosmann Law Firm
5010 S. Minnesota Ave.
Sioux Falls, SD, 57108

Telephone: (605) 371-2000

LaughlinS@GoosmannLaw.com

Blackburn and Stevens, Prof. L.L.C.
is pleased to announce that

Bert S. Bucher
Became an associate attorney in the firm effective
October 19th, 2018.

Blackburn and Stevens, Prof. L.L.C.
100 W. 4th St.
Yankton, SD 57078

Telephone: (605) 665-5550
Facsimile: (605) 665-3527

lawyers@iw.net

Marlow, Woodward & Huff, Prof. LLC
is pleased to announce that

Christopher N. Leon

has joined the firm as an associate attorney,
sous chef and Jedi master with all things trivia.
Welcome Chris!

Marlow, Woodward & Huff, Prof. LLC
P.O. Box 667
200 West Third Street
Yankton, SD 57078

Telephone: (605) 665-5009

chris@mwhlawyers.com
www.mwhlawyers.com

Donahoe Law Firm, P.C.
is pleased to announce that

Daniel B. Weinstein

has joined the firm as an associate attorney.

Donahoe Law Firm, P.C.
401 East 8th Street, Suite 215
Sioux Falls, SD 57103

Telephone: (605) 367-3310
Facsimile: (605) 376-3310

daniel@donahoelawfirm.com
www.donahoelawfirm.com

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CERTIFICATE OF COMPLIANCE

INSTRUCTIONS

The certificate of compliance for the year 2018 must be submitted by **January 31, 2019**.

IMPORTANT INFORMATION concerning compliance with trust accounting records and procedures, including the reporting form, appear immediately following this notice. All ACTIVE members of The State Bar of South Dakota must file the compliance form with The State Bar not later than January 31, 2019. This rule includes retired lawyers, lawyers engaged in teaching, banking, insurance, full-time government employees, etc. This reporting requirement does NOT include inactive lawyers nor does it include Judges (Federal or Unified Judicial System) who are full time and did not have private clients.

Andrew L. Fergel
Secretary-Treasurer

TRUST ACCOUNT COMPLIANCE FORM INSTRUCTIONS

Immediately following these instructions, a model form has been reproduced. The form may be modified to accommodate multiple signatures where a number of or all partners in a law firm utilize a single trust account. Please type the name of the sole practitioner or, if using a common firm trust account, the names of all lawyers utilizing the trust account. For the balance of the form, fill in the blanks, check the spaces, or leave blank or mark n/a where appropriate.

1 - check (a), (b), or (c) if applicable

2 - self explanatory (usually appropriate for inactive or retired members)

3 - self explanatory (usually exclusive or full-time corporate, legal aid, or public sector lawyer. Please identify the employer.)

3(a)- self explanatory (usually appropriate for part-time Bankruptcy trustees)

4 - self explanatory (usually appropriate for the employee or associate of a law firm who does not have trust account writing authority.) At this point, inactive, retired, full-time corporate, legal aid, or public sector lawyers, and associates without trust account check writing authority may sign the form and stop.

All others should have trust accounts and must provide the following information:

5 - state the name, address, and account number of trust account financial institution

6 - the blanks should be completed with the most recent monthly trust account reconciliation.

Keep in mind monthly reconciliations are required. For example, if this form were completed on 12-15-10, you would insert the closing date of the most recent bank statement (i.e. 11-30-10).

6(a)-(h), and 7 - type or print yes or no in space provided. If you can answer "yes" to each of these questions, you are in compliance with the Supreme Court Rule 91-10. If you must answer any of these in the negative, you need to make changes in your trust accounting system. A negative answer will result in further inquiry.

8 - This question merely requires you to confirm that a monthly reconciliation was performed and if there were errors/inconsistencies in the reconciliation, to explain same. I remind you that the effective date of this rule was July 1, 1991. It is not too late to perform the monthly reconciliations from and after July 1, 1991, through the date of completion of this form; however, monthly reconciliations must be performed prospectively.

I have heard from a number of lawyers who have said that their trust account has an odd amount, such as \$4.54, which has been in the account for ages and the client has disappeared. The compliance report should so note the amount and reason (lawyer unable to disperse the sum of \$4.54 belonging to a client because client is not able to be located).

Thereafter, if the amount remains constant (\$4.54 as in this example), no further explanation is necessary in subsequent compliance forms.

The rule does not require nor do we want the amounts held in trust, the identities of clients, or any other confidential information. If all partners in a law firm use a common trust account, one form may be submitted provided all partners sign the form. Please type your name under your signature. This will avoid nuisance phone calls or letters trying to ascertain who signed the forms.

All lawyers must submit the compliance form no later than January 31, 2019. Please submit compliance forms after reviewing your December bank statements. If you have questions, please give me a call. ALF

2018 CERTIFICATE OF COMPLIANCE

TO: The Secretary-Treasurer, The State Bar of South Dakota, 222 East Capitol Avenue, Pierre, SD 57501

Dear Sir: I/we (Please list all persons signing the form here) _____

member(s) of the State Bar of South Dakota certify that during the 12-month period preceding the date of this report: **(check the following items where applicable and/or fill in the blanks)**

1. I (we) have engaged in the private practice of law in South Dakota as:

____ (a) a sole practitioner;

____ (b) a partner or shareholder of a firm practicing under the name of _____;

____ (c) an associate of a sole practitioner or of a firm, as the case may be, practicing under the name of _____

and I maintain separate books, records and accounts showing all legal business performed by me.

____ 2. I have not engaged in the practice of law in South Dakota, and I have neither handled nor been responsible for either clients' trust funds or clients' trust property in South Dakota.

____ 3. I have practiced law in South Dakota exclusively as an employee of (designate name of government agency, corporation, or other non-member of the Bar) _____

and I do not handle or become responsible for money or property in a lawyer-client relationship, other than money or property received in the course of official duties and disposed of in accordance with regulations and practices of (designate name of government agency).

____ a. I have served as a trustee in one or more cases under Title 11 of the United States Code, and I am accountable for all funds I handled in connection therewith to the Office of the United States Trustee, which office is statutorily charged with the responsibility for reviewing and supervising my trust operations; therefore, my handling of such funds is not separately accounted for herein in connection with my private practice of law, and I further certify that I am in compliance with all such accounting requirements of said Office.

____ 4. I have engaged in the practice of law in South Dakota as an employee or as an associate of a sole practitioner or of a firm, as the case may be, practicing under the name of _____

and to the best of my knowledge all legal business performed by me is shown in the books, records and accounts of such sole practitioner or firm.

(Only lawyers checking categories 2, 3, 3a, or 4 may sign below. See instructions.)

(Signature)

Full Name (Print or Type)

Business Address

City, State, Zip

Date _____, 2019

Please state the total number of hours of pro bono service, as defined by the South Dakota Rules of Professional Conduct 6.1, that you (or the whole firm) provided in 2018. Enter 0 if none. Total Hours: _____.

