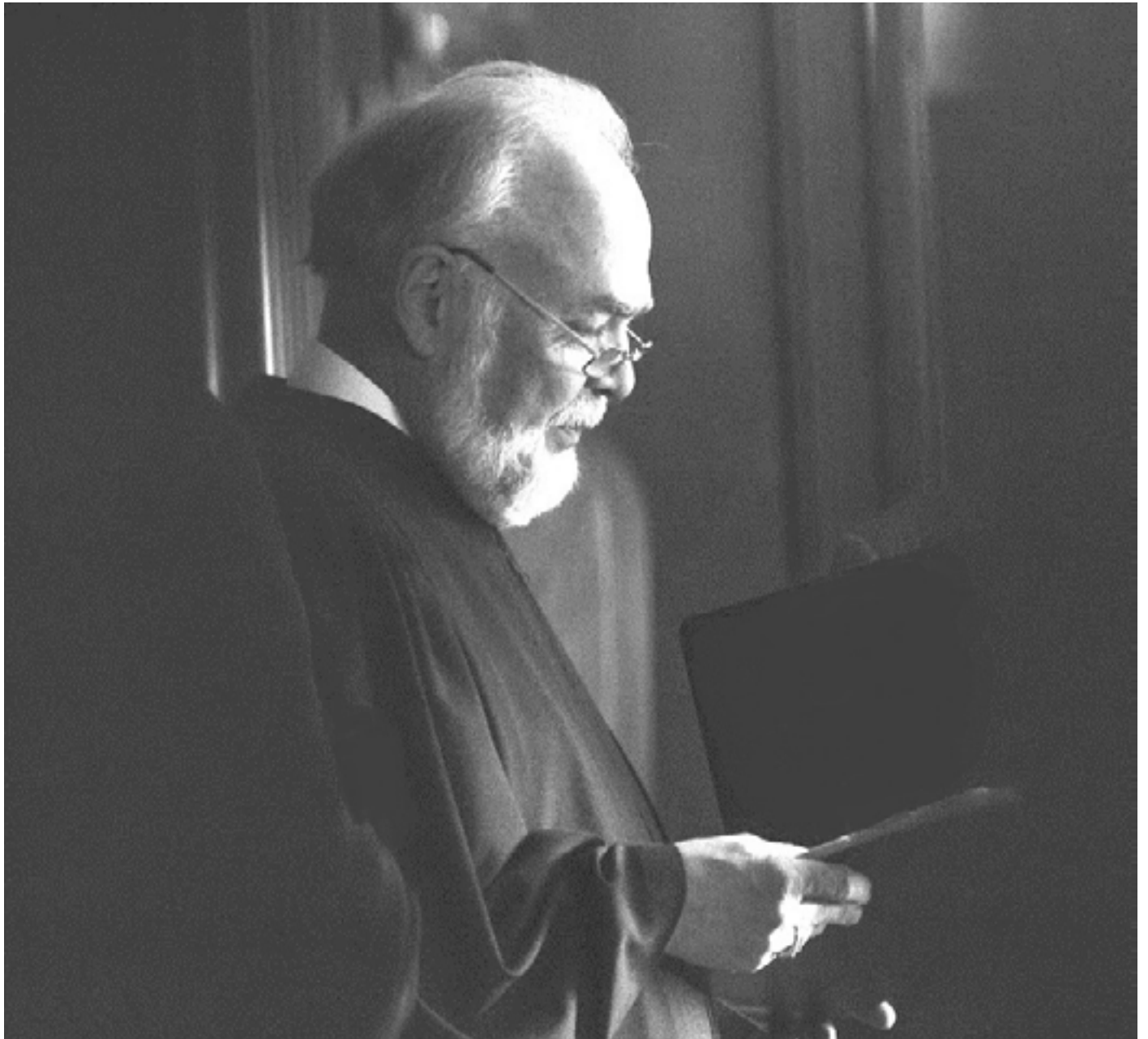




State Bar of South Dakota



Chief Justice David E. Gilbertson

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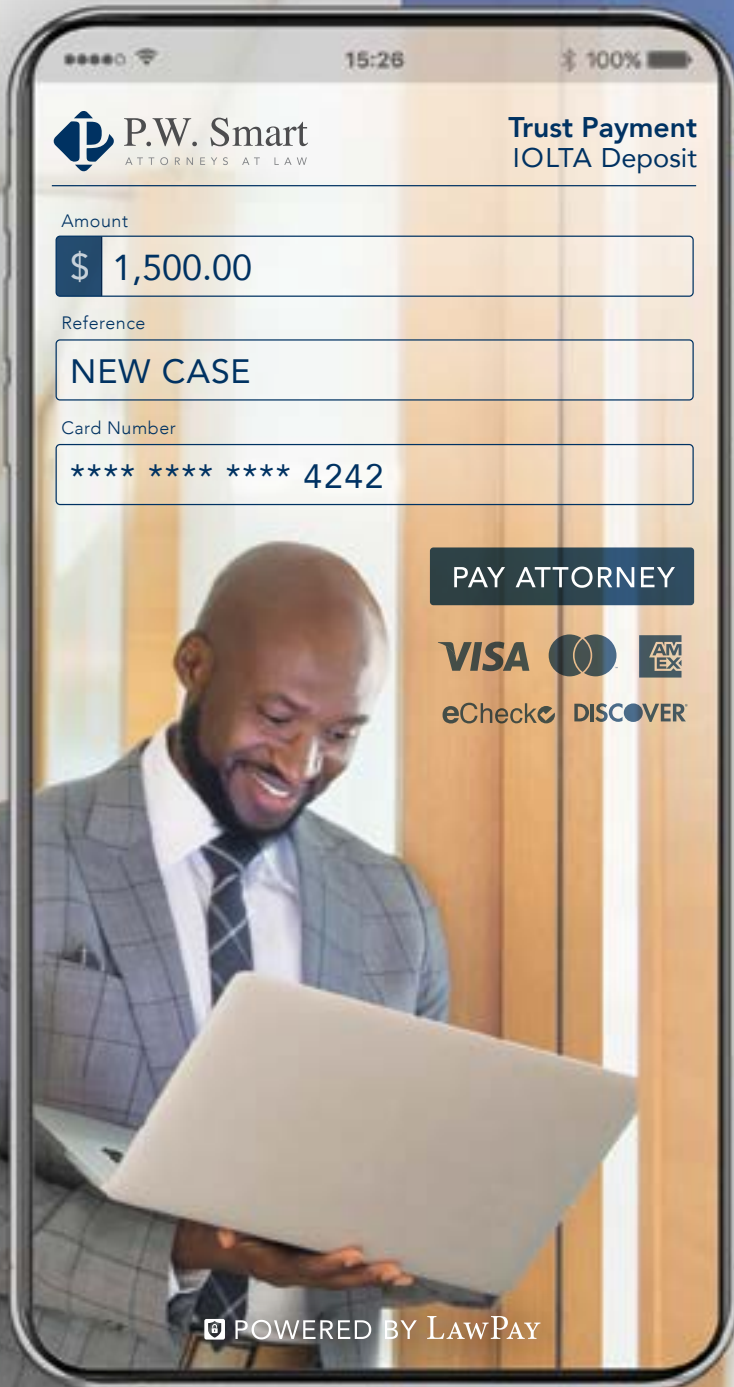
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State Bar of South Dakota

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President's Corner

Terry G. Westergaard

2021 brings hope. We anticipate meeting in person, traveling, and hopefully, a lessening of the impact of the pandemic. This past year we reimagined how we practice law. We held mediations, meetings and depositions by Zoom. We worked from home and utilized technology in new ways. Some of the changes in the practice are here to stay.

