



# State Bar of South Dakota



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STATE BAR OF SOUTH DAKOTA**

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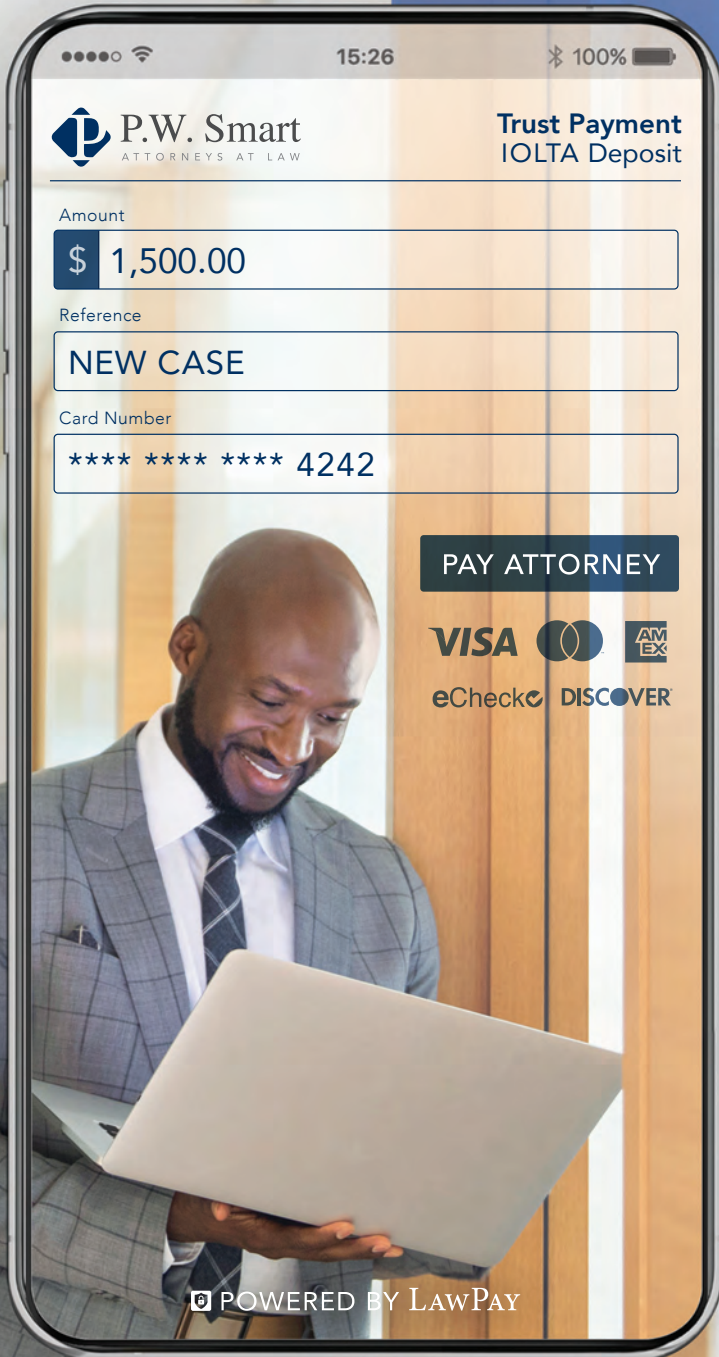
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State Bar of South Dakota

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# State Bar of South Dakota

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## President's Corner

*Terry G. Westergaard*

2020 has been a year of NO. No graduation. No March Madness. No travel. No restaurants. It has also been of year of YES. Yes, we can work from home. Yes, we can meet through Zoom. Yes, we can adjust and thrive. In January, none of us could have imagined the changes that took place in our country in March. It's still hard to imagine what things will look like in our country by the end of 2020. The only thing I am sure of is that these challenges will provide opportunities for each of us and for the State Bar.

The State Bar of South Dakota said yes by having its first virtual business meeting. The 88th Annual Business Meeting was held via Zoom. There were 352 attendees. With the hard work of the Bar Staff, the business meeting was a huge success. We learned processes from the virtual meeting that we will be able to use in future meetings. We received several positive comments about the meeting. Everyone, however, agrees that we miss the social aspect of the Bar Convention.

Congratulations to Chief Justice Gilbertson and late Justice Zinter on receiving the McKusick Award. Eye on KELOLAND did a great story on the award. Here is the link. <https://www.keloland.com/video/eye-on-keloland-excellence-in-law-and-friendship/5602776/>.

Thanks to Steve Huff for his passionate and dedicated service during a difficult year.

Although I do have plans for the coming year, I am acutely aware that I need to remain open to other opportunities that may arise. Three challenges that I want to turn into opportunities are as follows:

1. **State Bar of South Dakota Health Insurance Plan.** Our members face increasing premiums with reduced coverage. We are in the process of seeking approval for

an association health care plan. The opportunity is to provide cost-savings and stability.

2. **Wellness with an Emphasis on Financial Wellness for Young Lawyers.** Many students graduating from law school face the challenge of heavy undergraduate and law school debt. That debt limits the student's opportunities. We need to continue the conversation about wellness with our members and future members so that opportunities for the lawyers in our state are not lost.

3. **Social Justice.** Every month the oath we took as new attorneys is printed in the Bar Newsletter. It is a guide for the practicing lawyer. That guide requires us to be part of the conversation on social justice. These conversations will lead to the opportunities that we will have as a State Bar to turn words into actions.

Let's make the coming year a year of Yes on getting involved or staying involved with the State Bar. I look forward to serving you and thank you for this opportunity.



# 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 aging, substance abuse and mental health issues.

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- 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](mailto: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.*



STATE BAR OF SOUTH DAKOTA  
YOUNG LAWYERS SECTION



by: Caroline A Srstka  
YLS President

I am so honored and excited to start my term as President of the Young Lawyers Section (YLS) of the State Bar of South Dakota. Following in the footsteps of Nate Chicoine, Tamara Nash, Hon. Abbey Howard, and previous YLS presidents, I certainly have big shoes to fill. Traditionally, the YLS President’s first newsletter article expounds on the mission and goals of the YLS, and events scheduled for the year. However, because our focus is to promote the advancement of young lawyers, I decided to take a different approach. I asked Joanna Lawler, the recipient of this year’s Young Lawyer of the Year Award, to contribute to the YLS Section this month.

Thank you, Joanna, for being a true role model and leader by your tireless commitment to your clients and the greater community, and your mentorship of fellow attorneys!



I first want to thank the Young Lawyers Section, both for the Young Lawyer of the Year award and for the good work that this group does year round. It’s a huge honor to be recognized by colleagues.

I am nearing the end of my tenure as a “young” lawyer, and most of what I have learned since law school has been due to the mentorship of more experienced coworkers, whose patience and willingness to teach have shaped my practice of law. Even on the cusp of becoming a not-so-young lawyer, I continue to learn new things (almost) every day from more experienced attorneys as well as new colleagues, from non-lawyer professionals, and from my clients.

So if I can be so bold as to give advice to other young lawyers, it’s to find a place to work where people share your passion, where the focus is on pursuing justice rather than ego, and where you will have a group of coworkers to support you both in your victories and your worst defeats.

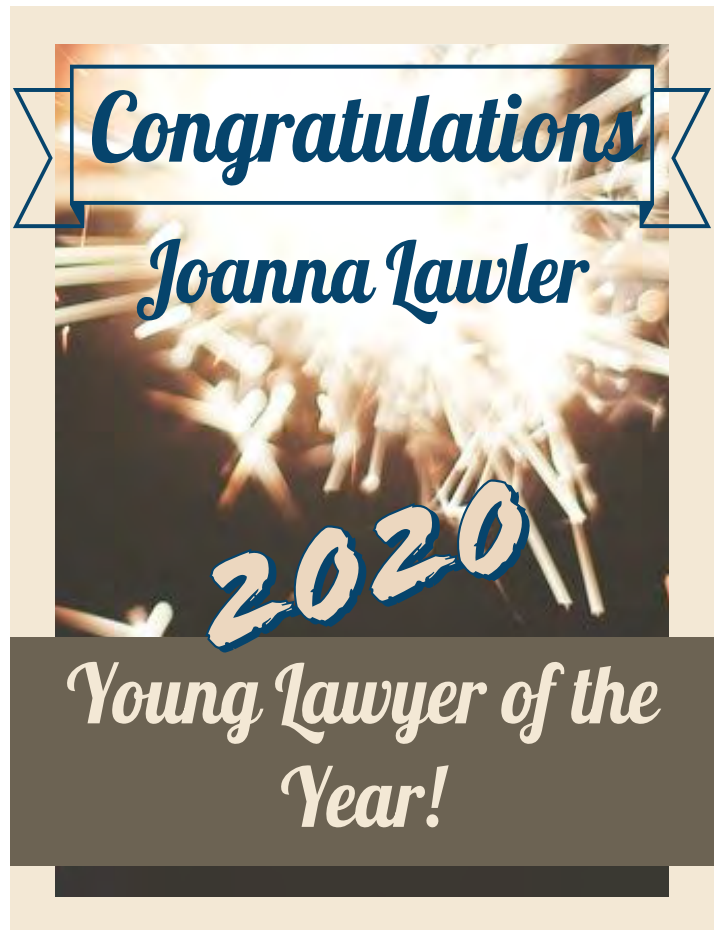
To be a public defender is, of course, to be familiar with defeat. We witness various degrees of injustice every day, and at times it can be so utterly soul-crushing, so wearying, so completely outrageous it could easily become paralyzing. This might be especially true in the juvenile system, where a young person’s entire future can be snatched from them before they’ve had the chance to even figure out who they are. South Dakota still has one of the highest juvenile incarceration rates in the country, and the United States leads the world in imprisoning children. In the U.S., kids can still receive life sentences, as children are all too often tried and sentenced as though they were adults. The law can be an incredibly cruel tool; it can be used to derail or destroy lives unnecessarily and to protect those in power who do harm. My colleagues and I see that cruelty constantly, and I have always been so grateful to work for a team dedicated to using the law to fight for people while supporting one another along the way.

