



# State Bar of *South Dakota* Newsletter



# July

# 2018

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[www.statebarofsouthdakota.com](http://www.statebarofsouthdakota.com)

July 2018 - Issue 7

## President's Corner - Reed A. Rasmussen



We recently completed a successful Bar Convention in Sioux Falls. Attendance was good. Seven Hundred Fifty people registered for the banquet. The CLE's were well attended. Over 170 people registered for the Women in Law brunch, which was a packed event and, by all accounts, was well received. There were 11 committee meetings and 17 meetings of other groups. Photographs taken at the Convention are included in this Newsletter. South Dakota remains the envy of other bar associations who do not get nearly the level of participation we do.

Some of the highlights of the convention included Judge Roger Wollman receiving the Fred J. Nichol Award for outstanding jurist, and Verne Goodsell being named Trial Lawyer of the Year by the South Dakota Trial Lawyers Association. Tom Barnett received the coveted McKusick Award for his contributions to the Bar and the Law School.

A new era is starting for the State Bar. Over the last 57 years, there have been only two executive directors – Bill Sahr and Tom Barnett. They both served the organization with distinction and were instrumental in bringing the South Dakota

Bar to the place where it is today. The South Dakota Bar is recognized across the country as being innovative and well organized, despite having the smallest Bar staff in the country.

I want to take this opportunity to once again thank Tom Barnett for his years of service. Tom has worked tirelessly on behalf of the Bar for the past 29 years. He has earned his retirement. I want to wish him good luck on all his future endeavors. I also want to thank Pamela Reiter for her service to the Bar. She was a passionate and committed President.

I look forward to working with Andy Fergel as he transitions into the position of Executive Director. Andy and I would like to meet with as many members this year as possible. We intend to travel the state to attend Bar functions. Please contact either the State Bar office or me regarding any local bar meetings. Andy and I will attempt to attend to update the members on the status of the Bar and let you hear from Andy as to his plans for taking over the Executive Director position.

The Bar has 37 recognized committees. I strongly encourage everyone to get involved in the Bar by participating in a committee or one of the Bar sections. There is also an opportunity for participation in Bar leadership roles. Such participation allows you to become acquainted with other lawyers, which enhances civility and collegiality. It also can benefit you by way of both education and potential referrals. I will be meeting with the Bar staff on July 13 to make committee assignments. If you have not already done so, please get on the website and fill out a committee preference form. You can also send an e-mail to either me or Beth Overmoe with the State Bar office.

One of the primary things we are going to be

working on this year is the State Bar website. Efforts are being taken to make the website more user friendly without spending an inordinate amount of money. The website committee, headed by Colleen Zea, is working on this project. Colleen would welcome any comments or suggestions.

If you compare the picture of me which appeared on the State Bar program with the picture of me which appears above, you will see that my new position as State Bar President has already aged me greatly. Nevertheless, I look forward to the upcoming year and always welcome any comments or questions any members might have.

Reed Rasmussen  
[rrasmussen@sbslaw.net](mailto:rrasmussen@sbslaw.net)  
605-225-5420



Estate Planning CLE  
September 28, 2018  
Ramkota Hotel, Sioux Falls

Joseph Dylla, Chair  
Joshua Rubenstein, Speaker

**Some topics include:**

- **Stranger in a Strange Land (community property issues in noncommunity property states)**
- **Pressing the Do-Over Button (fixing mistakes after the fact)**
- **Heads I Win, Tails You Lose (estate planning for high net worth clients in times of change)**

More information to come!

# YOUNG LAWYERS SECTION

by: Tamara Nash, YLS President

programming from the YLS over the course of the bar year:



It is an honor and a privilege to start my term as President of the Young Lawyers Section (YLS) of the State Bar of the South Dakota. Serving on the Board of Directors has

provided me with countless opportunities and experiences that remind me every day why I am proud to be a South Dakota lawyer. I look forward to spending the upcoming year working with and for the young lawyers and law students of our state.

You may be asking yourself, what is the YLS? Great question! Our mission is to aid and promote the advancement of young lawyers and encourage their interest and participation in the State Bar. We strive to provide resources and tools to young lawyers and law students to help them grow in their career and practice. Membership in the Young Lawyers Section is comprised of both young lawyers (South Dakota State Bar members under 36 years old or admitted to practice law for less than 10 years) and all law students at the University of South Dakota School of Law.

This year, we hope to engage with you. If you are a veteran lawyer, we hope to pair you with a young lawyer who needs a mentor. If you are new to the state bar, we hope we can find the perfect volunteer opportunity for you. If you are unable to make an event, we aim to keep you involved with increased technological efforts. Simply put, we want to get you involved and keep you involved with the YLS!

All of the staple events you have come to love and expect from the YLS will continue on this year. As a highlight, you can expect the following

**Statewide Swearing-in Ceremony.** On Friday, October 19, 2018, we will continue our tradition of welcoming newly-admitted lawyers to the practice of law in South Dakota. The event is a great opportunity for friends, family, and co-workers to celebrate the accomplishments of our newest lawyers. I encourage newly-admitted lawyers to also attend the event. Just as important, employers, please encourage your young lawyers to attend the Statewide Swearing-In Ceremony. There is no better way to welcome lawyers to our profession!

**CLEs.** In addition to the Statewide Swearing-In Ceremony we will be hosting the **Nuts & Bolts CLE**. This CLE covers topics that cater to a young lawyer audience. In the spring, we will also host the **YLS Bootcamp** in Rapid City and Sioux Falls. The Bootcamp covers various topics applicable to attorneys within the first few years of practice. Additionally, the Boot Camp incorporates a wellness section, which is entitled **#Fit2PracticeSD**. Watch the bar newsletter for topics!

**Public Service.** We will continue to partner with the Veterans Legal Education Group (VLEG) at the law school and our state bar to offer legal clinics to members of the public in need of legal services, including our veterans. We will host two veterans' legal clinics this year (fall and spring). We also will continue **Project Destination**, which will continue our efforts to reach out to students in some of our state's most isolated areas, including Indian Country, and provide them with exposure to area lawyers with a hope of planting seeds of a future in the legal profession.