The South Dakota Supreme Court will look different this year. As everyone knows, Chief Justice David Gilbertson retires after 25 years on the Court and 19 years as Chief Justice. The Chief Justice's leadership will continue to have an impact on the Judicial System long after his retirement. Projects like Specialty Courts and the Rural Attorney Recruitment Program impact our State in ways that will continue for generations.



The Chief Justice has had an open-door policy with the State Bar Executive Director, Bar leadership and Bar Members. I met with him last July as the new State Bar President. After the meeting, I asked the Chief how many State Bar Presidents get the opportunity to have an informal one on one discussion with the Chief Justice of the Supreme Court. His response, "very few, probably none."

Chief Justice Gilbertson has been active on several State Bar Committees including the Judicial-Bar Liaison Committee and the Law School Committee. This service exemplifies the Chief's commitment to the legal profession and his openness to bar members. Law students get to know him when speaks to the first year students during orientation and some take pictures with him during the Statewide Swearing-In Ceremony. His open and welcoming personality will be missed.

Thank you, Chief Justice Gilbertson for your years of service to the legal profession and people of the State of South Dakota. Our profession and our State are better because of your service. Enjoy your retirement.



I also want to welcome the incoming Chief Justice, Steven Jensen. The State Bar looks forward to continuing the collaborations and communication with the Unified Judicial System.

Happy New Year!

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.

“Thanks again, you did a great job today!” ~ Clair Gerry

Patrick Burns, mediator/arbitrator

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STATE BAR OF SOUTH DAKOTA
YOUNG LAWYERS SECTION



by: Caroline A Srstka
YLS President

Happy new year! Since 2018, I have been fortunate to serve as a member of the South Dakota Bar Foundation Board of Directors. The South Dakota Bar Foundation provides members of our Bar the opportunity to give back to the legal community by engaging in law related philanthropy. Over the past several years, due to the generous donations of members of our State Bar, the Foundation has been able to assist many programs, such as Access to Justice, Ask a Lawyer, South Dakota Guardianship Program, South Dakota Teen Court, South Dakota Public Broadcasting & Statehouse Coverage, Second Circuit Mediation Project (WORKS), Seventh Circuit Mediation Project (WORD), and support for Lawyers Assistance Program.

As we begin the new year, I would ask that you, as Young Lawyers, keep the South Dakota Bar Foundation in mind with a tax-deductible charitable donation to help the Foundation continue in its efforts to improve the profession and community. Every bit matters, and your generosity is greatly appreciated!

Shifting gears to Young Lawyers Section events, our Board is well underway planning our next CLE, the Young Lawyers Boot Camp/Fit2Practice, which will take place in both Rapid City and Sioux Falls in the Springtime. Stay tuned for some awesome CLE topics!

All year round, the Young Lawyers Section's primary purposes is to unify our bar by connecting young lawyers with veteran lawyers. If you are interested in being paired with a mentor, or to provide mentorship to a young lawyer, please contact me, or one of our

fellow Young Board Members listed below. We look forward to connecting you!

Your 2020-2021 Board of Directors are:

- President – Carrie Srstka (Sioux Falls)
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Fellows of the South Dakota Bar Foundation

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

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- Diamond Fellow – over \$10,000, cumulative.
- Platinum Fellow – \$10,000, cumulative.
- Gold Fellow – \$5,000, cumulative.
- Silver Fellow – \$1,000 per year.
- Fellow – \$500 per year.

In Memoriam

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

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

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

Or you can email this form to:

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

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

Fellows of the South Dakota Bar Foundation

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

Sustaining Life Fellow - \$50,000 plus

(cumulative, including pledges & testamentary gifts)

- * Fred & Luella Cozad

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(cumulative, including pledges & testamentary gifts)

- * Frank L. Farrar

Diamond Fellows - \$10,000 plus

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- * Robert E. Hayes
- * Scott C. Moses

Platinum Fellows - \$10,000

(cumulative, including pledges & testamentary gifts)

- * Hon. Richard H. Battey
- * Hon. John B. Jones
- * Charles L. Riter
- * William Spiry
- * Hon. Jack R. Von Wald

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(cumulative, including pledge)

- * Richard A. Cutler
- * William F. Day, Jr.
- * P. Daniel Donohue
- * Dana J. Frohling
- * Richard L. Kolker

Silver Fellows - \$1,000 (per year)

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- * Kimberley A. Mortenson
- * Timothy J. Rensch
- * James E. Smith



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- * Hon. Michael Day
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- * Hon. David R. Gienapp
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- * Robert E. Hayes
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- * Steven K. Huff
- * Hon. Charles B. Kornmann
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- * Thomas J. Nicholson
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- * Stephanie E. Pochop
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- * Pamela R. Reiter
- * Robert C. Riter, Jr.
- * Eric C. Schulte
- * Jeffrey T. Sveen
- * Charles M. Thompson
- * Richard L. Travis
- * Thomas J. Welk
- * Terry G. Westergard

Fellows - \$500 (per year)

- * Hon. John Bastian
- * Mary Jane Cleary
- * Andrew L. Fergel
- * Craig A. Kennedy
- * Hon. Judith K. Meierhenry
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- * Laura Clark Rowe
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- * Barry R. Vickrey



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Dean's List: News from the Law School



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

As one year gives way to another it is a time of transition and taking stock. We struggle to remember the right year on our documents, make resolutions to start new habits or break old ones, and close out projects from the year just ending. Transition points like the New Year are where past and future meet. I want to take stock of another transition taking place as this column goes out, as two Law School alumni transition leadership of the South Dakota Supreme Court as Chief Justice.

Chief Justice David Gilbertson is a South Dakota servant to his core. He grew up here, went to school here, and has served here as a state's attorney, judge, and justice. As the work of his life and the courthouse photos he takes while driving around the state attest, South Dakota is his home and he loves it.