And there are sometimes reasons for optimism too. Reform efforts over the past decade have reduced the number of children who are incarcerated. I’ve met allies all over the state, sometimes in unexpected places, who acknowledge the need to treat kids like kids and reduce the use of harsh and ineffective punishments. Our communities are now making collaborative efforts to reduce adult jail populations. Our nation has a renewed focus on some of the underlying causes of crime, including poverty, racial inequalities, and inadequate mental health and addiction services. I’m eager for

South Dakotans to continue to work to find solutions to these problems.

My hope is that all South Dakota lawyers—the young and not-so-young—can all use the law as an instrument of good. And I hope that you all have passionate, brilliant, hilarious colleagues to cheer you on along the way.

*-Joanna Lawler is Assistant Director at the Pennington County Office of the Public Defender, where she has represented both children and adults since 2013. Originally from Minneapolis, she graduated from Northwestern University School of Law, where she was the Julius Miner Moot Court Competition champion and an editor for the Journal of Criminal Law and Criminology. She completed the National Juvenile Defender Center's Juvenile Training Immersion Program in the summer of 2016. Joanna received the Pennington County Bar Association's Outstanding Young Lawyer of the Year award in 2017. She serves on South Dakota's Juvenile Detention Alternatives Initiative Statewide Steering Committee, the Midwest Juvenile Defender Center's Advisory Board, and the Black Hills Community Theatre's Board of Directors.*



**Your 2020-2021 Board of Directors are:**

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# Fellows of the South Dakota Bar Foundation

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

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## Sustaining Life Fellow - \$50,000 plus

(cumulative, including pledges & testamentary gifts)

- \* Fred & Luella Cozad

## Life Fellow - \$25,000 plus

(cumulative, including pledges & testamentary gifts)

- \* Frank L. Farrar

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## Diamond Fellows - \$10,000 plus

(cumulative, including pledges & testamentary gifts)

- \* Thomas C. Barnett, Jr.
- \* Robert E. Hayes

## Platinum Fellows - \$10,000

(cumulative, including pledges & testamentary gifts)

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- \* Hon. John B. Jones
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- \* Hon. Jack R. Von Wald

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## Gold Fellows - \$5,000

(cumulative, including pledge)

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

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

- \* Kimberley A. Mortenson
- \* William C. Garry
- \* Timothy J. Rensch
- \* James E. Smith



# Fellows of the South Dakota Bar Foundation

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- \* Eric C. Schulte
- \* Jeffrey T. Sveen
- \* Charles M. Thompson
- \* Richard L. Travis
- \* Thomas J. Welk

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## Fellows - \$500 (per year)

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- \* Jason R.F. Sutton
- \* Barry R. Vickrey



Our Profession. Our Responsibility.

## Dean's List: News from the Law School



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

**F**irst things first: thank you. Thank you to everyone who contributed your time, your talent, and your treasure to the School of Law over the last year. Truly, we couldn't do what we do without all that you do. A personal thank you to everyone who advised and encouraged me as Molly, the boys, and I took on a new community and the opportunity of being dean. And thank you for the opportunity to talk to you about what is happening at the School of Law.

It would be easy to have a report dominated by COVID-19. Truly every part of every day at the School of Law right now is affected by it in some way. But talking about that turns in to talking only about that, so let me put that off to the side and spend a few minutes updating you on the things that happened over the past year and some of the things we are planning for the coming year.

My focus over the past year can be summarized as "listen and learn." I worked hard to listen to students, faculty, alumni, and friends; we've collectively worked to improve our listening and communication in several ways. We implemented a master calendar of events, deadlines, and other critical dates that circulates in the Law School, across USD, and to the Bar. I conducted Town Halls with students twice a semester, added a monthly meeting with Student Bar Association officers, and added monthly planning meetings with law school staff. The State Bar has graciously allowed me column space in the monthly newsletter to update members and share news from other members of the Law School community.

We also boosted listening and learning through our interaction with outside speakers. USD hosted Professor Greg Magarian discussing the First Amendment for Constitution Day, Senator Heidi Heitkamp discussing the tragedy of missing and

murdered Indian women for the Thurgood Marshall Lecture, and Governor Daugaard promoting the value and tools of public service in the revived Gunderson Lecture. We hosted speakers on cryptocurrency; doxing, revenge porn, and other cyber-torts; municipal law; lobbying and the legislative process; civility in the profession; conditional bar admission; and antitrust issues in agriculture. In October, the South Dakota Supreme Court heard arguments in our courtroom for three days. We had a lunch honoring the legacy of Justice Zinter and announced the first recipient of the Justice Steven Zinter Scholarship. We combined the annual Law School Committee visit with our Public Interest Network fundraising social and auction, but had to take both online after COVID-19 struck. We conducted events with USD athletics, including hosting the Class of 2020 at a doubleheader basketball game. Thanks to the many alumni, friends, and parents of the Class of 2020 who attended.

We heard and responded to requests from students and employers to improve our career services office. We hired Brian Boyenga as director last fall; he's deeply connected to USD and Vermillion and will bring stability to the office. Brian implemented a placement tracking system to gather better and more current data about where students are going to work and which employers are hiring. Brian has implemented individual career planning meetings for all students; conducted a series of career development seminars on judicial clerkships, resume writing, and interview skills; and he is updating our interest survey for incoming students to identify their geographic and practice interests at orientation and supplement that in the following years based on what they learn in their classes and summer placements. I also have to say thank you to Chief Justice Elect Jensen and Justice Salter for agreeing to host students for in semester externship placements. This is a great opportunity and, like their visit for the October term of court, is invaluable UJS support for the Law School. Thank you.

Building on the positive trend of our bar passage results rising to 79 and 86 percent in the last two years, we expanded our academic support for students. Incoming 1Ls had the chance to participate in video sessions on critical legal skills before orientation. We adopted an "early warning system" that requires

students below certain grade thresholds to participate in supplemental sessions on key doctrine and study skills. We have also engaged in more close tracking of student bar preparation efforts and outcomes.

We made great changes to our facilities. We added vinyl wraps on several windows and doors to add energy to our exterior and more clearly identify the building. We re-carpeted the courtroom and Williamson room. We updated the technology in the courtroom along with technology and seating in classroom 104. We updated paint and carpet in the ADR Office. On the main floor, we are currently adding two offices in the lightly used locker area, updating carpet and paint in commons, and expanding the women's bathroom from two stalls to six and adding a dispenser for free tampons and pads. The women's bathroom was inadequate; that's wrong and we fixed it.

This isn't everything we did this year, but it tells you a lot about the year. So, what's next? If I had to define my focus for the coming year, it is "building our infrastructure." We will focus on building our foundation for the future.

We are working to build on our success in recruiting great students. We are working on partnerships with Northern and Dakota State to attract more of their students to law school. We are working to offer in state tuition to students from neighboring states at or above a 150 LSAT to become more financially competitive. We are planning a law camp with a variety of partners to get more high school students, particularly in rural areas and Indian Country, to consider law school. Many bar members have volunteered to serve in mentorship roles, and we will formalize a structure of how to use their support in recruiting, placement, and academic support.

In our academic support program, we are expanding the pre-orientation program to more students. We also offered conditional admission to five students based on mandatory participation as a pilot program. We will refine the curriculum of our bar prep classes.

With faculty, we are working to clarify our internal governing procedures, adopt a work expectations document, and refine our student evaluations form.

All this will help faculty continue to grow and improve their work. We are also working with the State Bar Strategic Planning Committee to look at your feedback on where USD Law graduates are most and least effectively prepared to adjust and refine our curriculum. We are looking at adjusting our schedule to make it more predictable and workable for our available time and classroom space, implement more writing into the second and third years, and provide greater flexibility in upper level electives.

In addition to these new projects, we will focus in the coming year on being fundamentally better. By that I mean that what the Law School does well, and will continue to focus on, is the fundamentals. Always getting better at the fundamentals. The Law School provides its students an education that is effective, affordable, and enjoyable. We will continue to refine our course offerings and pedagogical methods to make sure that our graduates leave with the fundamental skills they need to succeed in a variety of settings. And we will continue to push them to realize that they have the ability and opportunity to advance our values of excellence, service, and leadership out in the world just as generations of USD Law graduates have before them. Those are our fundamentals; we work every day to be fundamentally better and to help our students to be so too.

I will end with this observation: last year Reed Rasmussen kindly asked all of you on my behalf for patience. That's still true—be patient. We didn't implement any miracle cures this year at the Law School. Our work isn't done. And whatever great things happen next, they sure didn't happen just because I came to USD. They happened because we patiently worked together to make the Law School, and the legal profession in South Dakota, better. That work takes time. I describe it as planting trees, not flowers. Trees take a ton of work and patience, but they endure; flowers grow fast but they die in the fall. We're planting trees, not flowers. Together. And the shade our arbor will provide to generations to come will be amazing.

Thank you!



# A2J JUSTICE SQUAD

Thank you to the following attorneys for accepting, completing and mentoring a pro bono or reduced rate case from Access to Justice, Inc., from May 2019 to June 2020. And to our SD Free Legal Answers volunteers! You are our 2020 LEGAL SUPERHEROES!

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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](mailto:ACCESS.TO.JUSTICE@SDBAR.NET)



THE STATE BAR OF SOUTH DAKOTA &  
ACCESS TO JUSTICE, INC. WOULD LIKE  
TO THANK & CONGRATULATE

**SARAH BARON HOUY**

2020 RECIPIENT,  
PRESIDENT'S PRO BONO AWARD

*A note from Sarah...*

”

Pro bono work is important to me because I have a hard time accepting the notion that financial status plays a role in someone's right to sound legal representation. Unfortunately, the system has evolved in such a way that this is a reality. The harshness of this reality is exacerbated by the fact that those who cannot afford legal services are those who, quite frequently, most desperately need it. I have enormous respect and gratitude for those lawyers who dedicate their lives to serving the indigent through legal aid and public defender offices. I feel fortunate to contribute to those efforts through pro bono work and participation in Access to Justice, and am grateful to my partners for never complaining about my pro bono caseload. :)

”

HERO

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

# ANNOUNCEMENTS

Effective June 1, 2020, Fredericks, Peebles, & Patterson, LLP debuts their name:

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Robinson, LLP*

Peebles, Kidder, Bergin, & Robinson, LLP  
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[www.ndnlaw.com](http://www.ndnlaw.com)

THE STATE  
BAR OFFICE

**WILL BE CLOSED**

*Friday, July 3rd*

\*\*\*\*\*

Happy  
Independence  
Day!