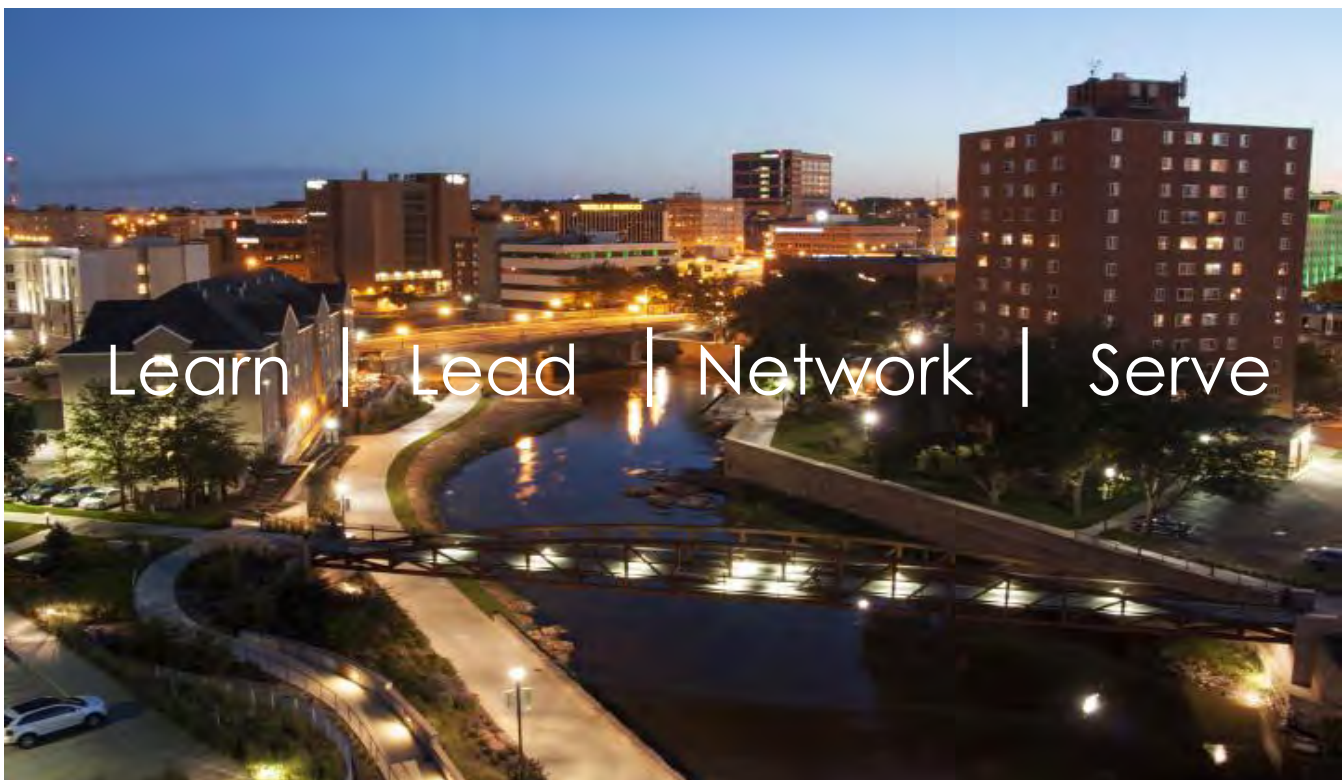
This year we also will be looking for ways to engage our membership and improve upon our programming. As such, we encourage you to reach out to any of our Board members to voice

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

In closing, I want to remind each of you that all YLS activities are open to all attorneys and law students no matter your age or experience level.

Kindest regards,  
Tamara P. Nash



# Fellows of the South Dakota Bar Foundation

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

## Raising the Bar: Our Profession. Our Responsibility.

LIFE PATRON FELLOW: \$100,000 plus – <i>Cumulative, including Pledges &amp; Testamentary Gifts</i>		
SUSTAINING LIFE FELLOW: \$50,000 plus – <i>Cumulative, including Pledges &amp; Testamentary Gifts</i>		
<u>Fred &amp; Luella Cozad</u>		
LIFE FELLOW: \$25,000 plus – <i>Cumulative, including Pledges &amp; Testamentary Gifts</i>		
<u>Frank L. Farrar</u>		
DIAMOND FELLOWS: \$10,000 plus – <i>Cumulative, including Pledge &amp; Testamentary Gifts</i>		
<u>Thomas C. Barnett, Jr.</u>	<u>Robert E. Hayes</u>	
PLATINUM FELLOWS: \$10,000 – <i>Cumulative, including Pledge &amp; Testamentary Gifts</i>		
<u>Hon. Richard H. Battey</u>	<u>Charles L. Riter</u>	<u>Hon. Jack R. Von Wald</u>
<u>Hon. John B. Jones</u>	<u>William Spiry</u>	
\$10,000 PRESIDENTIAL FELLOWS		
<u>John P. Blackburn</u>	<u>G. Verne Goodsell</u>	<u>Reed A. Rasmussen</u>
<u>Richard D. Casey</u>	<u>Robert E. Hayes</u>	<u>Pamela R. Reiter</u>
<u>Hon. Michael Day</u>	<u>Terry L. Hofer</u>	<u>Robert C. Riter, Jr.</u>
<u>Robert B. Frieberg</u>	<u>Hon. Charles B. Kornmann</u>	<u>Eric C. Schulte</u>
<u>Thomas H. Frieberg</u>	<u>Bob Morris</u>	<u>Jeffrey T. Sveen</u>
<u>David A. Gerdes</u>	<u>Thomas J. Nicholson</u>	<u>Charles M. Thompson</u>
<u>Hon. David R. Gienapp</u>	<u>Gary J. Pashby</u>	<u>Richard L. Travis</u>
<u>Patrick G. Goetzinger</u>	<u>Stephanie E. Pochop</u>	<u>Thomas J. Welk</u>
GOLD FELLOWS: \$5,000 – <i>Cumulative, including Pledge</i>		
<u>Richard A. Cutler</u>	<u>P. Daniel Donohue</u>	<u>Richard L. Kolker</u>
<u>William F. Day, Jr.</u>	<u>Dana J. Frohling</u>	<u>Scott C. Moses</u>
SILVER FELLOWS: \$1,000 per year		
<u>Kimberly A. Mortenson</u> (renewed 17-18)	<u>Timothy J. Rensch</u> (renewed 17-18)	<u>Brandon M. Taliaferro</u> (renewed 17-18)
<u>Scott C. Moses</u> (In memory of William J. Janklow)	<u>Herb C. Sundall</u> (renewed 17-18)	<u>Gregory A. Yates</u> (renewed 17-18)
FELLOWS: \$500 PER YEAR		
<u>Hon. John Bastian</u> (renewed 17-18)	<u>Richard Kolker</u> (17-18)	<u>Mrg Simon</u> (renewed 17-18)
<u>Hon. John L. Brown</u> (renewed 17-18)	<u>Hon. Judith Meierhenry</u> (renewed 17-18)	<u>Thomas E. Simmons</u> (renewed 17-18)
<u>Mary Jane Cleary</u> (renewed 17-18)	<u>Hon. Bobbi Rank</u> (17-18)	<u>Jason Robert-Feil Sutton</u> (17-18)
<u>Craig A. Kennedy</u> (renewed 17-18)	<u>Robert C. Riter</u> (renewed 17-18)	<u>Barry Vickrey</u> (17-18)

# YOU ARE INVITED TO JOIN!

## Fellows of the South Dakota Bar Foundation

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

Full Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

I would like to contribute:

in Lump Sum    Annually    Semi-Annually    Quarterly    Monthly

- Life Patron Fellow – \$100,000 or more, cumulative.
- Sustaining Life Fellow – \$50,000 or more, cumulative.
- Life Fellow – \$25,000 or more, cumulative.
- Diamond Fellow – over \$10,000, cumulative.
- Platinum Fellow – \$10,000, cumulative.
- Gold Fellow – \$5,000, cumulative.
- Silver Fellow – \$1,000 per year.
- Fellow – \$500 per year.