He graduated from the Law School in 1974. Steve Zinter, Glen Severson, and he met on the first day law school, remained friends, and came back together on the South Dakota Supreme Court. I love to tell current law students that story to illustrate two points. First, the friendships that they make in law school will endure, define much of their practice and life, and bring them enormous satisfaction over decades. Second, the next generation of lawyer leaders is studying in the law school right now. I don't know what future David Gilbertson envisioned for himself at orientation, but, his career has shaped South Dakota in important ways. And it gives the next generation of lawyers guidance about how theirs can too.

Chief Justice Gilbertson has maintained a strong connection with the Law School. He annually talks to the incoming class about professionalism on the first day of orientation. Students consistently comment how inspiring it is to have the Chief Justice be their

first teacher; this is something obviously different about USD and South Dakota. The Chief has served on the task force on relocating the Law School; facilitated bringing the Supreme Court to the Law School to hear argument; and provided wise counsel to me, Dean Geu, and Dean Vickery. Last fall he even accepted my invitation to come to the State/U game with the condition that he cheer for the Yotes. He did. They won.

Chief Justice Gilbertson's list of achievements is long. On personal note, one of the most significant is that he has unfailingly been a friend to me and to the Law School.

Chief Justice-elect Steve Jensen is a 1988 graduate of the Law School. I met him years ago while representing aligned parties in a case where one of my partners at May Adam threw me into the deep end of the pool knowing that I couldn't have a better lifeguard than Steve Jensen. If based only on his record of practice and public service, Justice Jensen would be a great ally to the law school through his example. But as I look at the partnership that lies ahead, there is considerably more to come.

Justice Jensen has already found innovative ways for the Law School and UJS to partner. Last year he proposed hosting a student in an externship placement. He made that exceptional opportunity available for one student and convinced others of the value of that placement. As a result, we have now placed seven students with the South Dakota Supreme Court and circuit courts. I look forward to building on Justice Jensen's great idea and great opportunity for students going forward.

Justice Jensen is not only a supporter of the Law School, he is a resident. He and his law clerk have chambers here. While his ascension to Chief Justice will require him to be in Pierre more, he has graciously agreed to keep his home here at the home of the law in South Dakota. I am not aware of another law school in the United States who has a Chief Justice in residence. Students and potential students notice this; it shows them in concrete terms the depth of support for the Law School and the unique opportunities we provide to build professional connections from day one.

Having Justice Jensen in the building has been invaluable to me personally. He is a fantastic sounding board who is always willing to talk. When COVID-19 largely emptied the building, he was connection point when human interaction was limited. I will say that he has set my heart racing a few early mornings by knocking unexpectedly on my door when I thought I was the only one in the building. I appreciate all the time and thought Justice Jensen offers the Law School.

Taking stock of Chief Justices Gilbertson and Jensen culminates in three key thoughts. First, everyone at the Law School is proud of them as alumni. Their work honors their state and their alma mater. Second, everyone here is incredibly grateful for their service and support. The demands on their time are many, but they always make time to support the Law School. Lastly, working together I believe they have both made the Law School, the legal profession, and South Dakota better. We've done great things together and great things are yet to come.

Thank you to the Two Chiefs.



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The Justice Squad

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- *RoseAnn Wendell
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- *Ronda Miller
- Rob Meadors
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**indicates attorney accepted more than one pro bono case in 2020*

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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.



A2J

HERO



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

ANNOUNCEMENTS

Lynn, Jackson, Shultz & Lebrun, P.C.
is pleased to announce that

John Frederickson

has joined the firm as an associate attorney.

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Spearfish, SD. 57783

Telephone: (605) 722-9000

jfrederickson@lynnjackson.com

www.lynnjackson.com

Lynn, Jackson, Shultz & Lebrun, P.C.
is pleased to announce that

Mindy Werder

has joined the firm as an associate attorney.

Lynn, Jackson, Shultz & Lebrun, P.C.
110 N. Minnesota Ave, Suite 400
Sioux Falls, SD. 57104

Telephone: (605) 332-5999

mwerder@lynnjackson.com

www.lynnjackson.com

Effective January 15, 2021

RENSCH LAW

announces its relocation in Rapid City to
832 St. Joseph Street, Rapid City, SD. 57701. The
telephone number will be (605) 341-1111 and the
fax number will remain as (605) 341-0040. The
new location is one block west and across the street
from the present location of RENSCH LAW.

Please note that we will no longer use post office
box 8311 as a mailing address. Effective January 15,
2021, please send all mail to 832 St. Joseph Street,
Rapid City, SD 57701.

Davenport, Evans, Hurwitz & Smith, LLP
is pleased to announce that

Mary A. Akkerman

has joined the firm as a partner.

Davenport, Evans, Hurwitz & Smith, LLP
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P.O. Box 1030
Sioux Falls, SD 57101-1030

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Facsimile: (605) 335-3639

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makkerman@dehs.com

Costello, Porter, Hill, Heisterkamp, Bushnell & Carpenter, LLP is pleased to announce that

Michael F. Steve
and
Jonathan P. McCoy

have become junior partners in the firm effective January 1, 2021.

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Bushnell & Carpenter, LLP
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Rapid City, SD 57709

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msteve@costelloporter.com
jmccoy@costelloporter.com

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Davenport, Evans, Hurwitz & Smith, LLP
is pleased to announce that

Joel R. Rische

has become a partner in the firm effective January 1, 2021.

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jrische@dehs.com

The USD Knudson School of Law will be hosting Spring On Campus Interviews (OCIs) on January 28-29 and February 25-26. Employers are invited to participate in OCIs to interview our 1L and 2L students for internship and externship opportunities, and our 3L students for post-graduate positions. Interviews may be conducted either in-person at the law school or virtually. To register, please contact Brian Boyenga, Director of Career Services, at brian.boyenga@usd.edu with your preferred interview date and a job description of the position(s) you are seeking to fill.

BRIAN BOYENGA

Director of Career Services



Data Security and All the Other Lawyers

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

During a presentation at the ABA's 44th National Conference of Professional Responsibility last year, a CLE panelist threw out the following. Given that a lawyer has an ethical duty to verify that any vendor a firm works with has in place appropriate safeguards to keep the lawyer's data secure, why wouldn't the same duty arise when a lawyer shares data with another lawyer outside of the firm? For example, do lawyers have a duty to make sure any lawyer they co-counsel with has appropriate data security safeguards in place? How about all the lawyers who are adverse to your firm's clients? After all, data is being regularly exchanged during discovery and contract negotiations just for starters.