## YOU'RE INVITED

### Statewide Swearing-In Ceremony

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

3:00 P.M.  
Friday, November 6

Capitol Rotunda  
Pierre, South Dakota

Please **RSVP** by October 23rd to  
[Caroline.Srstka@state.sd.us](mailto:Caroline.Srstka@state.sd.us)  
Or (605) 367-5883



Reception to  
Follow

## THANK YOU

*“A man of personal, professional and intellectual integrity, fueled by the common sense of a life well-lived, and thank goodness, continuing.” – Terry Hofer, Past President and Past Disciplinary Board Chair of the State Bar of South Dakota.*

After 20 years as counsel for the State Bar of South Dakota’s Disciplinary Board, **Bob Frieberg** is stepping into the role of deputy counsel this month. Over the last twenty years, it is safe to say that Bob has made many friends, mentored many lawyers and touched the lives of virtually everyone he has worked with. Both members of the board and those facing possible discipline respect and admire Frieberg. The confidential nature of his position makes it impossible to count the number of attorneys all over the state who have been impacted by Bob’s guidance, counseling and the love he has for his fellow bar members.

DeeAnn Stevens, who worked for the bar for over 35 years always marveled at the effect Bob has on people in general. *“Even the most troubled, the most difficult cases come out loving Bob Frieberg,”* she told me many times.

Board statistics show almost 1,800 complaints being investigated during Frieberg’s tenure, with hundreds needing special attention. Roy Wise, current board member, speaks to the efficiency of the Disciplinary Board. *“Bob’s advice to any attorney brought before*

*the Board is to remember the three “C’s”. Be Candid; Concise; and if necessary, Contrite.”* It is safe to say everyone can use this advice in many aspects of life.

Frieberg’s years of service to the bar are not limited to the Disciplinary Board. Bob is a third generation South Dakota lawyer and along with volunteering time on countless committees (including chair of Continuing Legal Education and Young Lawyers Section president), and the bar commission, he served as the president of the bar in 1985-86. Bob’s 50-year anniversary as the Young Lawyer Delegate to the ABA was celebrated in 2019. Bob has represented South Dakota nationally with the ABA, National Caucus of State Bar Associations and the Jackrabbit Bar.

*“We owe Bob a standing ovation for his years of service. With Bob’s leadership and guidance, the Disciplinary Board has helped many, many of our brothers and sisters of the bar. Bob does what is necessary to protect the integrity of our profession but also cares about the people who appear before the Board. He is a true gentleman with a servant’s heart. Well done good and faithful. Well done.” – Judge Jon Sogn, Past Disciplinary Board Chair.*

Please join President Westergaard, the Disciplinary Board, current and former bar staff and everyone impacted in some way by Bob Frieberg in saying thank you, for what you have done and what you will continue doing for the profession.



# RETIREMENT ACCOUNTS: PLANNING FOR INHERITED ACCOUNTS AND FOR MARITAL RIGHTS

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



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



**Ramkota  
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Falls**

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

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

**JOE DYLLA, CHAIR**

**Registration will  
open this summer.**

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# A Special Thanks

*USD School of Law, along with Dean Neil Fulton, Interim Associate Dean Kelly Collinsworth, Director of Experiential Learning Professor Ramon Ortiz, Attorney Advisor Thomas Welk, & Adjunct Faculty Marilyn Trefz, extend a special thanks to the 2020 USD School of Law Legal Practice Drafting Course Proctors for sharing their time, knowledge and expertise with the USD Law Students.*

## Our Panel:

Administrative Law, **Thomas Welk**  
Law Practice Management, **Tom Frieberg**  
Real Estate Transactions, **Eric Hanson**  
Family Law, **Nichole Carper**  
Civil Pre-trial Practice, **Pamela Reiter**  
Criminal Prosecution, **Amy Bartling-Jacobsen**  
Criminal Defense, **Raleigh Hansman**  
Business Entity Formation, **Lisa Prostrollo**  
Business Entity Sale, **Dan Doyle**  
Estate Planning, **Sheila Woodward**  
Estate Administration, **Lindsay Hovden**  
Alternative Dispute Resolution, **Michael McKnight**

*"I thought this was a great class and provided some of the first opportunities in law school to develop different types of drafting documents. The format is great and the attorneys who presented were all enthusiastic. All the comments received from the attorneys on each completed assignment was always extremely comprehensive."*

*Proctors shared practice overviews, sample fact patterns with responsive documents, drafting assignments and individual student feedback.*

“ I thoroughly enjoyed all of our presenters- they were willing to lend us their time and share their wisdom, stories, and advice. Our legal subject array was wide and gave us the “taste” we’d bargained for by selecting this course. ”

*All of your efforts & service are very appreciated! Special thanks to all of you for your flexibility due to COVID-19 changes.*

*Thank you*

# HOW THE STATE BAR ETHICS COMMITTEE WORKS

Identifying and responding to ethical issues that arise in practice can be challenging and frightening. The Ethics Committee of the South Dakota Bar is available to help all lawyers in South Dakota through those questions.

It is important to remember that the Ethics Committee is NOT the Disciplinary Board. The Ethics Committee exists not to identify and discipline ethical violations, but to confidentially assist lawyers in achieving compliance with the Rules of Professional Responsibility. As a result, there are some rules about how the Ethics Committee operates that are important to know:



## 2. QUESTIONS MUST RELATE TO YOUR OWN CONDUCT

The Ethics Committee can only provide an opinion about the conduct of the lawyer making the request or another lawyer with whom that lawyer practices in partnership or similar association. Opinions cannot be sought about the conduct of opposing or unaffiliated lawyers lest they be used as swords rather than shields.



## 4. SEND TO CHAIR WITH DEADLINE

Opinion requests can be directed to the chair via email: [Sander.Morehead@woodsfuller.com](mailto:Sander.Morehead@woodsfuller.com) and are then circulated for discussion within the Ethics Committee. The Committee endeavors to be timely, so it is useful to note any time pressures for the opinion.



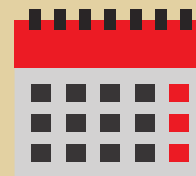
## 1. REQUESTS ARE CONFIDENTIAL

The Ethics Committee will provide an opinion about concrete ethical questions to lawyers admitted to the State Bar of South Dakota. Action taken in reliance on a formal ethics opinion of the Committee is protected against discipline. Opinion requests are held confidential, and formal written opinions are de-identified to the greatest degree possible.



## 3. NO HYPOTHETICALS PLEASE

Requests for opinions need to be presented in concrete situations, with a description of the operative facts involved. Those facts will be assumed true by the Ethics Committee and the opinion limited to them. It is difficult to address hypothetical questions, so requests need to be tied to an actual factual scenario the requesting lawyer presently faces or is likely to.



## 5. WE ARE HERE TO HELP

Lastly, although formal opinions are common, the Committee is always happy to try to brainstorm an ethical issue with lawyers. Feel free to email or call the chair or another Committee member directly.

Opinions of the Committee over the years are collected on the State Bar Website. They make an excellent starting place to research an ethical question. The Committee also can steer lawyers to ethics opinions from the ABA, other states, and other ethics resources that may be helpful. Most importantly, the Ethics Committee exists to be a resource for members of the Bar. Please never hesitate to get in touch with questions or suggestions of how the Committee can best serve you.

*This message is provided to members of the state bar by Ethics Committee Chair, Sander Morehead. Other members of the committee include: Cameo Anders, John Billion, Jeffrey Bratkiewicz, Tracey Dollison Decker, Kimberly Dorsett, Dan Fritz, Alecia Fuller, Neil Fulton, Taylor Hayes, Eric Kelderman, Christopher Madsen, Donald McCarty, Wendy McGowen, Kimberly Pehrson, Mike Schaffer, Thomas Simmons, Ryan Snell, Cassidy Stalley.*



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## *The Killing of George Floyd and the Systemic Injustice Against Black & Native People*



Published in  
INDIAN COUNTRY TODAY

*Angelique EagleWoman*  
*Sisseton-Wahpeton Dakota Oyate*

Black lives matter. From the beginning of the Atlantic slave trade, Europeans did not believe that Black lives mattered. Historic sources demonstrate genocidal efforts to eliminate and enslave Native peoples since the landing of Christopher Columbus. As Native peoples were killed by Europeans, died from contracting European diseases, or engaged in mass suicide, the Atlantic slave trade was started to capture African people and force them to do the labor of White plantation owners on stolen Native lands.

Fast forward to 2020, Black men are endangered in the United States due to police brutality. Those hired by government to serve and protect have betrayed the trust of non-whites by allowing racism to flourish in their ranks. Police unions have been notoriously focused on keeping law enforcement all-white by suing to dismantle affirmative action decrees, as have fire fighters. With the entrance of the Trump administration, the decrees put in place by the Obama administration for federal oversight of police departments allegedly using excessive force have all been abandoned at the federal level.

The statistics for police officers killing alleged “suspects” are grim for the Black community and the Native community. As reported in a special investigation by Stephanie Woodard in “In These Times” October 17, 2016, the statistics for Natives killed by police are shocking:

“To get a clearer picture, Mike Males, senior researcher at the Center on Juvenile and Criminal Justice, looked at data the Centers for Disease Control and Prevention collected from medical examiners in 47 states between 1999 and 2011. When compared to their percentage of the U.S. population, Natives were more likely to be killed by police than any other group, including African

Americans. By age, Natives 20-24, 25-34 and 35-44 were three of the five groups most likely to be killed by police. (The other two groups were African Americans 20-24 and 25-34.) Males’ analysis of CDC data from 1999 to 2014 shows that Native Americans are 3.1 times more likely to be killed by police than white Americans.”

Beyond the sheer brutality that Black and Native men face, we must include in the conversation how systemic injustice continues to perpetuate class inequality, quality of life inequality, environmental inequality, employment inequality, etc. The list goes on and on.