### In Memoriam

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

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

I am paying \_\_\_ by check, \_\_\_ by credit/debit card.

Credit/Debit Card Payments:

Name on Card (if different than above) \_\_\_\_\_

Address Tied to Card (if different than above):

\_\_\_\_\_

Card Number: \_\_\_\_\_

Expiration Date: \_\_\_\_\_ CVV: \_\_\_\_\_

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

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

# ANNUAL MEETING



Banquet



Toms

Retirement

Party





# Foundation Reception



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## Amber Waves of Gain: Selected Tips for Agricultural Equipment Credit Defaults

South Dakota rightly takes pride in helping to bring agricultural products to the world. The importance of agriculture is uplifted in some of America's patriotic songs, through phrases such as "amber waves of grain." Patriotic or not, legal professionals understand that creditor as well as debtor rights are a large part of what allows American agriculture to succeed. Wise legal counsel about agricultural equipment loan defaults can help bring either waves of gain or pain to a lawyer's client. This article mentions just a few among many tips for more effective handling of agricultural equipment loan defaults.

Agricultural equipment often includes hundreds of thousands of dollars of machinery that has no vehicle title ("nontitled equipment"). It usually is more difficult during a loan default for a lender to be assured of incontrovertible proof of ownership of nontitled equipment than of titled vehicles. A borrower's sibling, parent, or spouse, for example, may surface as a supposed nontitled equipment owner or co owner. If the borrower is an entity, the individual owners or owners' adult children may surface as supposed owners of some of the nontitled equipment.

Lenders can reduce risks of ownership disputes in multiple ways. For example, during a workout agreement, a lender can attach a detailed equipment list and provide that the borrower's signature on the workout agreement confirms that the equipment owned by the borrower includes but is not necessarily limited to listed equipment. The lender also could ask, where appropriate, adult children or parents affiliated with a borrower to confirm, at least orally, that they claim no ownership in the listed equipment. Also, depreciation schedules for income tax returns can provide some proof of ownership.

Gain or pain also can arise from properly handling jointly owned nontitled equipment. It is not uncommon for farming equipment to be owned by, say, two brothers or two sisters, only one of whom borrows from a particular lender. The common law on jointly owned equipment tends to limit a lender's rights in the equipment to whatever the arrangement was between

the joint owners, unless the nonborrower cloaked the borrower with apparent authority to pledge larger rights in the equipment. For instance, consider two brothers who each own an undivided half interest in a combine and had an oral agreement at the time of purchase that the older brother would have first use rights of the combine if he ever wished to insist on them, or an oral agreement that selling the combine required their mutual consent. The younger brother's lender might be stuck with such arrangements, unless and until the lender could: (A) prove the older brother cloaked the younger brother with actual or apparent authority to pledge an unfettered half interest in the combine; or (B) prevail in an equity action for authority to sell and divide the proceeds.

If the jointly owned equipment is valuable enough to justify the effort, a lender should obtain a hypothecation agreement from any nonborrower joint owner at the time of making the loan or, if not, at the time of the workout agreement. Hypothecation agreements vary in the significance of the rights a nonborrower grants to a creditor. A relatively modest type of hypothecation that a creditor might promote relatively easily to a nonborrower would include the nonborrower granting the creditor a right to repossess and, after notice, sell the joint equipment, distribute the pertinent share of sale proceeds to the nonborrower and keep the remainder of the proceeds. Other types exist that are more favorable to a creditor.

Bankruptcy Code provisions on exemption impairment implicate agricultural equipment. Borrower's counsel could try to use 11 U.S.C. § 522(f), which typically allows a debtor whose property is exempt from creditors and has been impaired by a nonpossessory, nonpurchase money lien to avoid the lien. In the agricultural equipment context, debtors often use a tool of the trade exemption or a specific agricultural implement exemption to exempt thousands of dollars of property per debtor. An astute debtor's counsel, therefore, even before bankruptcy, can try to bargain with a lien creditor to exempt at least some of the value of agricultural equipment where the lienor's lien is neither purchase money nor possessory.

Astute legal counsel for lienors have some rebuttal ideas and planning advice. Counsel could advise a lienor not to consolidate and renew a purchase money loan if doing so would cause the purchase money security

interest to be lost. Lienor's counsel also can advise lenders to carefully track trade ins over the years concerning agricultural equipment. After all, a trade in is part of the purchase price of a new machine and thus a security interest in the trade in arguably translates into a purchase money security interest in the new machine, albeit limited to the dollar value of the trade-in.

In bankruptcy, depreciation of agricultural equipment becomes significant. For instance, a lienor can contend that a debtor must "adequately protect" the lienor's collateral value against depreciation, whether because of passage of time or of use during the bankruptcy period. See generally 11 U.S.C. § 363 and § 362(d)(1). Wise lawyers will be alert to opportunities to obtain stipulations that equipment will significantly depreciate if used by the borrower, perhaps even specifying amounts of appropriate compensatory payments to the lienor. On the other hand, wise borrower counsel may push to resist such stipulations and/or see if a creditor

can be convinced to stipulate to very low "release values" to release its lien if various machines sell or are refinanced for specified prices. The debtor then might be able to use such "release values" in a subsequent bankruptcy as indication the equipment already was significantly depreciated, thus reducing the amount of adequate protection needed.

Many other opportunities exist for specialized debtor creditor lawyers to deliver value to clients owning or asserting liens on agricultural equipment. Wise lawyers thus can do their part to achieve "amber waves of gain" for their respective clients.

*Author credit:*

*Tom Ashby of Baird Holm LLP (tashby@bairdholm.com) is a member of the Debtor-Creditor Committee of the South Dakota Bar. Tom offices in Omaha and is licensed in South Dakota, Nebraska, Iowa, and Missouri.*





## South Dakota Lawyer Referral Service **ENROLLMENT AGREEMENT**

Mail completed form to:  
State Bar of South Dakota  
222 East Capitol Avenue, #3  
Pierre, SD 57501  
Or fax: (605) 224-0282

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 Statewide Lawyer Referral Service and agree to pay a \$50 service fee on an annual basis.
3. 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 amount is received.
4. In the event I am suspended from the LRS for nonpayment of the invoiced amount, I agree that in order to be reinstated to the LRS, I will pay the balance owed.
5. My practice is covered by Errors and Omissions Insurance totaling at least \$100,000 (policy issued by: \_\_\_\_\_  
  
and shall maintain such insurance at all times while participating in SDLRS.
6. Enclosed is the total amount of \$50, to cover the registration fee for the following panels:
  1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_
7. I will promptly inform the State Bar of South Dakota Bar of any change in my address or phone number.
8. If a petition is filed for removal to inactive status for disability and/or if formal disciplinary proceedings are initiated against me, or if a criminal complaint is filed or an indictment returned alleging a serious crime, I hereby agree to a suspension of referrals until final resolution of the matter.

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.: \_\_\_\_\_

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public for South Dakota

My commission expires: \_\_\_\_\_

## LAWYERS CONCERNED FOR LAWYERS LAWYERS ASSISTANCE COMMITTEE

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

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

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

## Caribou Coffee Club

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

Attendance is limited to lawyers.