Rule 6.1. Voluntary Pro Bono Publico Service

A lawyer should render public interest legal service.
A lawyer may discharge this responsibility by: (a) providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations; or (b) by service without compensation in public interest activities that improve the law, the legal system or the legal profession; or (c) by financial support for organizations that provide legal services to persons of limited means.

(Attorneys checking categories 1a, 1b, or 1c must answer the following questions. See instructions.)

5. My (our) trust account(s) or the trust account(s) of the firm or association of which I am a partner or shareholder is (are) at the (name and address of banking institution) _____

_____ (and bears the following name(s) and number(s))

6. During the fiscal period ended __ December 31, 2018 _____, to the best of my (our) knowledge I (we), or the firm of which I am a member, as the case may be, maintained books, records and accounts to record all money and trust property received and disbursed in connection with my/our practice, and as a minimum I/we maintained:

- a. A separate bank account or accounts located in *South Dakota, in the name of the lawyer or law firm and clearly labeled and designated a "trust account." _____ (Yes or No)
- b. Original or duplicate deposit slips and, in the case of currency or coin, an additional cash receipts book, clearly identifying the date and source of all trust funds received, and specific identification of the client or matter for whom the funds were received. _____ (Yes or No)
- c. Original canceled checks or copies of both sides of the original checks produced through truncation or check imaging or the equivalent, for all trust disbursements. _____ (Yes or No)
- d. Other documentary support for all disbursements and transfers from the trust account. _____ (Yes or No)
- e. A separate trust account receipts and disbursements journal, including columns for receipts, disbursements, and the account balance, disclosing the client, check number, and reason for which the funds were received, disbursed or transferred. _____ (Yes or No)
- f. A separate file or ledger, with an individual card or page for each client and matter, showing all individual receipts, disbursements and any unexpended balance. _____ (Yes or No)
- g. All bank statements for all trust accounts. _____ (Yes or No)
- h. Complete records of all funds, securities and other properties of a client coming into my/our possession, and rendered appropriate accounts to my/our clients regarding them. _____ (Yes or No)

7. During the same fiscal period identified in section 6 above, I, or the firm of which I am a member, complied with the required trust accounting procedures, and as a minimum I/we prepared monthly trust comparisons, including bank reconciliations and an annual detailed listing identifying the balance of the unexpended trust money held for each client or matter. _____ (Yes or No)

8. In connection with section 7 above, I or the firm of which I am a member, have completed the following procedures during the fiscal period herein: compared each month the total of trust liabilities and the total of each trust bank reconciliation, and there were (check one of the following)

- ____ no differences between the totals, excepting those determined to be the result of bank error;
- ____ differences. (Give full particulars below, identifying the months in which there were differences, the amounts involved, and the reason for each item contributing to a difference. Attach additional pages if necessary.)

9. a. ____ *The undersigned lawyer(s) do not have professional liability insurance; or

b. ____ The undersigned lawyer(s) have professional liability insurance, the name of the insurance carrier, policy number and limits are as follows: _____

(*An out of state member may strike "South Dakota" and insert the state where his/her trust account is located.)

10. If you are a solo practitioner, have you made arrangements with another lawyer to secure your files and trust account and protect your clients in the event of your death or disability? Yes ____ No ____*

*This is not currently a requirement, but very much encouraged. Please check out the state bar website for checklists and forms for solo practitioner planning for unexpected death or disability.

I am a member of the State Bar of South Dakota filing this report, and to the best of my knowledge and belief the facts as reported herein are accurate, and I certify that I have at all material times been in compliance with Rule 1.15 of the Rules of Professional Conduct entitled Safekeeping Property and SDCL 16-18-20.1 and 16-18-20.2. (All partners, shareholders, or associates checking categories 1a, 1b, or 1c must sign here.)

(Signatures)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

_____, 2019
Date

*Additional signature and attachment is needed if responding lawyer checked box 9(A) : The undersigned lawyer(s) not having insurance, do hereby certify that pursuant to Rule 1.4(c), I have advised my clients of the lack of professional liability insurance during the reporting period and I have attached hereto a copy of my law office letterhead disclosing the lack of insurance, in the required format, pursuant to Rule 7.5 of the Rules of Professional Responsibility.

All Responding Lawyer Signatures:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

_____, 2019
Date

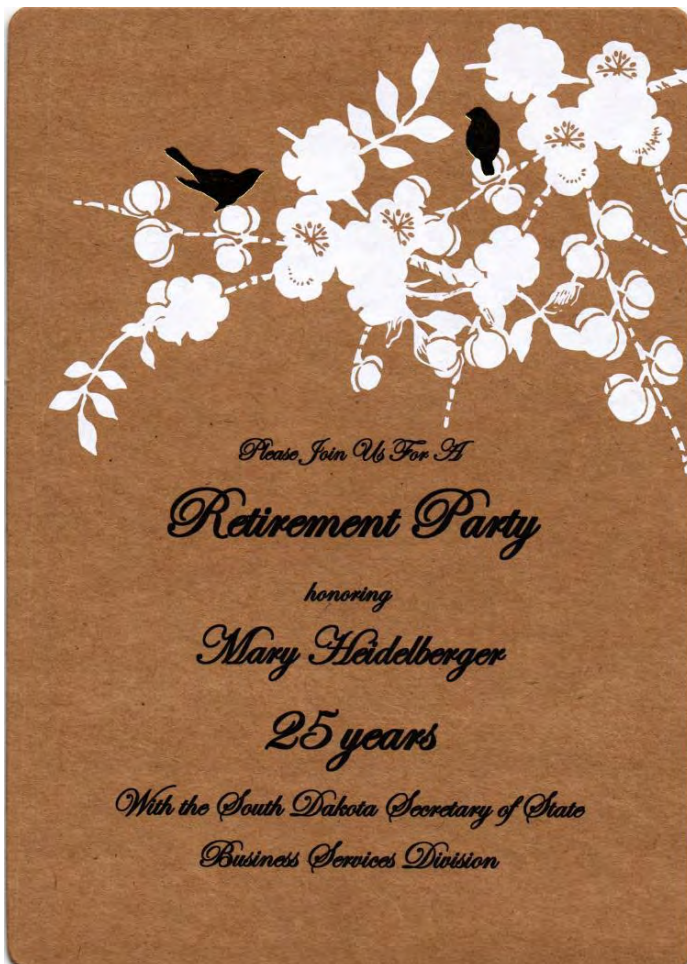
***If you checked box 9(A), you must attach a representative copy of the letterhead you used to disclose the lack of insurance to your clients.**

2018 John R. Justice Student Loan Repayment Program

Applications are being accepted until December 31st, 2018. All applications must be received or postmarked on or before this day.

Full time state prosecutors and public defenders as well as federal public defenders may qualify for John R. Justice funds. Elected officials and federal prosecutors are not eligible. Be sure to submit a copy of a recent statement for the loan you would like the award to be applied to. You may access the application form and service agreement options at the following website:

<https://atg.sd.gov/OurOffice/JohnJusticeProgram.aspx>



ADR Matters:
Facilitating Workplace Resolutions through Mediation
By Marilyn Trefz, Redwood Mediation Services, LLC

Workplace conflict is inevitable. While some problems can be resolved internally by Human Resource or Management, other issues are more effectively settled with an outside Mediator. Often, it is easier for someone on the outside to evaluate the situation from both a systems' perspective and on a personal level, than it is for an individual who is involved in the organization's everyday operations.