Black people deserve to lead good lives, safe from the fear of police attacks. Black people deserve to share in the wealth of the United States and not endure intergenerational poverty due to systemic injustice.

For Native people, systemic inequality is evident when we see how our lands were stolen in violation of legal promises made by the U.S. government in treaty documents, ratified by the U.S. Senate. These violations led to pushing Natives often to the least desirable areas of our homelands; the kidnapping and brutalizing of our children in U.S. government sanctioned boarding schools; the flooding and contamination of our lands; environmental injustice by running pipelines near our lands; and the enduring poverty we face due to U.S. government policy and action.

In my own life, I wanted to become a lawyer when I saw my auntie’s husband who was African-American emerge from a courtroom on TV after he won a money judgment against the Shawnee County Sheriff’s Department in Topeka, Kansas. He won that judgment due to being brutally beaten after going into the sheriff’s department to pay a speeding ticket. When I saw the judgment in his favor, I decided at the age of eight years old that I wanted to be a lawyer.

As my father encouraged me to read Vine Deloria, Jr’s books and understand the history of tribal nation-U.S. relations, I wanted to become a lawyer and educator to seek justice for tribal nations and be a force for positive change.

With the killing of George Floyd, many Native American people and organizations stand in solidarity with the Black community and their demands for justice. When we want to engage in conversations about

systemic injustice, it is not enough to focus on the latest police killing of a Black or Native person and whether appropriate charges and prosecution will occur.

Our conversations must go beyond that and open up honest discourse.

For Native people, we must engage in real dialogue with the United States and its citizens about stolen lands, equitable redistribution and return of our lands and sacred sites; an end to the epidemic of Missing and Murdered Indigenous Women and Girls because of the lack of police attention or investigation; truthful education in elementary, middle and high school history books on the colonization of these lands; the treaty rights that allowed for White settlement; the subsequent violation of those treaties by the U.S. government and what remedies are necessary; and the protection of our Native peoples from the police use of lethal force and corporate security use of lethal force when we protest the desecration of our homelands. We must be treated as human beings whose lives matter, all of us.

From our Native teachings, we are all related. Mitakuye Oyasin. When George Floyd's last words were calling for his mama, Native mothers across the tribal nations shed tears and understood the pain of Black mothers everywhere. To truly heal the pain that we all have continued to endure for centuries, we need to start with open honest conversations on what a just society means and how to start sharing a good quality of life for all.

Indian Country Today - small phone logo  
Angelique W. Eagle Woman, (Wambdi A. Was'te Winyan), is a law professor, legal scholar and has served as a pro tempore Tribal Judge in several Tribal Court systems. As a practicing lawyer, one of the highlights of her career was to serve as General Counsel for her own Tribe, the Sisseton-Wahpeton (Dakota) Oyate. She graduated from Stanford University with a BA in Political Science, received her Juris Doctor degree from the University of North Dakota School of Law with distinction, and her L.L.M. in American Indian and Indigenous Law with honors from the University of Tulsa College of Law. Follow her on Twitter @ProfEagleWoman

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# Lawyer, Coe I. Crawford to be honored on the Trail of Governors



State Bar of South Dakota

by: *Chuck Schroyer*

## *More on the Life and Times of Governor Coe I. Crawford*

Following his graduation from Iowa Law School in 1882, Coe Crawford moved to Pierre and began representing the Chicago and Northwestern railroad. In 1885 he built a home at 129 South Washington, one block from the site that would later become the Governor's mansion. It has been beautifully maintained to the present and is listed on the National Register Historic Places as the Crawford Pettyjohn House.



Due to the pandemic, the planned 2020 unveiling of three more statues on the Trail of Governors, including that of South Dakota's 6th Governor and well known lawyer, Coe I. Crawford has been postponed until June 2021.

The Trail of Governors Foundation and the State Bar wish to thank those members friends and supporters that have as of July 1, 2020 contributed to the sponsorship of the life-size bronze statue of Governor Crawford.



Since announcement of the donor opportunities for State Bar Members to assist with the funding of the statue of Governor Coe Crawford to be placed near the front door of the new Bar Headquarters, the following members and friends of the Bar have contributed:



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

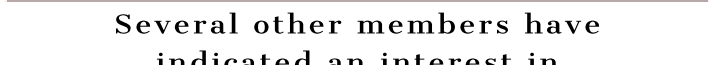
Robert C. Riter, Jr. of Pierre

Bill Van Camp, Jr. of Pierre

Bob and Kim Hayes of Sioux Falls

Sandy Zinter of Pierre

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



Several other members have indicated an interest in participation. The names of all donors will be included on the Trail of Governors website and in future editions of the Newsletter.



# THANK YOU!



# MEDICAID SOLUTIONS

---

**Whether you are already in a South Dakota Medicaid Certified Facility  
or entering one, I can help.**

## ABOUT *Vicki*

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

## HOW I CAN *Help You*

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

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

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

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

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**Vicki Nagel**  
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Long-Term Care Medicaid Planner

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# What is a Certified Consulting Meteorologist (CCM) and What Can They Provide to Help Your Case?

*Matthew J. Bunkers, Ph.D., CCM*  
*Northern Plains Weather Services*  
[www.npweather.com](http://www.npweather.com)

A consulting meteorologist is a person who provides professional meteorological services to a client. The services include past, present, or future weather and/or climate information. Furthermore, a forensic meteorologist is a consulting meteorologist who interprets weather or climate information to help with litigation. Lawyers are the most common clients, and cases are often related to accidents (e.g., slips and falls, car accidents/crashes), insurance claims (e.g., crops, event protection), and lawsuits (e.g., property damage). Other clients may come from the construction and insurance sectors, among several others.

A certified consulting meteorologist (CCM) is a meteorologist who has demonstrated certain knowledge, experience, and character to be a consultant by going through a rigorous exam process administered by the American Meteorological Society. This CCM designation is akin to certification in the fields of accountancy, architecture, engineering, marketing, and medicine. Note that certification is not the same as being licensed. Also, not all consulting meteorologists have their CCM designation.

A CCM typically is not needed when the weather situation is straightforward and/or weather information is readily available at the location and time of interest. However, CCMs become especially valuable when weather information has to be pieced together (i.e., extrapolated or interpolated) from various sources and times to a specific location where weather information generally is lacking. In this case, a CCM uses her/his experience

and expertise to interpret all available information and recreate the weather that happened for the case of interest.

There are many resources at the CCM's disposal. Common datasets include surface observations, climate reports, severe storm reports, radar data, lightning data, and satellite imagery. Other datasets include numerical weather prediction models, surface road temperature data, and flood frequency analyses (among others). There also are several tools to evaluate these various input datasets in order to seek out potential relationships in the data.

The time a CCM spends on a case can be as little as 2–4 hours if only some basic data and analyses are needed. In other cases where more detailed analyses and a formal report are needed, time invested can be from 6–14 hours. If site visits, extra analyses, affidavits, depositions, and/or trials are involved, a CCM can spend considerably more time on the case. In most cases, an initial assessment on the potential role the weather played can be made fairly quickly, helping the client determine whether retaining a CCM would be worthwhile for their case of interest.

## 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, rain and snow estimates, fire weather, flooding, applied climatology and meteorology, agriculture meteorology, and statistics. More information is provided at <http://npweather.com>. Contact Matt at [nrnplsweather@gmail.com](mailto:nrnplsweather@gmail.com) or 605.390.7243.





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STATE OF SOUTH DAKOTA

In the Supreme Court

I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this

24th day of June, 2020  
*[Signature]*  
Clerk of Supreme Court

Deputy

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

\* \* \* \*

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

JUN 24 2020

*[Signature]*  
Clerk

In the Matter of ) AMENDED ORDER OF SUSPENSION  
the Discipline of ) AND ORDER OF REMAND  
SCOTT R. SWIER, )  
as an Attorney at Law ) #29156

-----  
WHEREAS, on February 19, 2020, this Court suspended Scott R. Swier from the practice of law for a period of one year, effective March 20, 2020, and

WHEREAS, on March 10, 2020 the Circuit Court in accordance with this Court's Order of Suspension entered its order allowing Swier to withdraw from Busch v. Stanley County School Dist. (Stanley County 58 CIV 19-029.

WHEREAS, on May 6, 2020, an attorney for May, Adam, Gerdes & Thompson emailed Brooke Swier and Michael Henderson of Swier Law Firm, Prof. LLC inquiring if their client would waive findings of fact and conclusions of law in the Busch case, and

WHEREAS, on June 2, 2020, respondent Swier, on Swier Law Firm, Prof. LLC letterhead, responded to May, Adam by email and said, in part, "Our client has not yet given us permission to waive FF & CL," and

WHEREAS, on June 3, 2020, counsel for the Disciplinary Board notified this Court that respondent Swier had been communicating with May, Adam on behalf of a client of Swier Law and attached a copy of the email thread, and

WHEREAS, on June 8, 2020, this Court issued an Order to Show Cause why respondent Swier should not be held in contempt of the Supreme Court's order, SDCL 16-19-82, and why respondent Swier's violation of SDCL 16-19-33 (2) should not result in the extension of his period of suspension or the revocation of his license to practice law, and

WHEREAS, on June 19, 2020, respondent Swier filed an affidavit in response to the Order to Show Cause and Swier's counsel filed a response to the Order to Show Cause, and

WHEREAS, respondent Swier violated this Court's Order of Suspension by practicing law while suspended and conducting himself as a legal assistant without the approval of this Court, SDCL 16-18-34.4 (2), now, therefore it is

ORDERED that respondent Swier's fixed period of suspension shall become indefinite until further Order of this Court, SDCL 16-19-35 (2).

IT IS FURTHER ORDERED that respondent Swier shall conduct no business on behalf of the Swier Law Firm, shall provide no services to the firm or clients of the firm and shall not enter Swier Law Firm offices until further Order of this Court.