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

For more information or to receive blind copies of group announcements, send an email to:  
[cariboucoffeclub@gmail.com](mailto:cariboucoffeclub@gmail.com)



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



# YOU are NOT Alone

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

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

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

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

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

The Sand Creek website, [www.sandcreekeap.com](http://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](http://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.*

# ANNOUNCEMENTS

Christopherson, Anderson,  
Paulson & Fideler, LLP  
is pleased to announce that

*Abigail J. Schindler*  
has joined the firm as an associate.

509 S. Dakota Avenue  
Sioux Falls, SD 57104-6809

Telephone: (605) 336-1030  
Facsimile: (605) 336-1027

[abigail@capflaw.com](mailto:abigail@capflaw.com)

The Law Firm of  
Myers Billion, LLP  
is pleased to announce that

*Sharla B. Svennes*  
has become a partner with the firm  
effective May 1, 2018

230 S Phillips Avenue, Suite 300  
PO Box 1085  
Sioux Falls, SD 57101-1085

Telephone: (605) 336-3700

Green Roby Oviatt LLP.  
is pleased to announce

*John D. Knight*  
has joined the firm as a partner.

816 S. Broadway  
PO Box 1600  
Watertown, SD 57201-6600

Telephone: (605) 886-5812  
Facsimile: (605) 886-0934

[john@grolawfirm.com](mailto:john@grolawfirm.com)



Have an  
...Announcement?

Email Tracie Bradford to  
get the word out!  
[tracie.bradford@sdbar.net](mailto:tracie.bradford@sdbar.net)

# The State Bar of South Dakota

## Contract Lobbyist

### Request for Proposals

The State Bar of South Dakota (SBSD) is now accepting proposals for a contract lobbyist.

SBSD is seeking to employ a contract lobbyist(s) to work with SBSB staff and sections and other stakeholders to propose, monitor bills considered by the South Dakota Legislature. The SBSB is soliciting RFPs for comprehensive legislative services that will support achieving this important goal.

Prospects for this position must meet the following criteria:

- active member(s) in good standing of the State Bar of South Dakota;
- be qualified to register as a lobbyist with the State of South Dakota;
- work as a full-time lobbyist during the 2019 legislative session;
- express a willingness to disclose other clients and potential conflicts between those clients and the SBSB;
- willingness to attend meetings of the SBSB Board of Bar Commissioners, as requested;
- excellent oral and written communication skills;
- ability to coordinate with SBSB substantive law sections to assist in the development of a legislative agenda and subject matter testimony;
- knowledge of the political decision-making process, as well as legislative and regulatory processes;
- ability to distill complex issues into concise talking points, and succinctly convey positions of the SBSB;
- ability to track legislation during the session, provide timely and periodic reports to SBSB leaders and appropriate sponsoring entities;
- participate in the preparation of informational updates for the SBSB members, including weekly summaries of legislative activity, and prepare reports following the legislative session of all matters of interest to SBSB; and
- possess knowledge of state reporting requirements and provide the SBSB with copies of all reports required to be filed with the office of the Secretary of State.



Proposals must include, but are not limited to, the following information:

1. Description of firm lobbying experience.
2. Representative client list.
3. Potential conflicts of current clients with the SBSD.
4. Description of any firm member(s) who would represent the SBSD.
5. Designation of lead lobbyist(s).
6. Vision and action plan on how lobbying would be conducted on behalf of SBSD and coordination of activities with the SBSD executive director.
7. Commitment to attend meetings of the SBSD, as requested.
8. Commitment to provide weekly reports to the SBSD, with timing and content to be agreed upon prior to start of the legislative session.
9. Proposed fee to be paid by the SBSD.
10. Any anticipated expenses in connection with lobbying.
11. Any other information the candidate would like the SBSD to consider.

**All proposals are due in the offices of the SBSD on July 16, 2018. Please send one hard copy and an electronic version.**

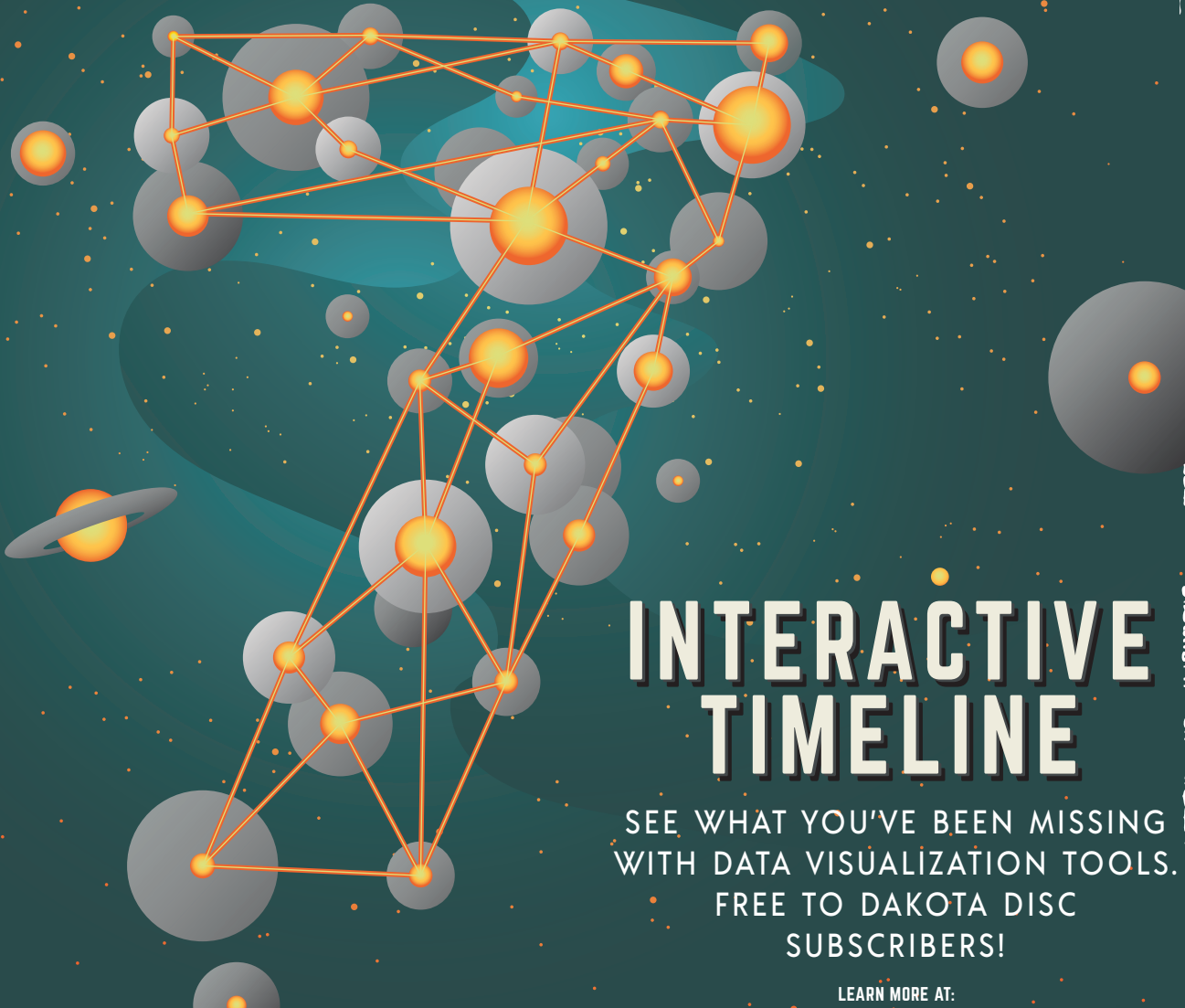
Please submit one hard copy of your proposal no later than July 16, 2018, to:

Andrew Fergel  
Executive Director  
The State Bar of South Dakota  
222 East Capitol Avenue  
Pierre, SD 57501

And submit an electronic version no later than July 16, 2018, to:

Andrew Fergel at [andrew.fergel@sdbar.net](mailto:andrew.fergel@sdbar.net).