In particular, an outside third-party can help when dysfunctional issues have been brewing over a longer period of time, when there have been multiple violations of policies or company norms, and/or when the leadership in the company concentrates on conflict avoidance rather than solution-focused interventions. Mediated Agreements can serve as a first step to take a dysfunctional workplace to a functional one. Throughout this process, certified mediators use several important techniques.

1. **Ask Open Ended Questions.** It is critical that the Mediator bring out what is happening in the system, not just what is happening with the few parties involved in the conflict. In this way, the ultimate agreement can also assist employers in minimizing future conflicts.

A respected Employment Law Mediator, Meredith Richardson, Esq. CPC, shares a series of questions that can assist Mediators in understanding the systematic issues that need to be considered, including:

- a. What are the unspoken rules with respect to conflict in the organization?
- b. Are there certain people who are allowed to be "high maintenance"?
- c. Is the company really going to do anything about these people's behaviors?
- d. Is there any room for true discussions among those in different classifications/ranks/departments?
- e. Is there an expectation that those with lower employment classifications will do what they are told by those with classifications above?

When a Mediator is curious and open-minded, he or she will get an outsider's perspective regarding the organization and be able to help bridge gaps through agreement.

Open-ended questions are also important to understand the personal nature of the workplace issue. As the employer and employee explain their initial perspectives (sometimes provided in an opening statement), Mediators need to invite another level of understanding through questions like, "Can I ask you why that bothers you so much?" or "Why is that important to you?"

2. **Listen to Understand.** The only way to settle any dispute is to listen carefully to what the other person has to say. Through attentive listening, Mediators learn what the parties' underlying interests are by letting them tell their stories from their perspectives until they get to the point where they share the obstacles that are blocking resolution. This takes patience and active listening skills. Simple things like nodding and expressing affirming short statements such as "yes, go on" can make the speaker feel as if his or her perspective and story is welcome. In some cases, the anger that triggers an employee's desire to litigate or bring forth a grievance is really a secondary emotion for hurt or fear. By understanding the true needs and interests, "what they want and why" a Mediator determines the best way to identify shared goals and help the parties better understand each other in order to move forward.

3. **Focus on the Future.** While it is critical to allow the parties to vent about the past and evaluate what went wrong, effective workplace mediation involves an appropriately timed switch to future tense. In this regard, there is a point in the mediation where problem solving on what can be done to achieve resolution must become the focus, moving the emphasis from how things once were to a healthy working relationship with mutually agreeable, practical solutions. Mediators are trained to help the parties design desired future outcomes and solutions and assist them in the motivation to change.

4. **Be Creative.** Resolving conflict requires openness, listening, awareness and collaboration. It requires setting aside preconceived ideas. An effective Mediator enters a mediation open to possibility and encourages the parties to do the same. Mediators encourage those involved in the mediation to discuss creative solutions that meet both individual and organizational interests. The effective workplace Mediator facilitates idea exchange and incentivizes creative attempts to problem solving.



HERO

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

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.

December 2018

Official Publication of the State Bar of South Dakota

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

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

Address Changes:

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

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LAWYERS CONCERNED FOR LAWYERS LAWYERS ASSISTANCE COMMITTEE

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

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

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

Caribou Coffee Club

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

Attendance is limited to lawyers.

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

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



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

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

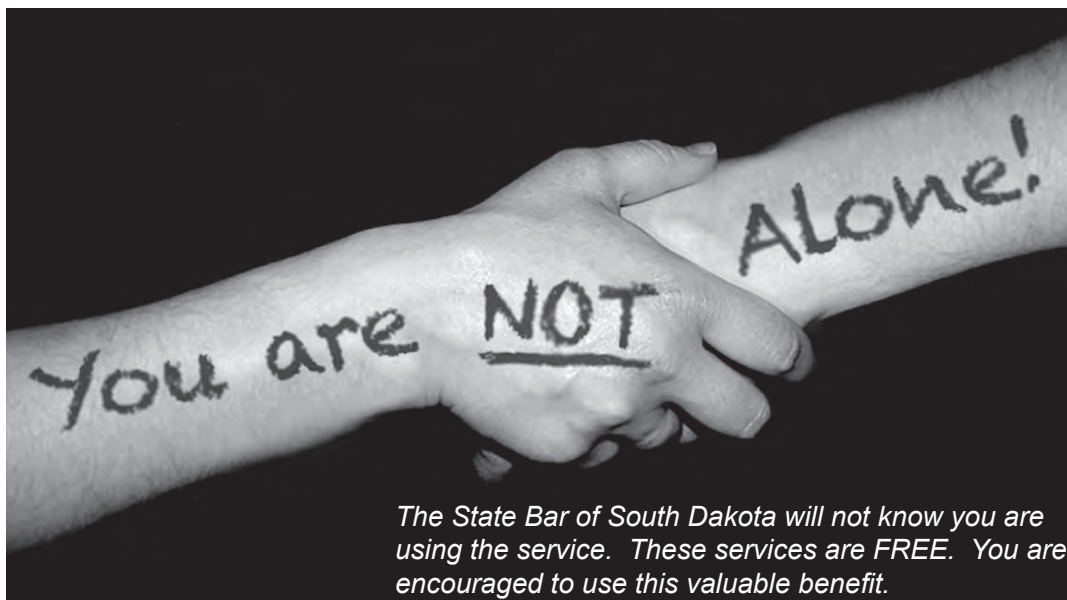
Monday-Friday, 7:30am-5pm CT

Immediate, Confidential Support

24 hours a day/7 days a week:

888-243-5744

All discussions and services are kept strictly confidential.



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

South Dakota Law Review Honors Edwin Evans

By Stacia Berg

South Dakota Law Review, Managing Editor, Volume 64

On October 26th, 2018, the South Dakota Law Review board for Volume 64 presented Edwin Evans with the 2018 Distinguished Alumnus Award, at the 13th annual Wine Review. Mr. Evans' friends and colleagues gathered at Chef Dominique's in Sioux Falls, South Dakota for conversation, dinner, wine tasting, and a celebration of Mr. Evans' contributions to the South Dakota Law Review and the South Dakota legal community. Dean Tom Geu, Carleton "Tex" Hoy, and Mark Haigh offered reminiscences and congratulatory remarks.

Edwin Evans was editor-in-chief for Volume 20 of the South Dakota Law Review. After graduating from law school in 1975, he served as a law clerk to the Honorable Albert G. Schatz (1975-1977) in the U.S. District Court for the District of Nebraska. From 1977 to 2015, he practiced at Davenport, Evans, Hurwitz & Smith. In 2016, he was a founding member of Evans, Haigh & Hinton.