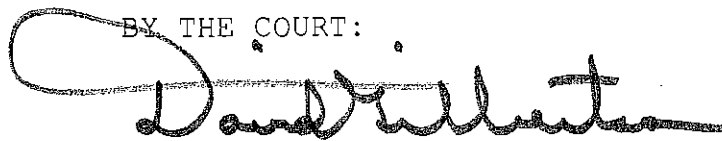
IT IS FURTHER ORDERED that the Swier Law Firm letterhead and websites shall affirmatively state that respondent Swier is under indefinite suspension by this Court and has no legal connection with the Swier Law Firm.

IT IS FURTHER ORDERED that this matter is remanded to the Disciplinary Board of the State Bar of South Dakota to conduct a full investigation of respondent Swier and the Swier Law Firm to determine if he or members of the Swier Law Firm have committed additional violations of this Court's Order of Suspension.

IT IS FURTHER ORDERED that the Disciplinary Board shall furnish a report of its findings to this Court.

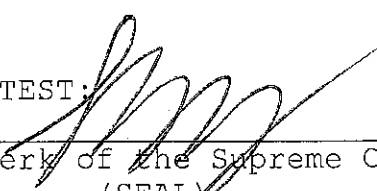
DATED at Pierre, South Dakota, this 24th day of June, 2020.

BY THE COURT:



David Gilbertson, Chief Justice

ATTEST:



Clerk of the Supreme Court

(SEAL)

(Justices Janine M. Kern and Patricia J. DeVaney disqualified)

PARTICIPATING: Chief Justice David Gilbertson and Justices Steven R. Jensen, Mark E. Salter and Circuit Judges Susan Sabers and Carmen Means.

## *The Fallacy of Trying to Bring One's Personal and Professional Lives into Balance*

Mark Bassingthwaighe, Esq.  
Risk Manager, ALPS  
[mbass@alpsnet.com](mailto:mbass@alpsnet.com)

For years so many, myself included, have talked about the importance of trying to find a healthy balance between work life and personal life as a way to take care of one's self. Those who tried and succeeded did so believing that, once there, all would be good with the world. I'm not buying it anymore, and with this post, I am publicly stating I will never encourage anyone to try to find a healthy work-life balance again!

Why the change? It's a fair question. The reason is that with all the focus on attorney wellness of late, I have been thinking about the word "wellness" itself and words matter. The use of this word is intended to direct one's self-care efforts toward trying to achieve an overall state of well-being. Contrast this with the phrase "a healthy work-life balance." Use of this phrase comes with an implicit assumption that there is a difference between everyone's work life and personal life by presupposing that everyone's work life is always going to be unhealthy to some degree and everyone's personal life is always going to be the healthier of the two. I've come to see the fallacy in this because it simply isn't true. And, of course, how in the world would finding balance between

two separate parts of anyone's life make one healthy? In my mind, walling off some aspect of anyone's life by using the word "work" and then telling that person to find a way to bring balance into the equation so that the unhealthy aspects of work can be made tolerable is just plain nuts. How would that lead to a state of well-being? It won't.

Segmentation and finding balance aren't the answer. If you've been trying to find balance in your life or told to start trying, stop, just stop. As I see it, there's no inner peace at the end of that effort. If you actually were to successfully balance that seesaw, at best you might find you have the energy and will to deal with whatever isn't healthy at work, at least until it falls out of balance again; but that's not the same as achieving a state of well-being in every aspect of your life.

I wish I had a simple answer for what to do in place of trying to find a healthy work-life balance, but I don't. And if you ever come across someone who says they do, do what I would do. Ask them if they forgot to take their medication today because wellness isn't a quick fix kind of thing. It's more of a lifelong day after day journey centered around developing and maintaining physical, mental, emotional, and spiritual health in every aspect of your life, work included. If you add to this investing in personal relationships with others who are on a similar journey, I feel pretty confident in saying a state of well-being will eventually be in play.

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▶ Thomas J. Welk, Boyce Law Firm, Sioux Falls, SD

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May 26, 2020

South Dakota State Bar  
University of South Dakota School of Law

### STATEWIDE SWEARING-IN CEREMONY CHANGE OF DATE

Dear Members of the Bar:

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

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

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

Sincerely,

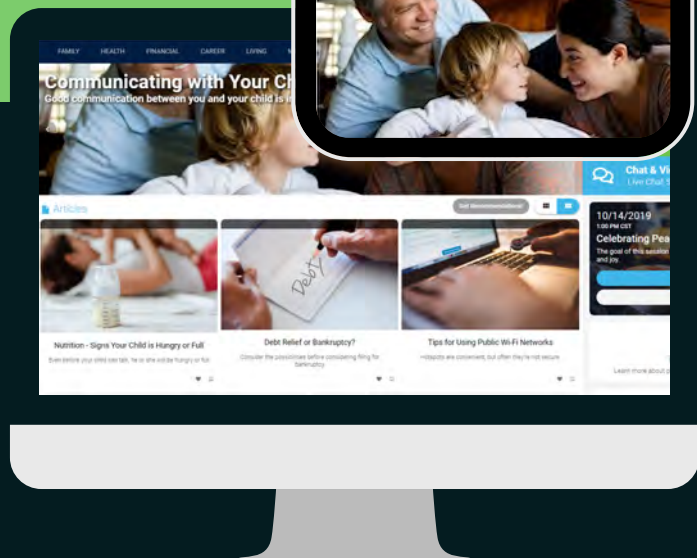
Caroline A. Srstka  
President-Elect



SAND CREEK EAP PRESENTS:

# MY LIFE EXPERT

CHANGING THE  
GAME IN  
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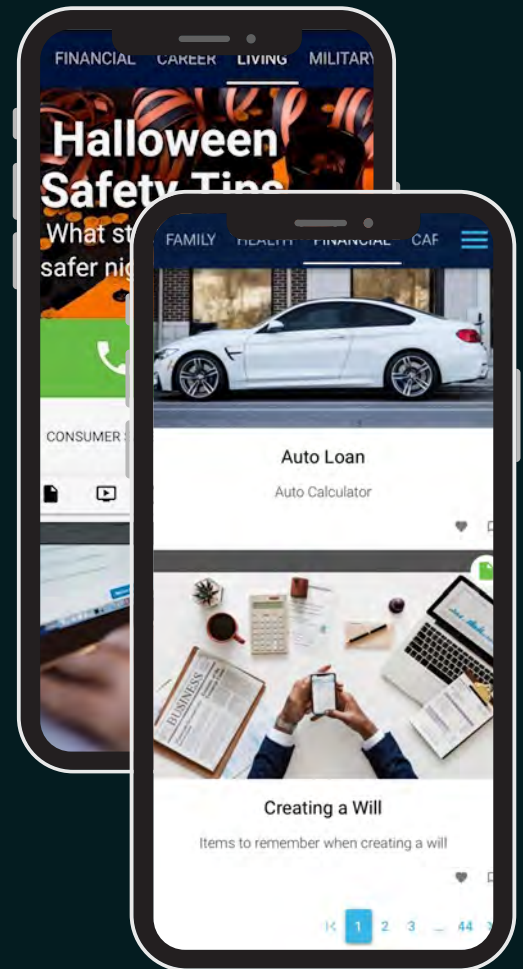
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# *In Memoriam*



John W. Larson  
October 22, 1927 –  
June 22, 2020

Men like my father do not die, the live on in memory as clearly as in life, in the things that they have taught us and, in the values, passed down.

John William Larson was born in the family home at Geddes, South Dakota, October 22, 1927. He was named for his grandfathers, one brought from Sweden as an infant, and the other sent west from Boston to South Dakota on the Orphan Train.

His father, Harold J. Larson, was an attorney, who later became an ATF Agent, Administrator in the Rural Credit Program, and Finally a County Judge. His mother was a former nurse and homemaker.

Growing up he lived in Geddes, Huron, Burke and Salem, South Dakota. He graduated from high school in Salem and always considered Salem to be his hometown.

Graduating from high school during World War II, he volunteered for the service and was assigned to the Army Air Corps where he was trained as a weatherman. By time his training was completed, the war was winding down, and he was sent directly to Japan where he served in the occupation. There he was highest-ranking enlisted man at the Tokyo airbase responsible for preparing forecasts for the Far East Air Force.

Following his discharge, having completed the equivalent of two years of college as part of his military training he, he applied both to law school and medical school. His acceptance to law school arrived first, and he had already finished the summer semester of law school before receiving his acceptance to the medical school.

While in law school he met and married Flora A. Sippel, the daughter of a retired pastor. Their marriage lasted

more than 70 years until his death. Together they had three children. David, Linda, and Dean.

Graduating from law school, he had the opportunity to work for former Atty. Gen. and Governor, M. Q. Sharpe in the small town of Kennebec, SD. Working for Sharpe provided him with experience unusual for a small-town lawyer. Among his notable cases were three appointments as special assistant attorney general to argue test cases in the South Dakota Supreme Court and representing the State of South Dakota's claim for school and public lands lost to the Pick Sloan Project.

Known for his hard work, he was a skilled trial lawyer, and a deadly cross examiner. In addition to the normal work of an attorney, he was especially proud of his work in representing several rural electric cooperatives in bringing electricity to western South Dakota.

While practicing law in Kennebec, he was named to serve on the first Board of Bar Examiners, the state Judicial Counsel, and later the South Dakota Board of Regents, where he served as President of the Board. His proudest accomplishment while on the board was to bring about the creation of South Dakota's degree granting medical school.

After practicing law for over 35 years, he was given the opportunity to teach at the University of South Dakota School of Law, where he taught evidence, civil procedure, real property transactions, and was coach of the client counseling team. He is the original author "South Dakota Evidence" and is believed to have been the first professor at the USD School of Law to publish a book through a national publisher.

He was awarded the Marshall McKusick award, the highest award given to a South Dakota Lawyer, for lifetime achievement in the law.

During all this he also found time to build a boat and become a pilot. He was also an outstanding photographer, and produced his own panoramic photos used as exhibits in the Pick Sloan cases.

Over the years he was a member of the United Methodist Church of Kennebec, UCC Chamberlain, UCC Vermillion, and the Desert Garden UCC of Sun City West, AZ.





## Jerry L. Pollard

Jerry L. Pollard, age 65, of Yankton, South Dakota, died Monday, June 8, 2020, at his home surrounded by his family.