# CONNECT THE FACTS



## INTERACTIVE TIMELINE

SEE WHAT YOU'VE BEEN MISSING  
WITH DATA VISUALIZATION TOOLS.  
FREE TO DAKOTA DISC  
SUBSCRIBERS!

LEARN MORE AT:

[WWW.STATEBAROFSOUTHDAKOTA.COM](http://WWW.STATEBAROFSOUTHDAKOTA.COM)



# WALK-IN FAMILY LAW CLINIC

## BROWN COUNTY BAR ASSOCIATION

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

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

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

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





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*I will support the Constitution of the United States and the Constitution of the State of South Dakota;*

*I will maintain the respect due to courts of justice and judicial officers;*

*I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;*

*I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;*

*I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with a client's business except from that client or with the client's knowledge or approval;*

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# COURT-APPOINTED DEFENSE ATTORNEY TRAINING VIDEO SERIES

PIERRE—In accordance with SDCL 23A-40-21, the Unified Judicial System has released a training video series for defense attorneys representing individuals with mental illness. Successful completion of the training is mandatory for all court-appointed attorneys after July 1, 2018

The seven-part training covers several areas such as client interaction, forensic exams, mental impairment defenses, mitigation and sentencing. Each video series is followed by a short exam. Attorneys that successfully complete the training will be listed under “Certified Court-Appointed Defense Attorneys” on the UJS website.

The training is available directly at <https://ujsmil.sd.gov/> or on the UJS website under “Information for Attorneys” and labeled “Representing a Client with Mental Illness Training Video.”

Attorneys who attended the in-person training at the State Bar Convention and submitted the required information will not be required to complete the training in order to be added to the list.



## 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](mailto:nrnplnsweather@gmail.com) or 605.390.7243.



# Cybercrime and Social Engineering

Mark Bassingthwaighte, Esq.

Some time ago I was nearly stunned by a conversation with a few lawyers who had almost been scammed into sending several hundred thousand dollars overseas. While we all were pleased that the scam was recognized in time, I was floored by their response to what had happened. In talking about it, the lawyers acknowledged that they were fortunate to have listened to the wisdom of their firm administrator when they agreed to wait to release any funds until the deposited check had actually cleared. Yet, oddly enough, after the check finally did bounce these lawyers felt unable to do anything about it due to a perceived attorney-client relationship and the loyalties they believed flew from that. Apparently the scammers had invested enough time and become so involved with the firm that even after nearly being taken in, the lawyers still believed confidentiality trumped. They were hesitant to even consider having the situation investigated. Wow. Whoever was behind that scam knew what they were doing.

I wish that I could say this particularly story was an unusual situation and that lawyers needn't worry but I can't. In the years since, these types of scams have only gotten more frequent and more sophisticated and it's all about social engineering. For the uninitiated among us, social engineering has nothing to do with a group of happy outgoing guys that get to put on those great blue and white stripped hats before heading out to drive their trains. Social engineering in the context of cybercrime is really about the use of psychological manipulation to trick a person into doing something that isn't going to be in their best interests. The goal may be to gain access to confidential information, to steal personal identities or money, to gain access to computer network resources, and the list goes on.

An attacker has any number of methods at his or her disposal. If the goal is to insert some type of rogue software onto a computer network, perhaps they leave a USB flash drive in the parking lot or

send a "lucky winner" a free digital music player. Of course once the device is connected to the network, in order to see what's on the flash drive or to start enjoying that unexpected prize, the network is now compromised. This type of attack is called baiting, and law firms are not immune. Other attack methods include, but are by no means limited to, fake callbacks from technical support where the attacker randomly calls numbers at a business until someone falls prey; pretexting where the scammer impersonates a bank employee, tax authority, insurance investigator, etc. to try and trick someone into disclosing information; and phishing which is something we all need to know more about due to the sheer number of phishing attacks occurring.

First the basics, phishing is the criminal attempt to trick another into providing personal or sensitive information such as a birth date, their address, a credit card number, or their user name and password to some account typically by requesting a response to an email or text message that the scammer has sent. Many of us have some sense of this general approach and would just delete an email that says our bank account will be closed unless we open the attachment or click on some link in order to verify our logon credentials simply because the email came from the wrong bank. But what if the email does purport to be from the correct bank? What if the email looks exactly like the bank's website and has all the correct official logos? What if, instead of having you verify login credential online, the email asks you to call a number and the automated system that answers asks for your login credentials?

Phishing attacks have become very sophisticated. Not only are all of the above examples real, there are many other approaches out there. Who hasn't received one of those important emails informing you of a change in the delivery schedule of your UPS package or letting you know your eBay or email account is about to be closed unless you verify your credentials? I have personally received an email that

appeared to be from a close friend stating that he had had his wallet stolen and was stuck in London. He was hoping I would wire some money to help him return to the States and he would pay me back upon his return. Then there was the one claiming to be from Microsoft. They wanted me to know about a serious security problem in their software and suggested I immediately click a link to download the necessary update so that I would remain secure. Honestly, I almost fell for that one. The level of sophistication with the Microsoft email was that good. In truth, the possible variations on phishing attacks seem to only be limited by the imagination and programming skills of the criminals behind them. Unfortunately, we'll keep seeing these attacks and they'll continue to evolve because they work.

Hopefully you now have a sense as to how ugly the situation has become. In my opinion, all lawyers need to be more proactive with computer security because the real risk comes from all who use your systems including yourself. Please understand that the security hardware and software in place at your firm is the last line of defense. It is you and your users that are on the frontline. It's time to get in front of the problem because no one else is going to take care of it for you. It simply isn't possible for your IT support to protect your systems from all phishing attacks because these attacks are directed at people not hardware or software. The good news is that there are a few things we can all do to protect our personal information as well as our client confidences and it begins with training. Everyone within your firm should be made aware of the nature of phishing attacks and learn how to spot them. Use online resources as training tools such as this Windows Safety & Security Center post, this Wikipedia entry, or this Ten Tips for Spotting a Phishing Email post on TechRepublic.com. If you have in-house IT, invite them to provide an annual in-house seminar on phishing and other online hazards.