Ed is a Fellow of the American College of Trial Lawyers, Fellow of the International Academy of Trial Lawyers, Fellow of the International Society of Barristers and Diplomat of the American Board of Trial Advocates. He has also served as an adjunct professor at the University of South Dakota School of Law, a faculty member of the South Dakota Trial Academy and spoken at various CLEs in South Dakota and elsewhere.

Ed has over 30 years of experience in virtually all types of civil litigation and has served as lead trial counsel in over 150 jury trials, including personal injury, wrongful death, medical negligence, professional negligence, product liability, and aviation cases.

Ed has been listed in the Best Lawyers in America® for over 25 consecutive years, in the practice areas of medical malpractice law, personal injury litigation and professional malpractice law. He has also been recognized by Chambers USA as the only star attorney in medical malpractice in South Dakota and

as a band one lawyer in commercial litigation. He is listed in Great Plains Super Lawyers as one of the top 25 attorneys in the Great Plains and in Super Lawyers Corporate Edition Counsel. He also is the managing secretary of the South Dakota Insurance Guaranty Association.

The South Dakota Law Review and the University of South Dakota School of Law are proud to have such an honorable and accomplished alumnus in Edwin Evans.

The editors and staff writers of Volume 64 thank all who attended the 2018 Wine Review to celebrate Mr. Evans. The event would not have been possible without contributions from our generous sponsors:

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South Dakota

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If you are still trying to determine value of your client's business using the "back of the napkin" style, make sure you aren't missing a step. Within the various methodologies are necessary steps to ensure an appropriate value is calculated. For example, when employing the capitalization of earnings approach it is imperative to account for average annual equipment replacement costs. If this step is missed, the calculated value might not just be overstated, it could be flat out wrong. Why take the chance of missing something?

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In Memoriam

Judge Paul James Kern

Lake Andes - Paul James Kern, 82, was born June 9, 1936 in Platte, SD and passed to his eternal home surrounded by his loving family on November 16, 2018.

Paul was born to Paul Albert Kern and Ruth Irene (Dermody)



Kern and joined his sister, Mary Ann. He lived in Lake Andes his entire life, except when he left to pursue his education at Notre Dame and the University of South Dakota where he obtained a law degree. He returned to Lake Andes to marry the love of his life, Patricia Ann McCabe, whom he was married to for 58 years. From this union was born Janine (Greg Biegler) Kern of Rapid City, Ruth Kern-Scott of Beresford, Paul (Tracy) Kern of Brandon, and Frank (Johna) Kern of Canton. Paul joined his father in his law practice in 1961, serving as Charles Mix County States Attorney for several years and on many boards and committees. He served as a judge from 1972 until his retirement in 1995.

Paul loved his hometown and was proud to tell that he never missed a Fish Days celebration in his 82 years. He was an avid outdoorsman and loved fishing, hunting, and golfing, often participating in all of these hobbies in a single day. His family and friends joined Paul on countless adventures and our lives are forever richer for it.

Paul was an optimist and always saw the good in others and made everyone feel as though they were his best friend -because they were. He loved his grandchildren Madeleine, Olivia and Paul and he was extremely proud of their accomplishments, their gifts and their beauty. Paul was active in his Catholic faith and was a Third Degree Knight of Columbus for over 60 years. He instilled a strong faith life in his family. Paul lived by a simple code: Be Kind. Do Good. Help Others. Save your Soul.

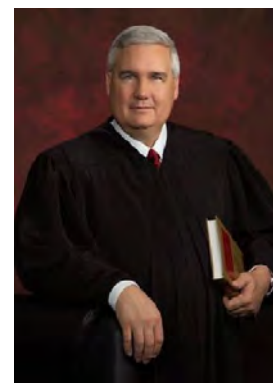
Larry Lovrien

Aberdeen: Larry Howard Lovrien, 67, Aberdeen SD, long-time judge and public servant, was called home to be with our Lord, on October 31, 2018.

A Celebration of Larry's life will be 11:00am, Monday, November 5, 2018, at First United

Methodist Church, Aberdeen, with Pastors Eldon Reich and Derek Baum officiating. Burial at Riverside Cemetery.

Visitation will be 2:00-6:00pm, Sunday, with family present from 4:00-6:00pm at Spitzer-Miller Funeral Home.



Larry Howard Lovrien was born on July 21, 1951 to Howard and JoAnne (Scheyli) Lovrien in Oak Park, Illinois. The family later moved to Aberdeen, and Larry graduated from Aberdeen Central High School in 1969.

After high school, Larry attended the University of South Dakota, where he eventually received a Bachelors, Masters and Juris Doctorate degree. While in law school, he met Julie Tellinghuisen, and they were married in 1976.

After serving as a deputy Brown County State's Attorney, Larry was appointed to be a Magistrate Judge in 1977. He was then elected by the voters of the 5th Circuit to be a Circuit Court Judge in 1990 and reelected by the voters in 1998. In 2006, after 29-years on the bench, Larry retired and began teaching full-time at Presentation College in Aberdeen. During his time there, he served as the Chair of the Department of Business and most recently was teaching business and criminal justice courses. His students loved his classes because of his story-telling ability, as he was able to bring real-world examples into the subjects being taught.

In 2010, Larry was elected by the voters to serve as a Director of the James River Water Development District. In 2012, the voters of Brown County elected Larry as the State's Attorney; a position he held until 2016. He was currently seeking a seat on the Brown County Commission.

Larry had a passion for soccer and was actively involved in the youth soccer program for over 25-years, serving at the local, state and national level. Larry was an Assistant Coach for the Aberdeen Central Boys' Soccer team, serving as a mentor and role model for hundreds of boys who played for Aberdeen Central. Larry was also an active member of Aberdeen First United Methodist Church serving faithfully for over 40-years on various boards, committees and Bible studies.

Larry devoted his life to public service and community involvement in the hopes of making our community a better place to live.

Larry and Julie raised three children - Marshall, Bradley and Katelynn - his pride and joy. His most cherished role, however, was playing "Grandpa Larry" to his 9 grandchildren. He loved spending time with his family and traveling with them, particularly to Lake Darling in Alexandria, Minnesota and Walt Disney World. Of all the lessons he taught his children and grandchildren, the most important one was that they each have a personal relationship with Jesus Christ.

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BOARD OF BAR COMMISSIONERS

Minutes, October 19, 2018

Red Rossa, Pierre, South Dakota

President Reed Rasmussen called the meeting to order at 8:15 a.m. on Friday, October 19, 2018, in Pierre, South Dakota. Present in Pierre were Rasmussen, Commissioners, Ginsbach, Hopper, Hruska, Pilcher, Sutton, Williams (Jennifer), Wurgler, and Secretary-Treasurer Andrew Fergel. President-Elect Huff and Commissioner Willert appeared at the meeting by telephone. Also, present during part or all of the meeting were Strategic Plan Coordinator/A2J Co-Coordinator Elizabeth Overmoe, A2J Co-Coordinator Denise Langley, Young Lawyer Section President, Tamara Nash, Ethics Committee Chair, Neil Fulton (appeared by telephone), and contract lobbyists Lindsey Riter-Rapp and Margo Northup from the Riter Rogers Law Firm.