A private family Mass of Christian Burial will be held at 10:30 AM on Friday, June 12, 2020, at

Sacred Heart Catholic Church in Yankton, South Dakota with Reverend Larry Regynski officiating. The funeral will be streamed online. To watch the live stream, please go to <https://www.facebook.com/WintzRay/live>

Following the Mass, burial will take place in the Sacred Heart Cemetery in Yankton. A public visitation will be from 5:00 to 7:00 PM on Thursday, June 11, 2020, at the Wintz & Ray Funeral Home in Yankton. The public is welcome to join the family at the visitation or at the cemetery.

Pallbearers are Joe Trudeau, Dr. Tom Holland, Rob Keilman, John Devine, Jim Hargins, Barney Ruehl, Kirk Hogan, and Butch Becker. Honorary pallbearers are Dana Larson, Kevin Becker, Chuck Becker, and Dave Cornemann.

Jerry was born on August 17, 1954, to Asa and Roma (Ruff) Pollard. He was raised in Clarks, Nebraska, along with his three brothers. The Pollard boys shared lots of fun and a little mischief. In high school, Jerry excelled in football and wrestling. Jerry's football skills earned him a football scholarship to USD, where he became a fixture on the offensive line from 1971-1975. He helped win North Central Conference titles from 1972-1974. In 1974, the NCC cited Jerry as one of the best blockers in the conference and named him to the NCC All Conference Team. Jerry remained a devout USD fan throughout his life and loved connecting with his football brotherhood. He was inducted into the USD Hall of Fame for football in 1998. Jerry graduated from USD with a bachelor's degree in 1976. Following graduation, he taught social studies, coached football and wrestling at Norfolk Catholic High School. In 1979,

he entered the USD Law School, graduating with his Juris Doctorate in 1982.

On August 28, 1976, Jerry married his college sweetheart and best friend, Marti Johnson. He was a devoted husband and father. His greatest times were coaching his children, vacationing, attending sporting events, and enjoying a good story. Jerry loved the Yankton community. He was esteemed by many as a wrestling, softball, baseball and football coach; as a referee for football and basketball for 18 years; as a volunteer for the Haas-Hansen tournament. He served on the Yankton Youth Baseball Board (President from 1989-1999) and the Great Plains Affiliation of the America Diabetes Association board. He was a member of Sacred Heart Catholic Church, a member of the Knights of Columbus (Marty Chapter), and the USD Howling Pack.

Jerry practiced law in Yankton for 36 years. His legal career genesis was at C.E. Light Law Office, where he worked until 1989. In 1989, Jerry joined the firm of Kabeiseman, Hosmer, and Kettering. In 2002 Jerry and John Kabeiseman formed Kabeiseman & Pollard Law. Following John Kabeisemen's untimely death, Jerry continued the firm, mentoring and molding multiple young lawyers, including Dana Larson, who joined in him in business partnership in 2012.

Jerry was a member of the South Dakota Bar Association, Nebraska Bar Association, Rosebud Sioux Tribal Court, and the Yankton County Bar Association. He was admitted to practice in numerous State Courts, Federal Courts, and Tribal Court. In 2017, the Rosebud Sioux Tribe held an honoring ceremony for Jerry, expressing gratitude for his dedication and advocacy for tribal members. Jerry practiced criminal defense and civil law and served as the city attorney for Gayville, Volin, Utica and Fordyce for many years. Jerry's legal practice ranged from drafting simple deeds and defending traffic tickets to conducting million-dollar transactions and defending murder trials. He was the Yankton County Bar President from 1987 to 1991.

Jerry faithfully served his clients, taking time for everyone who needed their rights protected, regularly helping clients work through their struggles and directing them on a healthier path. He consistently offered calm and supportive wisdom, advice, and care to those who fell on hard times, often saying, "We'll deal with it." Gifted with compassion, Jerry treated the

impoverished with the same dignity and respect he bestowed upon his multi-millionaire clients. Jerry loved a good story and a firm handshake. His handshake was worth more than the best drafted contract. Jerry's word was gold and so was his heart.

Whether he was suited up to play in his "glory days," suited up in his USD Coyote fan attire, suited in stripes to referee with his crew, or suited up for court, Jerry was in his element. He lived his life with steadfast courage and kindness, even as he faced his final battle with brain cancer. He left us too soon, but he left the legacy of a servant-filled life. He will be deeply missed.

Jerry is survived by his wife, Marti Pollard; his three children: Michael (Amy) Pollard of Casper, WY; Kasia Pollard of Crooks, SD; and Eric (Darci) Pollard of Winner, SD; six grandchildren: Devin and Abbye Pollard of Casper; Mason and Cole Hendrixson of Crooks; Kenli, and Karter Pollard of Winner; his brothers, Rod (Loretta) Pollard of Clarks, NE; Randy (Connie) Pollard

of Clarks, NE; sisters-in-law and brothers-in-law, Mary Pollard of Grand Island, NE; Adrian and Janine Mohr of Sioux Fall, SD; Dr. Geoffrey and Betty Johnson of Brookings, SD; and numerous nieces and nephews, his USD Coyote brothers, "the boys" (his lunch-time cronies for decades), his football referring squad, and many friends.

He is preceded in death by his parents; brother, Asa L. Pollard, and nephew, Andrew Pollard.

In lieu of flowers memorials may be directed to the Jerry Pollard Memorial Scholarship at USD.



### ATTORNEYS - OATH OF ATTORNEY

*I do solemnly swear, or affirm, that:*

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

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

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

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

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

*I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;*

*I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any person's cause for lucre or malice.*



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Issues Presented: Whether a lawyer will violate the Rules of Professional Conduct by maintaining possession of and slowly distributing client funds to the client after representation has concluded, even at the client's direction, when lawyer believes client may be using this process to violate the law?

Answer: It is possible this will violate the Rules; and the lawyer should distribute the remaining funds to the Client immediately, or set a deadline for the Client to receive the funds before the lawyer will take other steps to dispose of the funds.

Rules Implicated: 1.16, 1.15, and 8.4

### **FACTS**

Lawyer was retained by Client in Client's capacity as personal representative for an estate, at least initially. However, Client was also an estate beneficiary, so Lawyer came to have funds in Lawyer's trust account that belong solely to Client. Client likely believes Lawyer represents Client individually regarding the estate matter, and Lawyer would not disagree. Although the estate matter remained pending, Lawyer wanted to distribute the Client's funds to Client. Client said this was not feasible because Client did not have a bank account or other means to cash such a large check. Client thereafter would periodically request small disbursements of the funds in cash, which Lawyer honored. Meanwhile, Client expressed the intent to open a bank account and a desire to set up a trust to hold the funds.

However, before Lawyer could set up the trust and disburse the funds, a warrant was issued for Client's arrest. Lawyer has instructed Client to surrender to law enforcement, but Client has refused. Lawyer has also attempted to reach Client's criminal defense attorney but has been unsuccessful.

The estate matter has concluded so Client's role as personal representative has ended. This was the sole purpose for Lawyer's original retention, so Lawyer believes the attorney-client relationship either has terminated or should terminate, and wants to distribute Client's funds. But Client wants Lawyer to keep the funds and keep distributing them in small periodic installments.

Lawyer has four primary inquiries: (1) whether the piecemeal distributions made before the Client's criminal issues arose were improper; (2) whether further similar distributions would violate the Rules; (3) whether Lawyer's receiving and talking to Client at Lawyer's office while Client remains "at large" is improper; and (4) what Lawyer should do with the Client's funds.

Lawyer is primarily concerned about violating Rule 8.4(c), which provides that "[i]t is professional misconduct for a lawyer to . . . engage in conduct that is prejudicial to the administration of justice."

## DISCUSSION

Questions regarding client funds usually involve Rule 1.15, Rule 1.16(d), or both. Rule 1.15(b) provides:

- (b) Upon receiving funds or other property in which a client or third party has an interest, a lawyer shall promptly notify the client or third party. Except as stated in this rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third party any funds or other property that the client or third party is entitled to receive and, upon request by the client or third party, shall promptly render a full accounting regarding such property.

Rule 1.16(d) provides:

Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as . . . surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred.

Termination of Representation is *required* if “the representation will result in violation of the Rules of Professional Conduct or other law” (Rule 1.16(a)(1).)

Termination is *permitted* under Rule 1.16(b)(2), (3), (4), or (7) if

the client persists in a course of action involving the lawyer’s services that the lawyer reasonably believes is criminal or fraudulent . . .the client has used the lawyer’s services to perpetuate a crime or fraud . . .the client insists on taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement . . or other good cause for withdrawal exists.

- 1. Lawyer’s previous disbursement of Client’s funds on a periodic basis was permissible, but Lawyer should not continue this practice once representation has been terminated unless an alternative and otherwise permissible distribution schedule has been agreed to in writing.**

A lawyer’s retention of a client’s funds after receipt may be permitted “by agreement” with the client. Lawyer’s retention and periodic disbursement of Client’s funds during the representation and at Client’s behest was permissible and likely warranted given Client’s situation.

However, the estate matter has terminated. If this terminated the representation, Lawyer must surrender the funds to the Client. Admittedly, the policy behind this rule (i.e., ensuring the client is promptly given property in Lawyer’s possession upon termination of representation) does not appear to be implicated here, because *Client* wants the funds to remain in *Lawyer’s* possession.

However, the Committee can find no provision of the Rules or its Comments that allows for a different result than the one contemplated by Rule 1.16(d).

Although the Lawyer and Client both appear to understand Lawyer represents Client personally, a representation that may not have terminated, there is a question whether it must be terminated, and the funds released. Lawyer is now aware Client is evading law enforcement, so Lawyer must analyze whether retaining Client's individual funds under the circumstances will violate Rule 1.16(a)(1) by helping Client violate the law, because Lawyer may not engage in conduct that could be deemed, under substantive law, to be assisting Client in doing so. This might violate Rule 8.4(c)'s proscription against "conduct that is prejudicial to the administration of justice."