In addition to training, keep all software updated in terms of critical security patches as they become available. Use reputable antivirus tools as well as

spyware identification and removal tools on all computers that are part of the office network and don't overlook remote and mobile computers such as home computers, personal laptops, and computer tablets. Check with your IT staff or consultant to see if you are running the most current version of your Internet browser. If your browser has anti-phishing capabilities built in make certain that this functionality is enabled on all devices that are on the network or that login to the network remotely. That said, the most important piece of advice is to remember that no matter how sophisticated the security systems and tools that are deployed are, the user will always remain a vulnerability. Awareness and training will continue to be key and should occur on a semiannual or annual basis in order to keep the issue front and center. Everyone at your firm needs to be on the lookout for phishing emails or text messages because law firms are a target for scammers. Lawyers have a significant amount of valuable data residing on their computer systems that scammers want. Yes, lawyers can be a trusting bunch; but as I shared at the beginning of this piece, that attribute doesn't always serve us 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](http://alps.inreachce.com). Mark can be contacted at: [mbass@alpsnet.com](mailto:mbass@alpsnet.com).

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## Trial Academy Registration

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**July 9 to 13, 2018 (Vermillion, SD)**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Please register me for the Trial Academy. I enclose a deposit of \$500 (made payable to SD CLE, Inc.) toward the tuition cost of \$1500. I acknowledge that the deposit, should I be accepted and subsequently am not able to attend, is non-refundable unless a replacement is found. If I am not accepted, I understand that my deposit will be returned to me. I understand that no interest will be payable on returned deposit. I further understand that I will be responsible for motel and meal costs. If I am accepted, I will tender the balance of \$1000 no later than June 25, 2018.

I acknowledge that there may be more applicants than available student slots and that the Trial Academy is primarily intended for lawyers with limited trial experience who desire to further develop his or her trial skills. The following professional information relative to my professional experience will be used by the admissions committee solely to determine whether I will be accepted for the Trial Academy and the information will be used for no other purpose nor shared with any other entity. In the event that there are more applicants than available space, I recognize that the admissions committee will accept the earlier application with deposit for similarly situated applicants.

Size of law firm \_\_\_\_\_ Years of practice \_\_\_\_\_

# of civil jury trials (estimated): \_\_\_\_\_ #of criminal jury trials (estimated): \_\_\_\_\_

Brief description of your current law practice:

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Mail this registration form, together with a check in the sum of \$500, payable to SD CLE, Inc.

To:

State Bar of South Dakota

222 E. Capitol Ave.

Pierre, SD 57501

## Trial Academy Scholarship Application

The undersigned does hereby apply for a scholarship to the State Bar/NITA/USD School of Law Trial Academy to be held **July 9 to 13, 2018** in Vermillion, SD. I recognize that this scholarship, if awarded, covers the \$1500 tuition and reasonable meal and motel expenses. I further recognize that the scholarship for which I am applying is intended for a sole practitioner or a member of a small law firm. For the sole purpose of assisting the screening committee, I have answered the following professional demographic information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Years as a Lawyer: \_\_\_\_\_ Size of firm: \_\_\_\_\_

# of civil jury trials (estimated): \_\_\_\_\_ # of criminal jury trials (estimated): \_\_\_\_\_

Brief description of my career as a lawyer: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Attached is my letter** setting forth the reasons I should be awarded this scholarship. I understand that this application and attached letter will be kept confidential and will be used solely by the committee to award the scholarship.

Signed: \_\_\_\_\_

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## STRESS and DEPRESSION HELP

Contact information for the regional mental health centers in South Dakota is located at [www.statebarofsouthdakota.com](http://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](mailto:solace@sdbar.net) if you, or someone you know, could benefit from this program.

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# July 2018

Official Publication of the State Bar of South Dakota

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Tracie at [tracie.bradford@sdbar.net](mailto:tracie.bradford@sdbar.net).

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

### Address Changes:

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#### **LITIGATION ASSOCIATE: Sioux Falls, SD**

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

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DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Managing Attorney position in our Fort Thompson, South Dakota, branch office. The Fort Thompson office serves the Crow Creek and Lower Brule Indian Reservations in South Dakota and Brule, Buffalo, Hughes, Hyde, Lyman, Stanley and Sully counties in South Dakota.

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

Applicant must have at least one year's experience in the practice of poverty law or Indian law, with trial and appellate experience in state and federal courts or two years' experience in the general practice of law. If Applicant does not possess this experience we would consider Applicant for a staff attorney position until qualified to be a Managing Attorney.

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

Opened until filled.

#### **Deputy Public Defender: Pennington County** Pennington County Public Defender's Office, Rapid City, SD

STARTING SALARY: \$65,728.00

CLOSING DATE: Until position filled

The Pennington County Public Defender's Office is inviting applicants for the position of Deputy Public Defender. The position will defend indigent clients in magistrate and circuit court criminal cases, appeals and certain civil matters; represent clients at all stages of criminal court; will meet with clients to discuss rights, charges, penalties and defense; represent clients' best interests at all stages of court; prepare for trial by interviewing witnesses; research cases and counsel clients on appropriate options. Perform any additional duties as assigned by supervisor.

Applications must have a JD and admitted or eligible to be admitted to the South Dakota Bar Association.

Applications must be submit online at <http://www.pennco.org/jobs>.

Applicants will need to attach a letter of interest and resume to the online application, or they may be sent in addition to the online application to:

Eric Whitcher (Director) Pennington County Public Defender's Office, 130 Kansas City St. Ste.310, Rapid City, SD 57701



**Sioux Falls Business Attorney:**

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

Salary and bonus structure are competitive and based on performance. Benefits include unlimited PTO, 401K, health insurance, vision, dental, flex spending account, short term disability, life insurance, annual CLE budget, paid bar dues and professional memberships, iPhone, laptop, desktop, office furniture, paid parking, training, staff and administrative support. This is an opportunity for top candidates to become part of a growing law firm where passion fuels success. Our team feels it's WORTH IT!

South Dakota bar license required. Ideal candidates are top performers with five or more years of legal experience. Please send a resume and cover letter to Human Resources Generalist, Marit Westrich at [WestrichM@GoosmannLaw.com](mailto:WestrichM@GoosmannLaw.com). Goosmann Law Firm is an equal opportunity employer. All inquiries will remain confidential.

**Attorney:**

Homestead Holdings, Inc. is seeking to add an attorney to its I.R.C. §1031 tax-deferred exchange business - Homestead Escrow and Exchange Company. This position will focus on providing information and guidance to attorneys, tax advisors, and potential exchangers on the rules and regulations related to 1031 exchanges, which includes the identification of issues and complications associated with the proposed exchange plan, and aiding in the explanation of potential solutions and exchange structures that can be used to achieve the desired goals. Full training on 1031 exchanges will be provided by existing attorneys making prior knowledge of tax deferred

exchanges a strong positive but not a requirement. The ideal candidate must have strong oral and written communication skills and the ability to work with both professional and non-law trained clients. Prior experience or education in the areas of federal income tax and real property law are essential. Position includes competitive pay, health and other benefits, and the opportunity for growth with the expansion of the business. Candidates must be licensed or planned to be licensed in South Dakota, Minnesota, Iowa, and/or Nebraska. Please send a cover letter and resume to Eric Hanson, [Eric@dakotahomestead.com](mailto:Eric@dakotahomestead.com).