Minutes of August 2018 and September 2018 Commission Meetings by Teleconference: Commissioner Sutton moved to approve the meeting minutes of the Board's August 2018 and September 2018 meetings held by teleconference. Commissioner Hopper seconded the motion. Motion passed.

Ratify Approval of July 2018 Board of Bar Commission Meeting Minutes: Commissioner Jennifer Williams made a motion to ratify the July 2018 meeting minutes previously approved by email vote, seconded by Commissioner Ginsbach. Motion passed.

Financial Report: Secretary-Treasurer Fergel updated the Board on the state of the Bar's finances using a short PowerPoint presentation. After the presentation, Commissioner Sutton moved to approve the financial report. The motion was seconded by Commissioner Hopper. Motion passed.

Young Lawyers Section Report: Young Lawyer Section President Tamara Nash presented the report of the Young Lawyers Section. Ms. Nash presented on the Section's member service programs and its plans and activities associated with the Hagemann-Morris Young Lawyer Mentorship Coin Program, mentorship mixers, the statewide swearing-in ceremony, the Nuts and Bolts CLE, ABA Young Lawyers Division, and Young Lawyers Bootcamp to be held on March 1, 2019. Ms. Nash also briefly updated the Board on the Section's public service programs including the Section's work with Veterans Legal Service Clinics, Project Destination, and community outreach.

Access to Justice Report: Denise Langley, Access to Justice Co-Coordinator provided a report to the Board concerning Access to Justice, Inc. that included the following:

1. That for calendar year 2018, 76 cases were closed, and 96 cases were opened as of October 15, 2018;
2. As of October 15, 2018, South Dakota attorneys have provided over 712 pro bono hours of legal services that reflect a total value of over \$155,000.00; and
3. In honor of the ABA 2018 National Celebration of Pro Bono (October 21-27, 2018), A2J will be mailing out 184 A2J Pro Bono Service Award certificates to attorneys that have accepted a case through A2J. The certificates will be sent to attorneys that accepted an A2J case between 2017-2018.

During the meeting, President Rasmussen and Executive Director Fergel presented A2J Pro Bono Service Award certificates to Commissioners Hopper, Hruska and Sutton for having accepted an A2J Pro Bono case. After Ms. Langley's report, Elizabeth Overmoe gave a short update on the Free Legal Answers program.

Strategic Plan Update: Strategic Plan Coordinator Elizabeth Overmoe provided the Board with an update on the work that had been done by Bar staff and Bar members, during the first quarter of the Bar's fiscal year, related to the vision and goals stated in the current strategic plan. Ms. Overmoe also informed the Board that the strategic plan will be entirely revised during FY 2018-2019.

Vehicle Use Policy: A draft vehicle use policy concerning the use of SBSB owned vehicles and the use of personal vehicles for State Bar business was reviewed by the Board. After a short discussion Commissioner Wurgler moved to adopt the Vehicle Use Policy as presented. President-Elect Huff seconded the motion. Motion passed.

Membership Dues: The Board held a short discussion about the lack of timely submission of dues by a significant number of the Bar's active and inactive members. It was noted that under the current By-Laws of the State Bar of South Dakota a member is automatically suspended from membership in the State Bar if that member does not pay membership fees when due. President Rasmussen stated that he would address the issue in his next President's Corner article in the Bar Newsletter. No other action was taken on the issue.

Diversity and Inclusion Award: Tamara Nash, a member of the Lawyers Committee on Diversity and Inclusion, reported on the committee's plans to annually present a Diversity and Inclusion Award at the LCDI's annual meeting in June. She reported that the purpose of the award is to recognize members of the State Bar of South Dakota that actively promote diversity and inclusion in the legal profession. Look for an invitation for nominations for the award in the State Bar Newsletter every year in early spring.

Rule 8.4 of the South Dakota Rules of Professional Conduct: Neil Fulton, Chair of the Ethics Committee of the State Bar of South Dakota, presented three different alternatives drafted by the Ethics Committee for the Board to consider if it elects to propose an amendment to the rule to the membership. After a lengthy discussion a motion was made by Commissioner Pilcher to cease consideration of changing rule 8.4 at this time. The motion was seconded by Commissioner Wurgler. Motion failed. No alternative motion was made concerning the rule.

2019 Legislative Session: A short discussion was held by the Board about whether a select Legislative Committee of the Board could be appointed by President Rasmussen to give direction during session on how the Bar's lobbyists should proceed on certain matters where a quick decision is needed. After the discussion it was the consensus of the Board that the By-Laws probably prohibited the appointment of such a committee. The Board then considered whether it would again pursue legislation in 2019 to provide an appropriation to the Equal Access to Our Courts Commission for the purpose of funding legal services. After discussion, Commissioner Pilcher moved that the Bar pursue the passage of a bill identical to HB 1245 presented during South Dakota's 2018 Legislative Session. The motion was seconded by Commissioner Sutton. Motion passed.

Website Update: State Bar Office Manager, Nicole Ogan, gave an update on and short demonstration of the changes the staff has made to the State Bar's Website as a result of the work and direction given by the Website Committee. She reported that work is still being done on the website to implement some changes. She stated that if members have any trouble navigating the redesigned website that the staff is ready and willing to take calls to help members find what they need.

Amended By-Laws: Executive Director Fergel reported that Supreme Court has noticed that it will hold a Supreme Court Rules Hearing on February 20, 2019 at 11:00 AM and that the Amended By-Laws approved by the membership at the last annual meeting need to be submitted and filed with the Supreme Court on or before November 26, 2018.

Lawyer Referral Service Report: Executive Director Fergel updated the Board on the State Bar's new on-line Lawyer Referral Service Program. Executive Director Fergel reported that lawyers are continuing to sign up to participate in the program but that more participation is needed, especially from lawyers in central and western South Dakota. Fergel also reported that lawyers are needed for the Indian Law panel and the Housing and Apartment panel. Once certain markers are met the Lawyer Referral Service Committee will implement a marketing plan to promote the Service to the public.

Bar Membership List: The Board discussed whether the Bar membership list should be sold to nonmembers at any time. After discussion, Commissioner Sutton

moved that it be the policy of the State Bar of South Dakota to not distribute or sell the membership list to nonmembers. The motion was seconded by Commissioner Ginsbach. Motion passed.

April 2019 Board Meeting: It was announced that the April meeting of the Board of Bar Commissioners would be held in Rapid City on April 11, 2019.

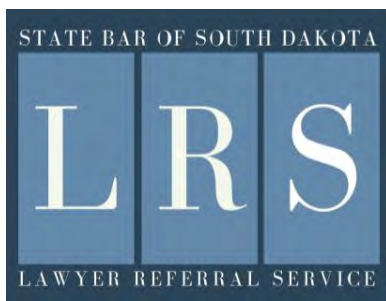
April 2019 CLE: It was announced that the State Bar of South Dakota will hold a CLE on April 12, 2019, in Rapid City. Look for an announcement on the topics to be presented in upcoming newsletters.