The closest similar fact patterns the Committee could locate in ethics/disciplinary matters have involved lawyers permitting clients to keep funds in the lawyers' trust accounts to avoid creditor claims to the clients' funds. *See, e.g., In re Pritikin*, 959 N.Y.S.2d 162, 164-65 (Sup. Ct. App. Div. 1st 2013) (tax liens); *In re Kaplan*, 976 N.Y.S.2d 461 (Sup. Ct. App. Div. 1st 2013) (various claims); *Coppock v. State Bar*, 749 P.2d 1317 (Cal. 1988). The Committee is not suggesting these cases are identical to Lawyer's inquiry. The decision-makers in those cases placed a heavy emphasis on the lawyers' intent to aid their clients' misdeeds, whereas here, Lawyer is seeking advice from the Committee to avoid similar missteps. Moreover, this would be a substantive determination outside of the Committee's purview. These cases are simply provided as a warning that, in the event of a substantive ruling Lawyer assisted Client in evading law enforcement, the Lawyer could be found to have violated Rule 8.4(c) and perhaps other Rules.

**2. Meeting with Client while Client is "at large" does not, standing alone, violate the Rules.**

The Committee agrees merely meeting with Client at the Lawyer's office is, of itself, not impermissible, so long as the Lawyer is not advising Client to remain at large, assisting Client in remaining at large, or otherwise advising the Client about his criminal case, for which Lawyer should defer to Client's criminal defense attorney (unless Client formally retains Lawyer in that regard). The safest course would be for Lawyer to limit any discussion(s) to the subject of the return of Client's funds.

**3. Lawyer should set a deadline for Client to accept and deposit the funds elsewhere, or Lawyer will take other steps to ensure Lawyer complies with the Rules.**

On that topic, Lawyer's primary inquiry appears to be what Lawyer should do about the situation. On the one hand, Lawyer likely has an obligation to return the funds to Client. On the other, Client is refusing to accept them, or at least refusing to accept them all at once.

Two earlier opinions from this Committee provide guidance.

In Opinion 98-11, a lawyer represented a client who died before completion of the representation, leaving funds in the client's trust account and uncertainty regarding the existence of heirs or creditors. The Committee determined the lawyer had to maintain what appeared to be abandoned client property "until a lawful claim is made to it or it escheats to the state" or "pursuant to an order of a court of appropriate jurisdiction." The Committee recently applied this rationale in Opinion 2019-05, stating that a lawyer unable to communicate with or find a client who left funds in the lawyer's possession should either comply with substantive law regarding abandoned or unclaimed property or obtain an order from a court about what to do with the funds.

Client here is alive, well, and communicating, but has left Lawyer in a situation functionally-identical to the ones addressed in these opinions involving deceased, missing, or unresponsive clients.

It is the opinion of the Committee Lawyer has an obligation to deliver the funds to Client, but no obligation to continue delivering them in small portions. Lawyer should, both orally and in writing, if possible, communicate Lawyer's ethical obligation to Client and Lawyer's inability to continue disbursing Client funds in small increments, and demand Client accept the funds. If Client still will not do so, Lawyer should send or hand-deliver a letter to Client enclosing a check for the funds stating that (1) Lawyer's representation of Client has terminated; (2) Lawyer has an obligation to deliver the funds to Client because the representation has concluded; (3) Lawyer can no longer distribute the funds in anything less than the full amount, which Lawyer is attempting to do with the check; and (4) if Client refuses to cash or deposit the check or otherwise receive the entirety of the funds, Lawyer will eventually have to treat the funds as abandoned or unclaimed under applicable law, or seek a court order about what to do with them.

As noted in Opinion 2019-05, the Committee cannot opine regarding how long Lawyer must retain the funds before they are properly deemed abandoned or unclaimed, because that is an issue of substantive law, but does note, as it has in the past, that SDCL Chapter 43-41B appears to govern this area of the law. If Lawyer remains uncertain about that issue of substantive law, Lawyer still may seek a Court order regarding proper disposition of the funds.

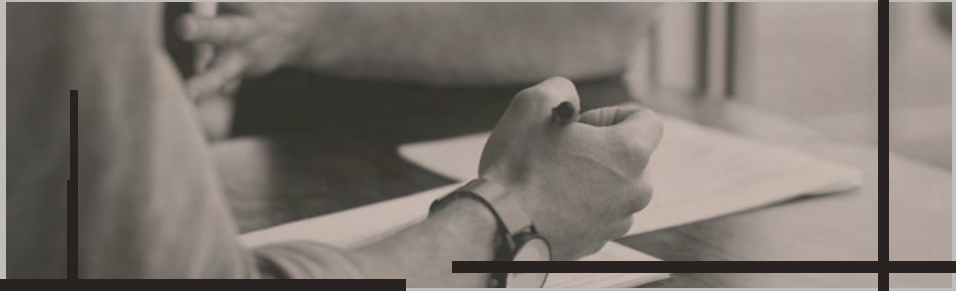
### **CONCLUSION**

Lawyer's periodic disbursements of Client funds to Client during Lawyer's representation of Client, and before Client's criminal law issues arose were permissible under the Rules. Lawyer is not per se violating the Rules by continuing to meet with Client at Lawyer's office, but Lawyer should confine those discussions to the remaining issue, i.e., the need for Client to take possession of Client's funds. If Client will not do so, Lawyer should provide written correspondence to Client with a check for the funds clarifying the representation is terminated; stating that Lawyer has an obligation to return the funds; clarifying that Lawyer can no longer distribute the funds in small amounts; and warning that Lawyer will treat the funds as abandoned

or obtain a Court order about what to do with them if Client does not deposit or cash the check within a reasonable time. If Client still refuses, Lawyer should follow one of those two paths unless and until Client accepts the funds.



# Career Center



## STATE BAR OF SOUTH DAKOTA CLASSIFIEDS

Email your employment announcement to [tracie.bradford@sdbar.net](mailto:tracie.bradford@sdbar.net) by July 26th to have it included in the August Newsletter. Please be sure to include a closing date. To see more jobs listings, visit [www.statebarofsouthdakota.com](http://www.statebarofsouthdakota.com)

### 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](http://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](mailto:mlbenson@boycelaw.com).

### Staff Attorney - Sioux Falls

East River Legal Services (ERLS) is adding **two (2)** Staff Attorney positions to our existing attorney staff of five (5). The positions are in our Sioux Falls, South Dakota office, but will require travel throughout eastern South Dakota. We are a non-profit law firm serving low-income individuals in the 33 Eastern South Dakota counties. ERLS exists to better the lives of the over

52,000 people living in poverty in Eastern South Dakota. We offer free legal services to our community's veterans, older Americans (60+), disabled, victims of crime, and all those facing financial insecurity.

#### Summary of Position

The specific position requires the representation of victims of crime in all areas of law including housing, family law, Protection Orders, landlord/tenant disputes, evictions, utilities, public benefits, consumer, and other civil matters. The types of services provided include legal advice, brief service, and/or extended representation. Aside from direct representation, the Staff Attorney position requires preparing and delivering client training and other community education; conducting intake and outreach; appearing in administrative and judicial forums; active bar participation; and special legal and community projects. The Staff Attorney shall perform any other responsibilities under the supervision of the Executive Director and/or Managing Attorney as may be necessary for the day-to-day operation of the Program.

#### Qualifications

Applicants must be licensed to practice law in South Dakota or be eligible for admission by motion. Previous experience in poverty law or with crime victims is preferred, but not required. Demonstrable awareness and sensitivity to the needs of the populations we serve are necessary. Strong organizational skills, ability to work independently, excellent written and communication skills, ability to work constructively with others, ability,

and willingness to work hard, are all necessary qualifications for this position. The ability to speak more than one language is a plus. Persons of color, veterans, persons with disabilities, and persons from other traditionally underrepresented communities are strongly encouraged to apply.

East River Legal Services is an Equal Opportunity Employer.

Salary and Benefits

Salary based on experience. Benefits include paid holidays and vacation days, health, dental, vision, travel reimbursement, Life, AD & D, IRA.

To Apply

Please send a cover letter and resume with references, to:

Brent Thompson

Executive Director

East River Legal Services

335 North Main Avenue, Suite 200

Sioux Falls, SD 57104

[brent@erlservices.org](mailto:brent@erlservices.org)

Submission Deadline

July 31, 2020

### **Senior Trial Attorney - Rapid City or Pierre**

Department of Transportation

The position of a Senior Trial Attorney provides legal counsel and representation to the South Dakota Department of Transportation, its boards and commissions. Duties include researching and interpreting relevant laws and providing legal advice, representing the department in civil matters in state court, federal court, and administrative proceedings, and drafting contracts, rules, manuals, and specifications.

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

The State of South Dakota offers a comprehensive benefit package including health and life insurance; generous paid time off; and flexible work schedules. This position is open until filled. Salary: \$66,628.08 - \$80,575.92 depending on knowledge, skills and abilities. For more information and to apply, please go to <http://bhr.sd.gov/workforus> or contact any South Dakota Department of Labor and Regulation Local Office.

SD Bureau of Human Resources

500 East Capitol

Pierre, South Dakota 57501-5070

AN EQUAL OPPORTUNITY EMPLOYER

### **Deputy/Senior Deputy Public Defender - Sioux Falls**

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

SALARY: \$2,681.60 - \$3,186.40 Biweekly

GENERAL INFORMATION:

Interested in becoming part of an experienced litigation team that has a high capacity for trials and offers an expansive opportunity for courtroom practice? The Minnehaha County Public Defender's Office is seeking a compassionate Deputy Public Defender/Senior Deputy Public Defender with excellent advocacy skills who is committed to ensuring justice, humanity, and equality to indigent clients appearing in the criminal and juvenile justice system. Our attorneys have multiple jury trials each year and daily courtroom appearances. Apply now to be considered for an opportunity with access to a vast document library to help you in your criminal defense career and to be surrounded by skilled criminal defense attorneys.

The Minnehaha County Public Defender's Office is a county department responsible for providing legal services to indigent persons in criminal and civil matters in which the law requires the appointment of counsel for any person who cannot afford to retain counsel. The office provides representation in criminal, delinquency, child welfare, mental health, as well as appeals and post-conviction cases related to those matters. We are dedicated to providing advocacy, community-oriented defense, and protecting fundamental constitutional and human rights. The Minnehaha County Public Defender's Office enjoys a reputation for ensuring that attorneys are provided support and skills training in their areas of expertise.