I will admit this comment caught me off guard; but I quickly came to realize a legitimate concern had been raised. Think about it. There are no exceptions in the Rules of Professional Conduct that say something

along the lines of don't worry about data security issues when exchanging digital data with lawyers outside of your own firm. Couple that with the reality that there are still a significant percentage of lawyers in active practice who have no idea how to encrypt a file or a mobile device, have no idea what a VPN is, and/or have no intention of using more than one easy to remember password for everything they do and hopefully the issue becomes clear. Heck, even failing to scan data coming from lawyers outside the firm for possible malware infections could be problematic.

It's all about data security and, ethical duties aside, your clients expect you to take whatever steps are necessary to make sure their confidences remain confidential. To your clients, it will make no difference if it was you or your co-counsel who failed to take reasonable steps to prevent the unauthorized access to or inadvertent disclosure of their confidences. The same can be said for sharing data with any lawyer on the other side.

Again, I get it; and yes, trust is a good thing. I'm not suggesting that every time you want to form a co-counsel relationship or negotiate a contract you

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should have the lawyer complete a 3-page data security questionnaire. That said, what would be wrong with establishing basic guidelines as to the reasonable data security steps both lawyers or firms will take. For example, you might agree to commit to encrypting the data stream for any and all communications that include confidential client information and then decide how to best accomplish that.

Here' the bottom-line. Data security is the name of the game and it's your reputation that's on the line. Should the unexpected ever happen, your clients are going to want answers. When the truth is the misstep was a failure to consider and responsibly address the risks associated with exchanging digital data with other lawyers, well let's just be honest and admit this is never going to pass muster; but, of course, you already know that.

**NEW
UPDATES**

2020-2021
COMMITTEE ASSIGNMENTS

CHECK IT OUT

**Tips for
De-Stressing**

Clear your mind

Breathe

Go for a walk

Read a book

Work out

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 2021.

I understand that if approved, rather than pay regular dues for the year 2021, 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 from time to time 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 2021.

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.

Dated this _____ day of _____, 20____

Signature _____

Printed Name _____

Address _____

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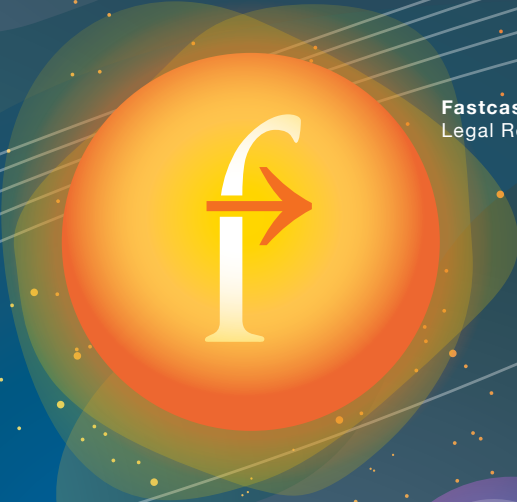
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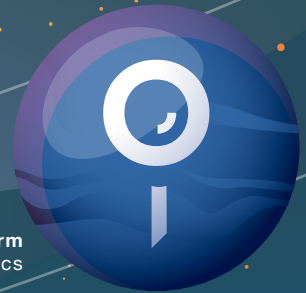
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CERTIFICATE OF COMPLIANCE

INSTRUCTIONS

The certificate of compliance for the year 2020 must be submitted to the State Bar of South Dakota by **January 31, 2021**.

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, 2021. 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 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 the 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, 2021. **Please submit compliance forms after reviewing your December bank statements.** If you have questions, please give me a call. ALF

2020 CERTIFICATE OF COMPLIANCE

TO: The Secretary-Treasurer, The State Bar of South Dakota, 111 West Capitol Avenue, Suite 1, 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 _____

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 2020. Enter 0 if none. Total Hours: _____.

Rule 6.1. Voluntary Pro Bono Public 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, 2020_____, 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) *(An out of state member may strike "South Dakota" and insert the state where his/her trust account is located.)*
- 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; ***(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.)*** or

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

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)

_____, 2021
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:

_____, 2021
Date

In Memoriam



Hon. Scott C. Moses
November 28, 1941
- December 5, 2020

Hon. Scott C. Moses
Scott C. Moses, age
79 of Rapid City, died

Saturday, December 5, 2020 at Monument Health
Rapid City Hospital.

Due to the Covid virus, services will be delayed until the summer of 2021. When service times are set, local media will be notified. Funeral arrangements are pending with Leverington Funeral Home of the Northern Hills in Belle Fourche. Please view their website for updates on services times and dates, view the video tribute, and sign the guestbook that is available at: www.LeveringtonFH.com

Scott Clark Moses was the first born on November 28, 1941, to Nathelle McMaster Moses and George Stephen Moses. He grew up in Deadwood and Rapid City and took pride in his first job(s) delivering the newspapers and working at the Dakota Mill & Grain.

Scott attended the University of South Dakota where he received his Bachelor of Arts degree in Political Science 1963 and his Juris Doctorate Law Degree in 1965 from the Knudson School of Law.

Upon graduation from law school, Scott moved to Pierre where he worked as a Special Assistant Attorney General for the Department of Revenue, then he worked in the States Attorney's office in Lawrence County, South Dakota. He served at a District County Judge Pro Tem for Butte, Harding, Lawrence, and Meade Counties. In 1975 he was elected to the 8th Judicial Circuit Court as a Judge chambered in Sturgis, South Dakota and retired in 1999. He received his Colorado Bar license in 2000 and worked as a contract landman doing due diligence and curative title work on oil and gas projects in Colorado, Montana,

Nebraska, New Mexico, North & South Dakota, Oklahoma, Utah, Wyoming and Texas.

In 2018 he worked with the Tribal Wills Project with the University of Denver and the University of South Dakota.

Throughout his career he generously helped others, be they clients, friends, and children of his friends or relatives. He provided a great deal of supportive advice and guidance to up and coming attorneys in Colorado and South Dakota. Scott was dedicated to his work. He received a Pro Bono Award in 2018 for working on over 1,000 cases.

In 1975 he met and married a wonderful woman named Sharon Albrecht (Moses), through that union they had a beloved daughter, Kelli L. Moses.

Scott loved hiking, Disney, trains, ham radio, travel, and photography. He spent numerous days with family traveling to various parts of the country and abroad.

Scott's wife Sharon died in 1995. He is survived by cherished relatives including his daughter, Kelli Moses-Dolfi (whose husband Deron Dolfi passed away in 2019), granddaughter Tia Mishoe (her husband Christopher), his wife's family The Albrecht family, including Jami, and her daughter Lauren, his sister Darby Moses (her husband John A Reeves, Jr.), their children, Golden Moses Reeves and Johnny III Reeves, his brother, Kirk Moses (his wife Inge Haltinner), his sister, Vicki Moses, and the McMaster cousins, Moses-Miller niece and nephew along with many friends and companions. Scott cherished his family and friends – he will be deeply missed and remain in their hearts forever.