**Senior Associate: Sioux Falls**

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

**Requirements:**

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

JD from an ABA accredited law school;

In good standing with South Dakota State Bar Association;

Civil trial experience in state and federal court;

Motivated to build a litigation practice in Sioux Falls.

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

Please send resumes and references to [marndt@mayjohnson.com](mailto:marndt@mayjohnson.com).

**Staff Attorney: Sioux Falls**

Avera Health - Staff Attorney – Information

Technology Cybersecurity

Facility: Avera Health-Info Technology Center, Sioux Falls SD

Department: CRP IT Security (9070.81408)

- Full Time - Monday-Friday, occas call-time;

80hrs/2wks

- Day Shift

**JOB SUMMARY:** The Information Security Staff Attorney plays a key role in ensuring that Avera contractual, legal and regulatory obligations regarding both information security and the protection of sensitive data are in place. This individual will support transaction and operational processes, influence software product selection, help mature and

advance our security programs, such as HIPAA and NIST, and provide general security/data protection advice across the organization.

REQUIRED EDUCATION and/or EXPERIENCE:

- Juris Doctor Degree in Law and board certified required with a license to practice law in the state of South Dakota or obtained within one year of employment.
- Technology-related degree or certifications, and/or equivalent combination of technology experience preferred

<https://www.healthcaresource.com/avera/index.cfm?&ijobpostondaysold=724&ijobrowstart=1&c-jobattr1=All&includeextjobs=0%2C0&fuseaction=-search%2EjobList&cmisc3=&template=dsp%5Fjob%5Flist%2Ecfm&search=Search&ijobcatid=100&ckeywordsearchcategory=cdept%2Cctitle%2Ccfac%2Ccjobcode%2Ccreqnum%2Ccacct%2Ccmisc1%2Ccmisc2%2Ccmisc3%2Ccmisc4%2Ccmisc5%2Ccdept%2Cmdes%2Cctitle%2Ccfac%2Ccjobcode%2Ccreqnum%2Ccacct%2Ccmisc1%2Ccmisc2%2Ccmisc3%2Ccmisc4%2Ccmisc5&includeintjobs=1%2C1&facilityid=All%7E&nkeywordsearch=1802295>

#### **Lead Estate Planning Attorney:** Sioux Falls

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

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

to support the organization with expert knowledge of estate planning law and application.

Skills - Warm friendly person with excellent people skills and excellent counseling skills. Excellent listener who enjoys working with older people. Ability to explain estate planning subjects in layman's terms.

Energetic, highly professional, team-oriented.

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

#### **Litigation Staff Attorney:** Avera in Sioux Falls

The Staff Attorney-Litigation, is responsible for providing any and all legal services for collection of primarily out-of-state patient accounts on behalf of Accounts Management, Inc. ("AMI"); responsible for assisting with AMI claims and county poor relief claims of Avera Health hospitals in the state of South Dakota, time permitting and as requested by the Avera Patient Accounts Attorney, to the extent that such proceedings or actions necessitate the involvement of legal counsel; and serves as an additional legal resource to the Director and Litigation/Collection Manager of AMI with respect to the collection of such patient accounts.

REQUIRED EDUCATION and/or EXPERIENCE:

Juris Doctor required; BS or BA in Business preferred.

REQUIRED CERTIFICATION, LICENSURE, and/or REGISTRATIONS:

- Attorney duly licensed to practice in the state of South Dakota.
- Current Iowa License to practice law in good standing, or minimum 5 years of law practice (litigation emphasis) with the ability to obtain Iowa Licensure within 6 months of employment.

- Ability to obtain additional law licensure within other states as deemed necessary by AMI (Nebraska and/or Minnesota).
- This position requires a valid driver's license, and that the employee is insurable by the Avera Health automobile liability insurance carrier.
- Responsible for maintaining CLE requirements in all states in which licensed to practice.

**MANAGING ATTORNEY: EAGLE BUTTE, SD**

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Managing Attorney position in our Eagle Butte, South Dakota, branch office. The Eagle Butte office serves Cheyenne River Indian Reservation in South Dakota and Dewey, Haakon, Potter and Ziebach counties in South Dakota.

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

Applicant must have at least one year's experience in the practice of poverty law or Indian law, with trial and appellate experience in state and federal courts or two years' experience in the general practice of law. If Applicant does not possess this experience we would consider Applicant for a staff attorney position until qualified to be a Managing Attorney.

SALARY: Competitive, depending on experience.

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

CLOSING DATE: Open until filled.

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

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

**STAFF ATTORNEY: SISSETON, SD**

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

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

SALARY: Competitive, depending on experience.

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

CLOSING DATE: Open until filled.

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

**Staff Attorney: Mission, South Dakota**

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: John J. Buchy, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, [dpls1@gwtc.net](mailto:dpls1@gwtc.net).

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

#### **Deputy Public Defender: Deadwood, SD**

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

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

#### **Attorney: Pierre, SD**

Agency: Department of Social Services; Division of Legal Services; Pierre, SD  
Salary/Grade: \$64,456 - 74,135 annually depending on experience

Closing Date: Open Until Filled

The South Dakota Department of Social Services is

seeking a licensed attorney to provide legal support to the Division of Economic Assistance. The Division of Economic Assistance programs include Energy and Weatherization Assistance, Supplemental Nutrition Assistance, Medical Eligibility (determining Medicaid or CHIP eligibility), and Temporary Assistance for Needy Families. Duties would include researching and interpreting relevant laws, providing legal advice regarding procedure and policy to department staff, reviewing trusts, and representing the Department proceedings in administrative proceedings and on appeal. This position would also be responsible for assisting with child abuse and neglect appeals as necessary. This position is exempt from the Civil Service Act.

The applicant must be a graduate of an accredited law school; be a member of the South Dakota State Bar or willing and qualified to become a member of the South Dakota State Bar, and qualify for appointment as a Special Assistant Attorney General.

The Ideal Candidate Will Have:

Knowledge of:

- Criminal and civil practices and procedures (preferred but not required);
- Evidentiary procedures (preferred but not required);
- Appellate practices and procedures (preferred but not required);
- Administrative practices and procedures (preferred but not required);
- Trusts, estates, and probate (preferred but not required)

Skill to:

- Communicate clearly and persuasively both orally and in writing.

Ability to:

- Interpret federal and state laws and regulations;
- Display high standards of ethical conduct;
- Perform legal research efficiently and effectively;
- Attend to details of assignments and complete work timely, accurately and thoroughly;
- Exercise sound judgment when making decisions and take prompt, decisive action;
- Analyze information, issues, situations, practices, and precedents to arrive at a logical interpretation;
- Work independently while accepting guidance and soliciting input;
- Effectively plan, organize, and prioritize work activities of self and others to meet schedules and deadlines;
- Work cooperatively with others and promote a

friendly work climate in order to achieve shared goals;

- Communicate clearly and persuasively both orally and in writing;
- Actively seek, collect, and evaluate information to learn more about issues or events;

To Apply: submit an electronic application for Requisition #10096 through <http://bhr.sd.gov/workforus.aspx>

#### **Staff Attorney: Sioux Falls, SD**

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

#### **Deputy Director: Mission**

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Deputy Director position in our Mission, South Dakota, office. DPLS provides free legal services to low income and elderly clients located primarily in the western half of South Dakota and to Native American clients located throughout South Dakota and on the Standing Rock Indian Reservation which extends into North Dakota.