\*\*\*Please attach a cover letter to the online application.

The hiring range is \$2,681.60 - \$3,186.40/biweekly with full earning potential up to \$3,881.60/biweekly.

Posting will be open until filled. Applications will be reviewed as they are received.

EXAMPLES OF DUTIES INCLUDE:

Advocate on behalf of individuals charged with felonies and misdemeanors through all phases of litigation to include pre-trial, trial, and litigating all

aspects of the case through disposition. Coordinate efforts with a support team of paralegals and other staff to ensure the responsible handling of a demanding caseload through disposition of the case. Maintain client communications by telephone, office appointments, and institutional visits. Keep client apprised of investigations, negotiations, and court rulings. Appear at regularly scheduled court dockets and appearances related to an assigned caseload. Conduct legal research and draft motions and pleadings. Interview witnesses. Review legal documents, police reports, transcripts, and related correspondence. Attend professional development training both within and outside the office.

**MINIMUM QUALIFICATIONS:**

Graduation from a college of law and attainment of a Juris Doctorate degree from an accredited law school. Admission by the Supreme Court of South Dakota to practice law in the State of South Dakota or be licensed to practice law in any other state and able to take the next bar examination offered in South Dakota. This opportunity is also open to recent law school graduates who are eligible to sit for the next available South Dakota bar examination. Comparable combination of education and experience may be considered. Possession of a valid driver's license and must maintain a safe driving record with Minnehaha County. Must successfully complete pre-employment background process. Working knowledge of civil and criminal law, court procedures, and the principles and practices of legal research. Ability to work with a diverse population and be attentive to the needs of the clientele. Working knowledge of the principles, methods, materials, and practices utilized in legal research. Working knowledge of general law and established precedents. Ability to speak and write effectively in the preparation and presentation of legal matters. Ability to maintain effective working relationships with co-workers, clients, other agencies, and the public. Ability to maintain professional appearance and demeanor. Consideration for appointment as a Senior Deputy Public Defender requires a minimum of two years of relevant work experience.

**PREFERRED QUALIFICATIONS:**

Demonstrates a commitment to working with the indigent accused and to providing social advocacy to the clientele served by the Public Defender's Office.

APPLICATIONS MAY BE FILED ONLINE AT:

<http://jobs.minnehahacounty.org>

OUR OFFICE IS LOCATED AT:

415 N Dakota Avenue

Sioux Falls, SD 57104

605-367-4337

[jobs@minnehahacounty.org](mailto:jobs@minnehahacounty.org)

Job #20-48

DEPUTY/SENIOR DEPUTY PUBLIC DEFENDER

MB

## **EXECUTIVE DIRECTOR**

Part-time executive director sought for the South Dakota Trial Lawyers Association (SDTLA) has the primary goal of Promoting Justice in South Dakota. SDTLA's specific goals include: Preserve the jury system. Promote justice and efficiency in all matters pertaining to the trial of civil and criminal cases. Establish a high standard of ethics among trial lawyers. Clarify and simplify trial procedures. Promote a program of continuing education in trial practice. Encourage and assist younger members of the Bar to become trial lawyers. Create good fellowship and friendship among members, and a sense of pride in the Association and its purpose. Promote laws, rules and regulations to accomplish the above purposes and to promote the public good.

SDTLA is seeking an experienced and motivated leader dedicated to SDTLA and its goals. The successful candidate will have an opportunity to build on established strengths of the organization and its members.

The position is a part-time position, reporting directly to the Board of Directors. Listed below are the qualifications and job duties of the Executive Director position.

**Qualifications**

- Knowledge of managing an organization
- Passion for advocating, supporting, and educating trial lawyers.
- Fundraising experience (event management, donor solicitation, advertising).
- Experience with coordinating people (board members, speakers, volunteers, etc.).
- Experience and/or ability to generally manage the finances of a small organization.

**Job Duties**

The position of executive director of the South Dakota Trial Lawyers Association shall consist of those duties

either assigned or delegated to the executive director by the Board of Governors of the South Dakota Trial Lawyers Association.

(1) Manage the day to day operations of the Organization:

Maintain communication with members, board members, other organizations, and the public by monitoring phone, mail, email, list-serve, and website. Schedule and coordinate regular and special meetings of the Board of Governors or committees as may be called from time.

Assist with publication/distribution of Barrister (6 times a year) and updated the SDTLA Brochure as needed.

Work with other executive directors through the NATLE list-serve.

Schedule and coordinate regular and special meetings of the PAC committees as may be called from time.

(2) Financial:

Coordinate with accountant to collect and deposit dues, seminar fees, advertising, pay bills, file appropriate reports with SOS and other appropriate agencies.

Work with lobbyist on appropriate filings with the State and assist as needed with informing membership of the legislative/bill updates.

Obtain budget and any relevant information from accountant to present to Treasurer prior to meetings.

(3) Event Planning:

Annual Seminar –coordination of location of event, meal planning, publicity, notification to members, reimbursements, speakers, room reservations, PAC event, and any other items associated with a large event.

Annual Meeting at the State Bar – coordination of event working with the State Bar, meal planning, speakers, special guests, awards planning, honoraria for speakers, obtaining the awards to distribute, and other necessitates of planning the event.

Hall of Fame - planning & coordination of event speakers, hotel, menus, advertising, registration, and other necessitates of planning the event.

Law School event(s) – assist the board and law school liaisons in the planning of the events at the law school and direct reimbursements as needed.

Election – coordinate with election committee, distribute bios of candidates to membership through list-serve, prepare ballots, assist with tabulation of results, prepare AAJ ballots and submit.

(4) General:

Maintain the historical documents, agenda, minutes, and records of SDTLA.

Maintain member database.

Assist with recruiting law school liaisons.

Coordinate with State Bar on Trial academy scholarship

Job Type: Part-time

Compensation: \$30,000.00 /year and a \$1,200/year phone/internet stipend as an Independent contractor

Experience:

- Knowledge of the judicial system: 1 year (preferred)
- fundraising and event organizing: 1 year (preferred)

Company's website:

- [www.sdtla.com](http://www.sdtla.com)

Work Remotely:

- Yes as position will require candidate to maintain their own secure workplace.

Please send letter of interest, resume and references to [kasey@omhlawfirm.com](mailto:kasey@omhlawfirm.com)

## ADMINISTRATIVE ASSISTANT

Midsized Sioux Falls law firm has immediate opening for an administrative assistant. Areas of practice are business, real estate and estate planning. Prefer candidate who has experience and proficiency with Microsoft Word, dictation and electronic court filings. Very competitive salary, consistent with experience. Excellent benefits. Submit confidential inquiries/resumes to Cadwell Sanford Deibert & Garry, LLP, Attn: Scott Perrenoud, 200 E. 10th Street, Suite 200, Sioux Falls, SD 57104 or E-Mail to [Job@cadlaw.com](mailto:Job@cadlaw.com).

## TRUST OFFICER

Life Insurance Trust Company is a South Dakota based Trust Company focused exclusively on the administration of Irrevocable Life Insurance Trusts (ILITs) and provides fiduciary services to grantors and beneficiaries of these trusts. Life Insurance Trust Company is a member of the ITM TwentyFirst family of companies. ITM TwentyFirst is among the largest and best equipped servicers of Trust Owned Life Insurance in the United States. Our purpose is to empower parties to life insurance policies held in trust to make informed decisions and realize the full value of life insurance assets.

We are looking for a positive and energetic individual

with an eagerness to learn and a passion for fiduciary and trust services. We offer a competitive benefits package, pay, and a positive work environment with a collaborative team focused approach.

**Essential Job Responsibilities:**

- Review of trust documents for new business acceptance
  - Completion of annual account reviews
  - Assist with settlement and account cash flow activities
  - Answer client questions and resolve issues
  - Assist with opening and closing accounts
  - Serve on the Trust Committee
  - Administer ILITs in accordance with the Trust Company's Policies and Procedures
  - Assists with internal and external audit functions
  - Work closely with Life Insurance Trust Company's affiliate company on administration and remediation needs for policies held in trust
- Other duties as assigned**
- Required Skills:**
- Bachelor's degree in business or related field
  - 1-2 years' experience in trust, banking, life insurance, or financial services
  - Strong verbal and written communication skills
  - Ability to work in a fast-paced environment, multitask,

and think critically Preferred consideration given for: Prior trust administration or life insurance experience, CTEFA, JD, or MBA

This position is based in Sioux Falls, SD. Life Insurance Trust Company prohibits discrimination and harassment and will take affirmative action to employ and advance in employment qualified individuals based on their status as protected veterans or individuals with disabilities, race, color, religion, sex, national origin, sexual orientation and gender identity.

Candidates can apply by emailing Terri Pilaczynski at [tpilaczynski@itm21st.com](mailto:tpilaczynski@itm21st.com).

**DeRouche Agricultural & Legal Consulting, LLC**

Roger DeRouche  
700 Broad Street Alexandria, SD 57311  
605-770-8080  
[Rderouchey.agconsulting@triotel.net](mailto:Rderouchey.agconsulting@triotel.net)

- 34 years Farm Business Instructor at Mitchell Tech
- 4 years of Ag Lending
- 9 years Research, Deposition, Testifying
- Expert witness on agricultural issues

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

**DO YOU HAVE A JOB ANNOUNCEMENT?**

Send it to  
[tracie.bradford@sdbar.net](mailto:tracie.bradford@sdbar.net)

# JULY 2020



Disciplinary Board ..... July 9-10, 2020 ..... Red Rossa, Pierre  
Bar Commission Retreat ..... July 23-24, 2020 ..... Cadillac Jack's, Deadwood  
Estate Planning CLE ..... September 18, 2020 ..... Ramkota, Sioux Falls  
Nuts & Bolts CLE ..... November 6, 2020 ..... Ramkota, Pierre  
Swearing-In Ceremony ..... November 6, 2020 ..... Capitol Rotunda, Pierre

For all upcoming webinars, check out the calendar on the State Bar website at  
[www.statebarofsouthdakota.com](http://www.statebarofsouthdakota.com).