Ryan Scott Dell
September 4, 1986 ~
December 16, 2020

Ryan passed away
Wednesday, December 16,
2020.

Ryan Scott Dell was born to Scott and Rhonda (Kline) Dell on September 4, 1986, and was the 4th generation Dell to be born in Brown County at Avera St. Luke's Hospital in Aberdeen. He attended Roncalli Catholic Schools, where his grandmother, Caroline, was the elementary secretary, for his entire pre-college career, graduating in 2005. Ryan continued his undergraduate education at St. John's University, in Collegeville, MN, and graduated with honors in 2009. He then studied law at the University of Denver, earning his Juris Doctorate in 2012. Ryan returned home to practice law with the law firm of Richards, Tonner, Oliver, Fischbach & Dell and remained with them until the date of his death.

Ryan loved the game of football, especially the relationships with teammates and coaches, and played both at Roncalli and at the legendary Coach John Gagliardi inspired program at St. John's University. He was a lifelong, avid Green Bay Packers fan, and treasured the trips he, his dad, and his brother, Darren, took to Lambeau Field. Ryan loved the outdoors, especially hunting with his family and his beloved chocolate lab, "Jack".

He was a past President of the Brown County Bar Association, a member of the Young Lawyers' Section of the South Dakota Bar Association, and a member of the board of directors of Habitat for Humanity.

Ryan was a beautiful Soul. He was a quiet, serious young man who had a passion for doing things thoroughly and for doing things right. A lawyer is in the business of resolving conflicts. It can be a tough profession for a gentle, sensitive person who has trouble detaching himself from the problems of his

clients. Ryan was that kind of person. He was that kind of lawyer. He gave his clients all that he had.

Grateful to have shared Ryan's life are his parents, Scott and Rhonda Dell; his brother, Darren (Madeline) Dell; his newborn nephew, Harvey Darren Dell; his grandmother, Caroline Kline; his aunts, Pamela (Victor) Curci and Penny (Thomas) Roach; his uncle, Rick (Patty) Kline; his cousins, Jordan (Chelsey) Kline, Justin Kline, Hailey Kline, Harper Kline, Lennox Kline, Taylor Curado, Conner (Haylee) Roach, Sam Roach and Vinnie Curci.

Ryan was preceded in death by his paternal grandparents, Robert and Joan Dell, and his maternal grandfather, Leonard Kline.



Daniel B. Weinstein
November 23, 1984 -
December 11, 2020

Daniel B. Weinstein, age 36 of Sioux Falls, SD, passed away Friday, December 11, 2020.

We are incredibly sad to have lost our husband, son, brother, uncle, cousin, and nephew, Daniel B. Weinstein, Attorney at Law, who was an accomplished South Dakota lawyer with a passion for helping those in need. He was the youngest son of Dr. Audre E. DaCosta (John Scragg) and of the late Dr. Robert A. Weinstein (Soonja Weinstein). He was born in Denver, CO and raised in both Tamuning, Guam and Dallas, TX. Daniel is survived by Juliette, his loving wife, his maternal grandmother, Olive M. DaCosta Clark and siblings, Dr. Joshua A. Weinstein (Kami Weinstein), Dr. Mara Weinstein Velez (Dr. Moises Velez), Danae Leigh, Soonja Tyrrell, and Sevara Tyrrell in addition to seven vibrant nieces and nephews (Olive and Aston Weinstein, Elia, Sebastian, and Santiago Velez Weinstein, Dakota Lamar and Canyon Leigh) in addition to numerous aunts, uncles, cousins and friends. After an early high school graduation, Daniel, at 16 years of age, attended the Ursuline College in Westgate-on-Sea, England.

During that time he was on the rugby team, and won a first time award for Ursuline College from Pfizer in Public Speaking, entitled "Man Must Reach for the Stars." He graduated with honors. Daniel attended the George Washington University in Washington D.C. for college, graduating with a Bachelor's Degree in Business Administration. He then attended St. Thomas University, School of Law and received his Juris Doctorate (JD). Daniel excelled academically at both of these institutions and was recognized for his outstanding scholastic performance. Specifically, throughout the course of his undergraduate degree, Daniel was selected to be a member of the National Society of Collegiate Scholars. During law school, his academic accomplishments landed him a spot on the Dean's List as well as a 'Book Award' for receiving the highest grade in the course, State and Local Taxation. After marrying the love of his life, Juliette, he moved to Sioux Falls and fulfilled his dream of practicing law. He was a zealous advocate for his clients and provided solution-oriented assistance. Daniel recently created Weinstein Law Firm, PLLC with the goal of serving the people of his local community. His practice was focused on civil litigation, debt related issues, personal injury matters, estate planning, corporate formation, and criminal defense work. In his first criminal jury trial, Daniel put his strong work ethic and excellent courtroom skills to use and obtained an acquittal for his client, of which he was very proud. He was also a member of the CJA panel where he represented criminal defendants in federal cases. Daniel was a member of the American Bar Association, the Second Circuit Bar Association and the South Dakota Bar. Outside of work, Daniel dedicated his time to the Mt. Zion synagogue in Sioux Falls and was an active Board Member. He and Juliette were in the process of completing their newly built home, preparing to start a family and daily entertained by their dog, "Butterscotch."

Daniel had a passion for music, fashion and was a skilled artist. He loved drawing, singing and dancing, and would spend countless hours teaching his siblings the lyrics to the latest song or coming up with choreography for the next talent show. We learned that he and Juliette, a professional vocalist, would sing together in harmony at every occasion they could. He was also a very gifted athlete and played both basketball and football in grade school. As an adult, he loved snowboarding and planned to hit the slopes

this upcoming winter in both Colorado and Rochester, NY. At the young age of 36, his unexpected and sudden departure leaves us with heavy hearts. He was a kind soul who truly overcame life's adversities and rose to the occasion. Daniel's abbreviated time with us was truly a success story and an inspiration to us all. He was highly intelligent with so much love to give while at the same time, sensitive, charismatic, creative, talented and funny. While he achieved his dreams of practicing law, we will truly never know what a profound impact his life would have made. May his dedication to his craft and eagerness to help others inspire us to proceed in our lives to achieve our potential with goodwill towards all. Daniel, may you shine as a brilliant star upon us. We love you and will miss you immensely; hug dad for us.

In lieu of flowers we would appreciate your donation to #DanielsLegacyFund <https://gf.me/u/zchqxq> and a memory of Daniel to share with our family. Memorials may also be directed to Mt. Zion Temple, 523 W. 14th St. Sioux Falls, SD 57101. Daniel will be laid to rest in California- Details regarding his service are forthcoming.