There being no further business, President Rasmussen adjourned the meeting.

Respectfully submitted,

Andrew L. Fergel
Secretary-Treasurer





South Dakota Lawyer Referral Service ENROLLMENT AGREEMENT

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

Or pay online at: www.findalawyerinsd.com

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

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

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

Name: _____
(Signature)
(Print or Type)

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



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

BANKRUPTCY

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

BENEFITS & ADMINISTRATION

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

BUSINESS

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

CONSUMER & DEBT

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

CRIMINAL

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

DISPUTE RESOLUTION

- Arbitration
- Mediation

EDUCATION

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

EMPLOYMENT

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

FAMILY

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

HOUSING & APARTMENT

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

IMMIGRATION

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

INDIAN LAW

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

INSURANCE

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

INTELLECTUAL PROPERTY

- Copyrights
- Patents
- Trademarks

LOBBYING

- Federal
- State

PERSONAL INJURY & RIGHTS VIOLATIONS

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

REAL ESTATE

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

TAX

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

WILLS, TRUSTS, ELDER

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

WORKERS COMPENSATION

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

IS THE LAWYER REFERRAL SERVICE RIGHT FOR ME?

LRS Committee

Are you looking for new clients? If so, the Lawyer Referral Service is right for you! The Lawyer Referral Service is not a free or reduced-fee legal service program. We are simply the right website for clients to find the right lawyer.

In the past, potential clients seeking legal representation were encouraged to call the State Bar Office for a referral. We have replaced that outdated system. Now, potential clients will be directed to our new website at www.findalawyerinsd.com.

Since launching the website in late June, thirty-two lawyers have enrolled. And while we have not yet released our public media campaign (this is coming soon), potential clients are already using our website and have been matched with enrolled lawyers in their area.

Ready to give it a try? Enrolling is easy:

- Send your completed enrollment form to the State Bar Office along with a \$50 payment for the annual service fee
- Create your referral profile on our website at www.findalawyerinsd.com
- Choose up to three practice panels, and an unlimited number of subpanels within your practice panel group (additional practice panels may be added for \$20 per panel)
- Begin receiving matches in your area

Enrollment in the Lawyer Referral Service is a great way to grow your practice, help potential clients seeking legal representation, and support the mission of the State Bar.



www.findalawyerinsd.com

Try Not To Be a Patsy, Seriously.

Mark Bassingthwaighe, Esq.

mbass@alpsnet.com

I'm not sure why, but I've always had a fondness for the word patsy. While the word doesn't seem to be in wide use anymore, I personally believe the time for its resurgence has arrived given its meaning. Think about it. A patsy is a person who is easily taken advantage of, especially by being cheated or blamed for something. So, for example, when I look at how successful social engineering as a cybercrime tool is these days, it certainly seems like there are a lot of patsies out there. Here are a few stories that further explain why I feel the way I do.

In two separate claims here at ALPS, the attorneys being sued basically allowed their clients to independently negotiate a deal with their respective opposing party. Apparently both attorneys ran with an assumption that all parties were sophisticated enough to do so. Making matters worse, throughout both negotiations these two attorneys also allowed themselves to be the conduit for the exchange of email and documents between the parties, all of which were never reviewed or commented upon. In fact, in one of these matters the client actually signed a document admitting to fraud done with the hope of being able to extend loan payments! Of course, both of these situations ended badly for the clients and both clients blamed their respective attorneys for the fallout. To me, this is another one of those "How in the world?????" situations. I just don't get it. All I can say is the word patsy fits.

Want more? A lawyer is handling a real estate transaction and is well aware of the parties, the banks involved, etc. This lawyer confirmed the wiring instructions with her client a day or so prior to the actual closing. Unfortunately and unbeknownst to anyone, the email account of this lawyer's client had been hacked. Someone had been monitoring the email exchange for who knows how long. On the day of the closing, this lawyer received an email purportedly from her client with new wiring instructions. The lawyer never noticed that the email address was off by one letter and

she never questioned the change. The "updated" wiring instructions were simply passed along to this lawyer's paralegal. Shortly thereafter, roughly \$800,000 ended up in the hands of the wrong person and those funds were never recovered. Again, I can understand how some might miss the spoofed email; but to never question the last minute change in wiring instructions? Situations like this baffle me. Another patsy? You bet.

My final story involves a lawyer who was retained to prepare a deed for a real estate transaction, which again, was negotiated and finalized by his client. In short, several hundred acres in farmland were being transferred with the client retaining 50% of the wind lease/royalty rights should an electric generating wind tower ever be erected on the property. To the attorney this appeared to be a simple matter and a fast 50 bucks. Unfortunately this lawyer never bothered to review the deal and determine if it was possible to reserve or retain wind rights in that particular jurisdiction. It wasn't. So what we have here is a "Hey, I'll give you a quick \$50 and all you have to do is draft a deed!" situation. Easy money? I don't think so. Easy for the lawyer to be taken advantage of and blamed for any fallout? Of course. Patsy.

Please don't misunderstand me. I am not trying to be derogatory by referring to the above-mentioned attorneys as patsies. As I see it, however, the decisions they made during the course of representation placed each of them in a position where each could be easily taken advantage of, especially by being cheated or blamed for something. Patsy is an appropriate descriptor.

I will never know what these attorneys were actually thinking at the time or why they did what they did; but I can certainly make a few guesses. Perhaps it was a busy day or their overall workloads were too demanding to allow them to do more than they did. Perhaps they were just tired and didn't see the

need. After all, all the other times they made similar decisions things worked out just fine. Perhaps these clients were good folk, people the attorneys knew well and trusted and the attorneys just never saw it coming.

That said, as attorneys we often burn the candle at both ends. Trying to keep up in our personal and professional lives can be a real challenge at times. Unfortunately however, when one is tired, stressed, overworked or even bored, it can become too easy to let your guard down and be trusting of everyone and everything, particularly if it saves a little of that precious commodity, time. Let that happen and now you become an easy target. That's when you risk becoming a patsy.

Clearly it takes extra time and energy to try to avoid becoming a patsy, particularly in your professional life; but that's where the time and effort is most called for because as the spoofed email story above underscores, sometimes other people can be seriously harmed when you let your guard down. Remember, as an attorney you are in someone else's employ. Your clients expect you to look out for them, to protect their interests, to advise them as to the legal ramifications of all that's going on just as you would if the roles were reversed.

Look, I'll be the first to admit that I've been taken advantage of and even scammed before. Yes, I've been a patsy. We all are at times. I've been taken off guard and at other times I simply let my guard down. Whenever that happened, however, I took those lessons to heart and became the better for it. Honestly, my hope for the attorneys referenced above is that they responded similarly. Hopefully you can learn something from their stories too because being a patsy rarely turns out well.