**QUALIFICATIONS/RESPONSIBILITIES:** Applicants must be admitted to practice law in the courts of at least one state and be licensed to practice, or by reciprocity be able to obtain a license to practice, in South Dakota, or be qualified to take the next South Dakota Bar Exam; have at least one year of experience in the practice of poverty law or Native American law with trial experience in state and federal courts or two years of experience in the general practice of law; have a demonstrated interest in poverty law and sensitivity to the legal needs of low income clients; have strong writing skills; and be familiar with budgets or be willing to learn.

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

**SALARY:** Competitive, depending on experience.

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

**CLOSING DATE:** Open until filled.

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

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

## PARALEGAL

### Paralegal: Sioux Falls, SD

BOYCE LAW FIRM, LLP, in Sioux Falls, South Dakota has an opening for a full-time paralegal to assist with its litigation practice with emphasis in working in medical malpractice and health law area. Candidates should possess strong organizational, multitasking, and computer skills and be able to maintain a heavy workload. Excellent grammar, spelling, punctuation, and attention to detail are also required.

The firm offers a competitive compensation. Benefits include generous 401K, profit sharing, health insurance, life insurance, professional dues, memberships and paid attendance and expenses for continuing legal education. Confidential inquiries, including resume, cover letter should be directed to Michele Benson, Boyce Law Firm, LLP, PO Box 5015, Sioux Falls, SD 57117-5015 or to [mlbenson@boycelaw.com](mailto:mlbenson@boycelaw.com). For more information about Boyce Law Firm, please visit [www.boycelaw.com](http://www.boycelaw.com).

## LEGAL ASSISTANT

### Legal Assistant/Paralegal: Rapid City

Gunderson, Palmer, Nelson & Ashmore, LLP has an opening for a full-time legal assistant/paralegal in Rapid City, SD. Applicant must be detail oriented, able to maintain a heavy workload in a fast-paced environment, present a professional appearance, possess a positive attitude, and have excellent communication skills. Extensive typing, knowledge of legal documents and electronic court filing are paramount to this position. Salary dependent on experience-Excellent benefits package. Please send resume and cover letter to Glenda Hutton at [ghutton@gpna.com](mailto:ghutton@gpna.com).

### Transactional Legal Assistant

Lloyd Companies is seeking a legal assistant or paralegal to provide support related to the Company's commercial and development business and project finance efforts, as well as other areas where the Company's attorneys require support. The applicant must have the desire to provide world-class legal support. As part of the legal department, this position focuses on supporting the company's legal and development teams. This is a great opportunity to be part of a close-knit, cross-functional team of talented and creative individuals.

For full job posting, please visit [www.LloydCareers.com](http://www.LloydCareers.com) or contact Kelli Baker at 605.275.4289.



**OGLALA SIOUX TRIBE  
SECRETARY'S OFFICE  
P.O. BOX 2070  
Pine Ridge, South Dakota 57770  
Phone: (605) 867-8468  
Fax: (605) 867-2609  
Email: DonnaS@oglala.org**

**VACANCY NOTICE**

**To: Interested Candidates for Oglala Sioux Nation (OSN) Supreme Court:  
Chief Justice, Two (2) Associate Justices, One (1) Alternate Justice Position**

Three Supreme Court Justice Positions and One Alternate Position is being advertised for the OSN Supreme Court to fill the unexpired term of office per recommendation by the OST Tribal Council of The Oglala Sioux Tribe

The advertisements from June 29, 2018 until Filled. The Office of the Secretary of the Oglala Sioux Tribe will receive all Applications, and the appointment(s) will be made by the Oglala Sioux Tribal Council.

**REQUIREMENTS AND QUALIFICATIONS:**

All Justices of the Supreme Court must have a Juris Doctorate from an A.B.A. accredited law school and must be licensed to practice law in any state or federal jurisdiction.

Justices of the Supreme Court shall be appointed to the Supreme Court by the Tribal Council and shall serve a six (6) year term.

Must be willing to submit and pass a complete background investigation, including pre-employment drug and alcohol screening

**PLEASE SUBMIT:**

Letter of Application; Resume w/pertinent documents of Degree & etc.; Complete your Background Check w/ The OST Dept. Of Public Safety; Appointees are subject to negative drug tests

**SUBMIT DOCUMENTS TO:**

Submit a complete OST Application for Employment to the OST Secretary's Office no later than 4:30 p.m. of the closing date. Mail in applications postmarked on the closing date will be accepted. Attach all pertinent documentation, i.e., copy of High School diploma or GED certificate, copy of official college transcripts and/or college degree, certificate of Indian Blood if claiming Indian Preference and DD214 if claiming Veteran's Preference. ***(INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED.)***

**Judicial Qualifications Commission  
State of South Dakota**

**500 East Capitol Avenue**

**Pierre, SD 57501**

Telephone: (605) 773-2099

Fax: (605) 773-8437

Email: [lori.grode@ujs.state.sd.us](mailto:lori.grode@ujs.state.sd.us)

**Kimberley A. Mortenson, Chair**

**Mark S. Roby, Vice Chair**

**Hon. Robin J. Houwman**

**Mark Haigh**

**Hon. Bruce V. Anderson, Secretary**

**Timothy M. Engel**

**Rebecca A. Porter**

**Lori Grode, Executive Assistant**

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***Notice of Judicial Vacancy***

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

FROM: Bruce V. Anderson, Secretary, Judicial Qualifications Commission

The new appointment of Hon. Mark Salter as a Supreme Court Justice will create a vacancy for a Circuit Court Judge position (Position B) in the Second 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 July 13, 2018**. Applicants should make sure the application submitted is the 2018 revision.

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: 605-773-2099  
Email: [lori.grode@ujs.state.sd.us](mailto:lori.grode@ujs.state.sd.us)

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

The Second Circuit is comprised of the following counties: Minnehaha and Lincoln.



# JULY 2018

Bar Commissioners Retreat.....	July 12-13.....	Red Rossa, Pierre
Young Lawyers Retreat.....	July 12-13.....	Red Rossa, Pierre
Disciplinary Board.....	September 13-14.....	Ramkota, Rapid City
Estate Planning CLE am.....	September 28.....	Ramkota, Sioux Falls
TBA pm.....	September 28.....	Ramkota, Sioux Falls
SD YLS Swearing-In Ceremony.....	October 19.....	Rotundra, Pierre
Nuts and Bolts CLE.....	October 19.....	Red Rossa, Pierre
Bar Commission Meeting.....	October 19.....	Red Rossa, Pierre
Juvenile Law CLE.....	December 7.....	Ramkota, Rapid City