Orrin S. Estebo
September 1, 1940 -
December 18, 2020

(In 2013 Orrin gave over \$2 million to the University of South

Dakota Law School. Half of his gift went to fund the Orrin S. Estebo Law Scholars Fund which provides financial help to beginning law students in their second semester of study.)

Orrin S. Estebo, age 80 of Redwood Falls, passed away Friday, December 18, 2020 at CentraCare – St. Cloud Hospital after an extended illness. A private family funeral service will be held. The service will be livestreamed on the Stephens Funeral Service Facebook page at 10:30 a.m. Wednesday, December 23, 2020. A public memorial service will be held at

a later date. Interment will be in the Redwood Falls Cemetery. Memorials can be directed to the Redwood Area Education Foundation or the Redwood Area Dollars for Scholars, Orrin S. Estebo Chapter. Stephens Funeral Service – Redwood Valley Funeral Home is assisting the family with arrangements.

Orrin Schuler Estebo was born in Farmington, MN, on September 1, 1940, to Orville and Lutetia (Schuler) Estebo. The family later moved to Cannon Falls, MN, where he attended school, graduating from Cannon Falls High School in 1958. The importance of education to Orrin started at a young age. After high school, he attended the University of Minnesota graduating from there in 1964. During those years, he worked a variety of jobs to put himself through college. He fulfilled his educational dream in 1971 by graduating from the University of South Dakota School of Law. On April 2, 1966, Orrin married Nancy Dangers in Fairfax, MN. The couple resided in Minneapolis, MN, Algona, IA, and Vermillion, SD, before moving to Redwood Falls in 1971. Orrin began practicing law with an established attorney, Wayne Farnberg, creating the firm of Farnberg & Estebo. In 1976, Estebo and colleagues established the law firm of Estebo, Carey, Schnobrich, and Frank Ltd. in Redwood Falls. The name of the law firm changed over the years but celebrated 40 years of practice in 2016. Orrin remained in an “of counsel” role for many years. Orrin was also active in many state and local law organizations. In the early 1980s, Orrin and his close friend, Dave Wood, became partners after purchasing Warrior Manufacturing Company, a producer of “quick hitches” used in the agricultural industry. Orrin maintained his ownership interest in the company for 20 years. As the success of this company grew, Orrin made investments in tracts of farmland currently farmed by several long-time tenants who were very near and dear to his heart. His relationships with tenants were genuine and he often said that they were part of his family. Orrin always had a passion for education, and Nancy’s role as a special education teacher in the Redwood Area School district fueled his desire to financially support the education of thousands of students in the local school district and also at the University of South Dakota School of Law. Following Nancy’s death in 1995, Orrin made the first of many significant financial gifts to education. His first gift of \$100,000 allowed the school district to purchase technology labs and employ the district’s first

technology coordinator. Additional gifts supported the Performing Arts Center and the facility, which is called the Estebo Performing Arts Center. Further gifts helped establish the Redwood Area Dollars for Scholars Chapter which carries his name. He gave significantly to the school’s music and art programs, and his generosity helped develop many school programs. Among these included the RVHS Robotics program and RVHS Student Trap Shooting Team. He paid the RVHS golf team dues for many years. In addition, there were several students through the years that Orrin helped get a start on their college education. Over a twenty-five-year period, Orrin donated several million dollars to the Redwood Area School District and the Redwood Area Education Foundation. Most recently, his donation of over \$1.2 million was the pinnacle of his gifts helping move the district to construct the Orrin S. Estebo Career and Technical Training Center in 2019. Bringing students and adults together to learn meaningful practical employment skills was one of his dreams and will benefit residents and employers in this region for years to come. He was awarded the Key to the City of Redwood Falls in the summer of 2019 for his commitment to the school district and the community of Redwood Falls. Orrin’s devotion to his alma mater Law School was strong. In 2013 Orrin gave over \$2 million to the University of South Dakota Law School. Half of his gift went to fund the Orrin S. Estebo Law Scholars Fund which provides financial help to beginning law students in their second semester of study. The other half of his gift supported construction and renovation of the 35-year-old law school building at USD, including a larger common area for students and faculty to meet. Whether it be at the elementary, middle, high school or graduate school level, Orrin’s well-known belief that “Education opens doors!” was very apparent in his financial gifts and strong belief in vocational education as well as in graduate level education. Orrin had a passion for Redwood Falls. He established the Orrin S. Estebo Foundation to support the community of Redwood Falls. He was active in many community organizations and a strong supporter of the Redwood Falls Golf Course. Orrin had passion for hunting, fishing, golfing, traveling, riding his horse, and flying his airplane. He made several hunting trips out West and sat around many campfires with friends enjoying stories and laughs. He also spent countless hours studying French. Orrin loved his many dogs over the years and truly believed that a dog is a man’s best

friend. On March 16, 2001, Orrin married Shirley Kronberg Erickson. They resided in Redwood Falls until Orrin's death. They enjoyed traveling the world as well as spending winters in Florida. Orrin embraced the virtues of humility, generosity, and gratefulness. He had a great sense of humor and a quick wit. Those close to him experienced his humor on a regular basis. He loved his family very much. He had a special relationship with a son by cultural exchange, Jan Honinx of Belgium. He also had a special relationship with his great nephews, Deon and Jaydon Estebo. The humor, lessons, and love that he shared with them will live on.

Orrin is survived by his wife Shirley of Redwood Falls; step son Rion Erickson; a son by cultural exchange, Jan Honinx of Belgium; his sister, Audrey (John Eaton) Estebo of Falcon Heights; sister-in-law, Carol Estebo of Marshall; brother-in-law, Roger Kruse of Marietta; 5 nephews: Shannon (Cheryl) Kruse, Will (Koyla) Kruse, and Ryan (Samantha) Kruse, Chad (Joan) Estebo, and Perry (Renee) Estebo; 2 nieces: Anne Eaton and Alyce Eaton and his close friend Jim Tersteeg of Redwood Falls. He is preceded in death by his first wife, Nancy, his parents, brother, Stephen Estebo, and sister, Ruth Kruse.

Blessed be his memory.



Gloria Jill Engel
July 22, 1937 -
December 25, 2020

Gloria was born July 22, 1937 in Agar, South Dakota. She remained in the area and graduated for Gettysburg High School 1955. Shortly after high school graduation she met LeRoy Engel and they married June 2, 1956. They had four children; Bernadette Engel, Shawn Engel (Camilla), Stephen Engel, and Heather Engel Wermers (Mark). They raised their family in Pierre, South Dakota. She was blessed with six grandchildren, who she adored; Shawn

Engel II (Amanda), Michael Wermers (Lisa), Katherine Postma (Aaron), Matthew Wermers, Lyndon Engel, and Wyatt Engel. She has three great grandchildren; Maisy Engel, Beckham Engel, and Dylan Postma. She was preceded in death by her parents, sister, husband, and daughter Bernadette.