ALPS Risk Manager Mark Bassingthwaite, Esq. has conducted over 1,000 law firm risk management assessment visits, presented numerous continuing legal education seminars throughout the United States, and written extensively on risk management and technology. Check out Mark's recent seminars to

assist you with your solo practice by visiting our on-demand CLE library at alps.inreachce.com. Mark can be contacted at: mbass@alpsnet.com.

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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.

CAREER CENTER

CLASSIFIEDS Contact | Email your employment announcement to tracie.bradford@sdbar.net by December 23rd to have it included in the January newsletter. Please be sure to include a closing date. To see more jobs listings, visit www.statebarofsouthdakota.com.

ATTORNEYS

Deputy/Senior Deputy Public Defender: Sioux Falls

Seeking compassionate lawyer with excellent advocacy skills who is committed to ensuring justice, humanity, and equality to indigent clients appearing in the criminal and juvenile justice system. Will defend clients charged with misdemeanor and felony offenses, involuntary commitment proceedings for mental illness or chemical abuse, abuse and neglect proceedings, and juvenile delinquency matters. Requires graduation from 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. The 2019 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>. Review of applications begins November 30, 2018. EO/AA Employer. Contact HR with questions at 605-367-4337.

Associate Position: Sioux Falls

Legacy Law Firm, P.C. is seeking an estate planning and elder law associate to add to our team. One or more years of experience is preferred, along with strong academic credentials and excellent communication skills. Qualified applicants interested in this opportunity should send a cover letter and

resume to Felan Link at felan@legacylawfirm.com. All applications will be kept confidential. For more information, visit our website www.LegacyLawFirmPC.com.

Litigation Associate: Sioux Falls

Boyce Law Firm in Sioux Falls, South Dakota is accepting applications for a litigation associate position. We are looking for candidates with experience levels ranging from newly licensed lawyers to those with up to five years of experience. We look for candidates with solid academic backgrounds and good writing and communication skills. The position offers competitive salary, a generous retirement plan, health benefits, and an upbeat, collegial, and positive work environment. Only candidates seeking a long-term employment opportunity will be considered. If you want to see our past, present and future vision, visit our website at www.boycelaw.com and visit our "news" link. Please send a cover letter, resume, and law school transcript to Boyce Law Firm, L.L.P. – Attn: Thomas J. Welk – P.O. Box 5015 – Sioux Falls, SD 57117-5105; or email to him at tjwelk@boycelaw.com.

Estate Planning Attorney: Sioux Falls

Lynn, Jackson, Shultz & Lebrun, PC, is a progressive and unique full-service law firm with three offices in South Dakota, serving clients locally, regionally, and nationally. Our Sioux Falls office is seeking to add an attorney to its expanding Estate Planning/Trust group. Our Firm's estate planning and trust attorneys draft wills, trusts, powers of attorney, asset protection plans and transition plans for businesses. In addition, attorneys in our Estate Planning group assist clients with guardianships, conservatorships, probates, and trust administration. As part of our Trust group, our attorneys assist clients in creating, modifying and reforming a variety of trusts. The ideal candidate for this position need not have experience

in these areas, but must be a problem solver and detail-oriented, and must possess a willingness to learn quickly, take direction, and talk with and counsel clients. Candidates for this position must possess excellent written and verbal communication skills, and must be licensed in South Dakota or willing to sit for the next South Dakota bar exam. Lynn, Jackson offers a competitive salary, as well as an excellent benefit package, and our attorneys are provided with the latest in technology and continuing education to assist in their practice area. All applications will be confidential and should be directed to Eric Kerkvliet, 110 N. Minnesota Avenue, Suite 400, Sioux Falls, South Dakota 57104 or ekerkvliet@lynnjackson.com.

Associate Attorney: Rapid City

Grey & Eisenbraun Law, Prof. LLC, is now accepting applications for an associate attorney. This position is ideal for an attorney with a strong interest in federal and state criminal litigation. The firm engages in a statewide practice involving major trial work; therefore, some travel is necessary. Salary is dependent upon experience, profit sharing may be available for more experienced candidates. A partnership track is also available. Interested applicants should email a cover letter, resume and writing sample to andrea@greyeisenbraunlaw.com. All inquires will be kept strictly confidential.

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 <http://bhr.sd.gov/workforus/workbenefits.aspx>

Apply at: <http://tinyurl.com/yaqb8327>. "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.

Deputy/Senior Deputy State's Attorney: Sioux Falls

The Minnehaha County State's Attorney's Office is looking for a 2 prosecutors to join our top performing team of attorneys in early 2019. Supported by experienced investigators, victim/witness assistants, paralegals, and legal office assistants, our attorneys enjoy a strong sense of camaraderie working in a think tank of legal minds. Incumbents will perform professional legal work on behalf of Minnehaha County in civil and criminal court and administrative proceedings. Requires graduation from law school, JD degree, and admission by Supreme Court of SD to practice law; or out of state license & eligible to sit for next SD bar exam. Appointment at Senior level requires 2+ yrs of relevant experience. 5yrs complex felony prosecution, jury trial, and civil litigation experience preferred. 2019 hiring range: \$2,603.20 - \$2,667.20/bi-weekly; Senior level, \$2,735.20 - \$3,093.60/bi-weekly with full earning potential to \$3,768.80/bi-weekly. Minnehaha County offers health, dental, vision and life insurance, a generous paid time off program, extended sick leave, retirement, and an employee assistance program.

For a full list of qualifications and the application process visit: <http://jobs.minnehahacounty.org>.

Posting will remain open until positions are filled.

Review of applications will begin October 19, 2018.

Contact HR with questions at 605-367-4337. EO/AA Employer.

Associate Attorney: Sioux City, IA

Rawlings, Ellwanger, Mohrhauser, Nelson & Roe, L.L.P., an established "AV" rated law firm in Sioux City is seeking to hire an attorney to work in the areas of business, real estate, probate and estate planning. Candidates will be organized and possess excellent writing and oral skills. We offer competitive salary, 401(k), health insurance, CLE and bar dues. Membership in Nebraska and/or South Dakota bars a plus. Confidential inquiries, including resume, should be sent to Kathleen Roe, 522 4th Street, Suite 300, Sioux City, Iowa, 51101, or kroe@rawlings-law.com.

Associate Attorney: Aberdeen

Richardson, Wyly, Wise, Sauck & Hieb, LLP, Aberdeen, SD is seeking to hire an associate attorney with 1-5 years of experience. An ideal candidate will possess strong oral and written skills as well as courtroom experience. Confidential inquiries, including resume, cover letter, and academic transcript, should be sent to Stacy M. Johnson, Richardson, Wyly, Wise, Sauck and Hieb, LLP, P.O. Box 1030, Aberdeen, SD 57402-1030 or sjohnson@rwwsh.com.

LEGAL ASSISTANT

Legal Assistance/Secretary or Paralegal: Sioux Falls

Ronke Law, PLLC is currently seeking a Legal Assistant/Secretary or a Paralegal with Bankruptcy experience who is highly motivated, friendly, has great attention to detail, and is a quick learner. Duties include fielding telephone calls, greeting and working directly with clients, word processing, data entry and filing, along with much more. Extensive computer and software skills, internet research abilities and strong communication skills are required. Preference will be given to a candidate that has experience working in a Bankruptcy law firm setting. This position will begin in January 2019.