Jill enjoyed a long successful career as the Clerk of the South Dakota Supreme Court. It was a career she was incredibly proud of. It was through her career she developed a strong affection for the law, politics, and for having a strong debate with family and friends. Upon retirement from the Court, she relocated to Sioux Falls, South Dakota where she volunteered at Habitat for Humanity.

There wasn't an activity her grandchildren participated in that she wasn't there to cheer them on. From sports, to dance, and educational presentations. She wasn't just their biggest cheerleader, she was a mentor to them, and loved to actively engage with them in intellectual conversions. She loved challenging them, and even more, loved when they challenged her back.

Her hobbies were many. She loved playing bridge and bowling. She occasionally hit the links for a round of golf. She loved to travel, from annual trips to New York, to England, Scotland, Japan, and to the many states her children and grandchildren have lived in. She was an avid "rapid reader", mostly enjoying mystery and suspense novels. She was a knitter when she lived in Pierre, and picked it up again when her grandchildren started knitting. She loved music and attending live concerts, a couple of her favorites were Pavorotti and Adele.

Memorials may be directed to the Children's Inn.

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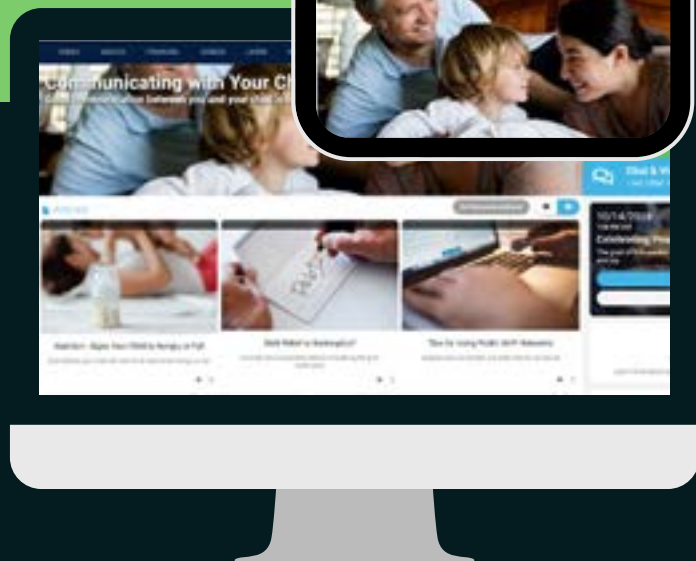
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Issue Presented: May a South Dakota lawyer ethically counsel, advise, provide legal services to, or represent a marijuana cultivator, processor, or seller when the sale of marijuana is legal under South Dakota law but illegal under federal law?

Answer: No

Rules Implicated: 1.2

FACTS AND APPLICABLE RULE

In November 2020, two South Dakota state ballot measures, Initiated Measure 26, legalizing marijuana for medical use by qualifying patients under certain conditions, and Constitutional Amendment A, legalizing the cultivation, processing, possession, use, and distribution of recreational marijuana subject to various restrictions, passed by a majority vote of the electorate.

Issues of substantive law are ordinarily outside the Committee’s purview, but here there is no doubt (and the Committee therefore assumes) that manufacturing, distributing, or dispensing marijuana, or possessing marijuana intending to do any of the foregoing, remain illegal under federal law. See 21 U.S.C. § 812(b) and (c) (defining marijuana as a Schedule I controlled substance) and 21 U.S.C. § 841(a) and (b) (proscribing certain conduct related to controlled substances and prescribing certain criminal penalties for violations).

Lawyer inquires whether the South Dakota Rules of Professional Conduct permit Lawyer to advise a client about licensing and other legal issues related to establishing, licensing, or otherwise operating a business to distribute or dispense marijuana.

Rule 1.2(d) of the South Dakota Rules of Professional conduct states that “[a] lawyer shall not counsel a client to engage, or assist a client, in conduct the lawyer knows is criminal or fraudulent, but lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.” SDCL Chapter 16-18 Appendix, Rule 1.2(d).

CONCLUSION

Rule 1.2(d) does not distinguish between client conduct that is illegal under South Dakota law and client conduct that is illegal only under federal law. It applies to any illegal client conduct. Consequently, Lawyer may not ethically provide legal services to assist a client in establishing, licensing, or otherwise operating a marijuana business. Lawyer may only advise a client considering this course of action about the potential legal consequences of doing so, under either state or federal law, or assist the client in making a good faith effort to determine the validity, scope, meaning, or application of the relevant state and federal law.



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**JUDICIAL QUALIFICATIONS COMMISSION
STATE OF SOUTH DAKOTA**

500 East Capitol Avenue
Pierre, SD 57101
Telephone 605-773-3474
Fax 605-773-8437

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Mark Roby, Vice Chair
Hon. Robin J. Houwman, Secretary
Hon. Robert Gusinsky
Rebecca Porter
Timothy Engel
Robert Morris

Lori Grode, Executive Assistant
Email: Lori.Grode@ujs.state.sd.us

December 30, 2020

Notice of Judicial Vacancy

TO: All Active Members of the State Bar of South Dakota

FROM: Robin J. Houwman, Secretary, Judicial Qualifications Commission

The retirement of the Hon. Robert A. Mandel will create a vacancy for a Circuit Court Judge position (Position A) in the Seventh Judicial Circuit. The Judicial Qualifications Commission is now taking applications for this position.

All lawyers and judges interested in applying should obtain the application form at <http://ujs.sd.gov/>, or contact Lori Grode at the State Court Administrator's Office. The application must be returned to the Administrator's Office and must be postmarked no later than **5:00 PM on February 26, 2021**. Applicants should make sure the application submitted is the 2018 revision. The duty station for this position shall be in Rapid City, South Dakota.

You may also obtain the application form by writing or telephoning:

Lori Grode
State Court Administrator's Office
500 East Capitol Avenue
Pierre, SD 57501
Telephone: 605-773-3474
Email: lori.grode@ujs.state.sd.us

Or, visit <http://ujs.sd.gov/> for current job openings.

The Seventh Circuit is comprised of the following counties: Pennington, Custer, Fall River and Oglala Lakota.