Pay based on experience. Please email cover letter, resume and salary requirements to wendy@ronkelaw.com.

Job type: Part-Time, approx. 28 hours per week, with the possibility of transitioning to Full-Time.

Legal Assistant: Custer

This Legal Assistant position is for a dynamic person hoping to join a growing Custer law Firm. We are looking to fill the position with a talented individual with ambition and passion for the legal field. Experience in a legal setting preferred, but we are willing to train the right person!

Qualified candidates must be able to multi-task and have a do all attitude and be willing to learn new things and take on new responsibilities as they arise. Candidates should have excellent written and verbal communication skills along with strong attention to detail and organization. Additionally, candidates should have strong Microsoft Office; Word, Excel and Outlook skills along with a typing speed of 65+ wpm. Accounting knowledge also preferred with a working knowledge of QuickBooks a plus.

Major responsibilities – assist attorney in all aspects of running and maintaining a successful law firm, answer the phone and interact with clients, other attorneys, and the court, maintain calendar by planning and scheduling client interactions and court dates, maintain billing sheets and draft invoices, maintain company accounting and work with the firm's accountant in maintaining the books, file monthly state sales tax, learn and employ specialized knowledge of legal procedures, draft, edit, and efile various legal documents, aid attorney in the resolution of files in an effective and efficient manner.

This is a full-time year-round position and we are looking for someone work and grow with us for years to come. Salary doe. To apply, stop by 428 Mt. Rushmore Rd., Custer, SD 57730 and fill out an application and submit it along with a resume or mail to the address above or email your resume to garlandgoff@custerattorney.com

PARALEGAL

Paralegal Position: Sioux Falls

Legacy Law Firm, P.C. is seeking a paralegal to add to our team. One or more years of experience is preferred, along with strong academic credentials and excellent communication skills. Qualified applicants interested in this opportunity should send a cover letter and resume to Felan Link at felan@legacylaw-firmpc.com. All applications will be kept confidential. For more information, visit our website www.Legacy-LawFirmPC.com.



When I took the oath of office in January 2015, I was taking on an office that was a failing bureaucracy with no accountability. Business filings were over 6 weeks behind and UCC filings were over 80 days behind, among other areas in disarray.

I had to put an action plan together quickly to turn the office around and regain the trust that the Secretary of State's office demands.

As my term ends this year, I wanted to share with you the long list of projects that were completed and how we turned the office around in the short time I was here. I think the best way to recap is to highlight just a few areas.

My priority was to upgrade the Business and Uniform Commercial Code online filing systems so that customers could file documents instantaneously. I oversaw the project development and implementation of an IT platform for the entire office that included financial, reporting and records management where five new systems were established - UCC, business transactions, DBA filings, notary commissions and lobbyist registrations. In addition, the pistol permit credentialing system was created to link the county sheriffs into the application process.

We filed over 79,000 active businesses in FY2018, which ended in June 2018. This number is an all-time high, compared to FY2012 during which the office filed 49,660 active businesses.

The ease of our new online business filing system hit another filing record in new businesses formed in FY2018, totaling 8,864, compared to 6,415 new businesses formed in FY2012. UCC filings totaled 55,646 for FY2018 in the new system. With the implementation of the new online filing system over 90% of all business transactions are filed utilizing the new system compared to having to file everything by paper just a few years ago, which held up day to day business activities.

I have made a concerted effort to make sure that more information is easily accessible on the website. For example, Executive Proclamations are now available to the public dating back to 1903. For those of you utilizing the new online business filing system, you may have noticed that there are more documents readily available going back over 25 years. Over 5.3 million business documents, not previously available, have been uploaded and are now viewable on the business/UCC filing sites.

I upgraded the concealed carry permit issued from our office to a more official looking permit. South Dakota now has over 100,000 active concealed carry permit holders in the state compared to 87,655 active permit holders in 2016.

I focused on registering more voters. My Value the Vote tour has led me to high schools, universities and service organizations across the state. Since taking office, voter registration has grown by almost 25,000 new registered voters to a total of over 545,000 registered voters in the state of South Dakota. There were 18 ballot questions submitted these last few election cycles requiring our office to review nearly 546,000 signatures to determine if the measure would be on the ballot. Cybersecurity procedures & database protection statutes have been tightened during my term.

I implemented a Zero-Based budgeting operation to run at the speed of business, not at the speed of government. This format allowed me to revert (money not spent) \$69,000 back to the state general

fund. In the last two fiscal years, I have requested budget cuts of over \$174,000, all while growing revenue by nearly \$2 million more to the state's general fund to the tune of \$7.5 million in FY2017. I established tighter internal controls procedures at the very beginning of my term that withstood a federal audit.

I have always said that a good leader surrounds herself with even better people and that is what I have in my team.

Thank you for giving me this opportunity to serve you.

Shantel Krebs
South Dakota Secretary of State

Registration – 9:30 am, Program – 10 am

Ramkota Hotel, Rapid City

this CLE is free to all active bar members – all others, cost is \$100

- 10:00 a.m. Introductions
- 10:10 a.m. Best Practices: Representing the Parent in A&N Cases – Jeanette Pitts, Public Defender's Office
- 10:50 a.m. Best Practices: Representing the Child in A&N Cases – Dana Hanna, Hanna Law Office
- 10:50 a.m. CPS's Role in A&N Cases – Lisa Fleming, DSS
- 11:30 a.m. Lunch – Sponsored by CLE Committee – Q&A Program During Lunch
- 1:00 p.m. Pediatric Forensic Interviewer: Working with Traumatized Children in the Court Room – Brandi Tonkel, Children's Home Society
- 1:40 p.m. Break
- 1:50 p.m. Panel Discussion: Best Practices | FQA for A&N Manual - Hon. Patty DeVaney, 6thCircuit; Hon. Robert Gusinsky, 7th Circuit; Lisa Fleming, Brandi Tonkel
- 3:00 p.m. Representing Juvenile Defense – Joanna Lawler, Public Defender's Office

Register online www.statebarofsouthdakota.com

Carrie Sanderson & Tara Adamski, Co-Chairs



The State Bar of South Dakota, and The Committee on Continuing Legal Education Present:

Juvenile Law





December

2018

Juvenile Law CLE.....	December 7.....	Ramkota, Rapid City
Bar Commission Meeting.....	January 4.....	Dakota Event Center, Aberdeen
Disciplinary Board.....	January 10-11.....	Drifters, Ft. Pierre
YLS BootCamp.....	March 1.....	Rapid City & Sioux Falls
Disciplinary Board.....	April 4-5.....	Clubhouse, Sioux Falls
Bar Commission Meeting.....	April 11.....	Ramkota, Rapid City
CLE TBA.....	April 12.....	Ramkota, Rapid City
Strategic Planning Meeting.....	May 9-10.....	Sioux Falls