Career Center

STATE BAR OF SOUTH DAKOTA CLASSIFIEDS

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

ATTORNEY

Associate Attorney – Sioux Falls

Evans Haigh & Hinton LLP is currently accepting applications for an attorney with 3+ years' experience in litigation. Evans Haigh & Hinton is a growing civil litigation firm with an emphasis in commercial litigation, health care litigation and personal injury litigation. We are looking for an attorney who is interested in litigating complex and significant cases. Applicants with trial experience, civil or criminal, are preferred. We offer an attractive salary and benefit package commensurate with experience. Please send a cover letter and resume to Mark Arndt at:

Mark J. Arndt
Evans, Haigh & Hinton, LLP
101 North Main, Suite 213
P. O. Box 2790
Sioux Falls, SD 57101
(605) 275-9599
(605) 906-8904 (DD)
Email: marndt@ehhlawyers.com
Website: ehhlawyers.com

Deputy State's Attorney - Pierre

HUGHES COUNTY: Full-time permanent position now open for a Deputy State's Attorney in the Hughes County Office of the State's Attorney in Pierre, South Dakota.

Looking for a criminal attorney to handle a variety of complex matters and responsibilities including but

not limited to preparing and managing a caseload of primarily misdemeanor cases, present those cases for legal proceedings, preform legal research, and prepare, draft and file legal documents and correspondence.

Looking for a team player who would be willing to cover felony hearings, advise local law enforcement agencies, deal with juvenile justice issues, provide information to victims and witnesses, perform civil work on behalf of the County, and help fulfill the statutory responsibilities of the office.

Minimum Qualifications: Graduation from a college of law, attainment of a Juris Doctorate degree from an accredited law school, and admission by the Supreme Court of South Dakota to practice law in the state of South Dakota.

Pay is commensurate with experience and competitive with other local agencies.

Please send a resume and cover letter to Jessica LaMie, Hughes County State's Attorney, 104 E. Capitol, Pierre, SD 57501. Resumes and cover letters will also be accepted via facsimile at 605-773-7460 and email at jessica.lamie@co.hughes.sd.us.

Posting to remain open until the position is filled. All inquiries are confidential. Hughes County is an Equal Opportunity Employer.

Litigation Associate - Sioux Falls

Donahoe Law Firm P.C. is seeking an associate attorney to assist in litigation, including appeals, plus estate planning and business law/commercial matters. In addition to research and brief writing, associate will have significant client contact and responsibility including hearings, motion practice, trials and appeals before public bodies or agencies, and the state and federal courts mainly in South Dakota, plus Minnesota and Iowa. All applications will be held confidential. Please send a cover letter, resume and writing sample to: brian@donahoelawfirm.com or Donahoe Law Firm, P.C., 401 East 8th Street, Suite 215, Sioux Falls, SD 57103.

Associate Attorney - Sioux Falls

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

All applicants are welcome to apply. Preference will be given to applicants in the top 1/3 of their class, to those who have prior work experience, and to those currently licensed to practice in South Dakota.
Start Date: Upon hiring.

Benefits include generous 401K match, profit sharing, health insurance, annual CLE tuition, professional dues and memberships, and numerous incidental benefits.

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

Trust Officer - Sioux Falls

CISA Trust Company South Dakota is currently accepting applications for an experienced trust Risk/Compliance officer. Applicants should have at least 3 years of experience in the trust industry in a compliance/audit role or have equivalent experience. Applicants with a working knowledge of BSA/KYC protocols, FinCen, CRS, FATCA and Infovisa software

are desired. Applicants with international trust experience and relevant professional designations will be given priority consideration. Must be able to think and work independently. To apply, please email resume and cover letter to jolson@cisatrust.com.

Associate Attorney – Watertown

Immediate opening for an associate attorney who may be interested in practicing in Watertown, SD. The position is open to persons who want to step into a practice that has the mentoring of an established attorney in both civil and criminal areas of law. This is full time position for the primary public defender's office in Codington County with an additional private practice. Codington County has a vast public defender practice with a variety of criminal cases. Each attorney may also develop a private practice in addition to the public defense contract. Presently, Sutton Law Offices, PC is a solo practice that is looking for permanent expansion and potential buy out of the 40 year established practice. Salary is negotiable with experience. Watertown, SD offers extensive hunting and fishing opportunities with 2 lakes within the city limits of Watertown. Please send your resume to jo@suttonlawwtm.com, if by mail PO Box 1053, Watertown, SD 57201

Staff Attorney - Rapid City

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

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

SALARY: Competitive, depending on experience.

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

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

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

Staff Attorney - Mission

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

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

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

CLOSING DATE: Open until filled.

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

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

Staff Attorney - Pine Ridge

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

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

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

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

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

Civil Litigation Attorney- Hughes County

DETAILS: The Office of Attorney General seeks an attorney for a position with the Civil Litigation Division. The Civil Litigation Division is responsible for representing the state in civil cases defended or prosecuted by the State and in many administrative licensing and regulatory cases. Division attorneys practice in both state and federal courts and are involved in constitutional, natural resource, and environmental litigation. The Civil Litigation Division

also provides legal advice to state officials, agencies, boards and commissions. The person eligible for this position must have strong research and writing capabilities, must be able to communicate well to clients and the courts, and must have strong legal advocacy skills. Prior litigation experience is not required.

OFFICE LOCATION: This position will be stationed in Pierre.

STARTING SALARY: Entry level salary is \$68,000 annually or greater, depending upon experience and funding availability. The State of South Dakota has an excellent benefit package including retirement, employee insurance coverage and paid leave.

QUALIFICATIONS: Applicants must have a JD degree and be licensed to practice law in South Dakota; must be a motivated self-starter and be prepared to assume immediate civil litigation responsibilities.

APPLICATION PROCESS AND DEADLINE DATE: Interested persons should send a resume containing three references, a writing sample and a letter describing their qualifications to the address

below. The position will be opened until filled, to the following:

JASON RAVNSBORG, OFFICE OF ATTORNEY GENERAL, 1302 E. HIGHWAY 14, SUITE 1, PIERRE, SOUTH DAKOTA 57501.

PARALEGAL/LEGAL ASSISTANT

Paralegal/Legal Assistant – Aberdeen

Bantz, Gosch & Cremer, L.L.C. has an opening for a full-time paralegal/legal assistant in Aberdeen, SD.

The successful applicant will be detail-oriented, have excellent computer and communication skills, have a strong work ethic, and can work independently in a fast-paced professional environment. Experience in the legal field is preferred.

Salary is dependent on experience and additional benefits are available, including health insurance, retirement, disability, PTO.

Please send your resume and cover letter to Paige Anderson at panderson@bantzlaw.com.



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From the State Bar Staff!

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EVENTS 2021

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JANUARY

BAR COMMISSION MEETING

Sioux Falls

18

FEBRUARY

BAR COMMISSION MEETING

TBA

18

MARCH

BAR COMMISSION MEETING

TBA

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