

State Bar of *South Dakota*  
Newsletter  
June 2018

**Annual Meeting**  
**Ramkota Hotel**  
**Sioux Falls, SD**  
*June 20-22*  
*2018*

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

June 2018 - Issue 6

# PRESIDENT'S CORNER - *Pamela Reiter*



I am excited to announce the launch of the new online South Dakota Lawyer Referral Service! After several years of studying numerous referral services, the Lawyer Referral Committee recommended and the Bar Commission approved a fully online service developed by Community Lawyer. This service will not require additional staff, unlike other referral services considered by the Committee, and this platform is provided to bar associations without charge.

A significant number of South Dakotans need help finding the right lawyer. For example, during the annual Ask A Lawyer program sponsored by the State Bar this past May, 93 volunteer attorneys answered 931 calls from South Dakotans with legal questions. Callers asked questions related to estates, trusts, wills, family law, real estate, collections, criminal, workers' compensation, personal injury, landlord/tenant, employment discrimination, bankruptcy, etc. With the new Lawyer Referral Service, a potential client will be able to describe his or her legal issue and receive referrals to three attorneys interested in providing representation for that individual's particular legal needs. The potential client may elect to contact the attorney directly or have the attorney initiate the contact. This approach contrasts with the previous referral service, which provided 2,040 potential clients a list of attorneys in that client's geographic area regardless of

the attorneys' interest in handling the specific legal issue.

To be clear, this service is for clients who can afford to hire a lawyer. But if the potential client qualifies for free or reduced fee legal services, a referral is made to the new unified online intake process at [www.sdlawhelp.org](http://www.sdlawhelp.org) used by our three legal services organizations.

With the new Lawyer Referral Service, attorneys have the opportunity to receive referrals in their preferred practice areas and within their desired counties. Participating attorneys may select up to three "Practice Panels" for an annual \$50 fee. A participating attorney may select up to three additional Practice Panels for an extra \$20 per panel annually. Sub-panels exist within the Practice Panels and allow attorneys to narrowly tailor their requested referral areas. Attorneys may select unlimited sub-panels within their selected Practice Panels at no additional charge. Descriptions of the Practice Panels and sub-panels are available on the website at [www.findalawyerinsd.com](http://www.findalawyerinsd.com). The online platform uses a back-end algorithm to ensure a fair cycling of referrals to attorneys within each Practice Panel.

The South Dakota Bar Foundation provides financial support for marketing the Lawyer Referral Service to South Dakota communities. For this reason and to support the Foundation's numerous important public service projects, the State Bar strongly encourages participating attorneys to contribute to the Foundation 7% of fees they receive from referred clients.

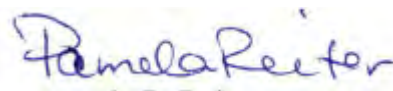
To enroll, please locate the enrollment form in this Newsletter or visit the website at [www.findalawyerinsd.com](http://www.findalawyerinsd.com). You may mail the enrollment form to the State Bar office with your payment, or you may scan and email the form and pay the fee online as described on the form. Once your form is accepted and the State Bar office verifies that you are an active member in good standing, you will receive an email inviting you to complete your online profile. You will need to upload your declaration page for your malpractice insurance. You may also enroll during the Bar Convention. Members of the Lawyer Referral Committee and State Bar staff will be available during the Convention to assist you. Please bring an electronic copy of your declaration page to upload to your online profile.

I am thrilled that the State Bar will launch this new service at the 2018 Bar Convention at the conclusion of my term. Thank you members of the Lawyer Referral Committee for your dedication and hard work in completing this project: Francy Foral—Chair, Pat Goetzinger, Mandy Miiller, Maxx Hickey, Brian Kirby, Colleen Zea, Alexa Moeller and David Wheeler. Also, a special thank you to State Bar staff members Elizabeth Overmoe, Nicole Ogan, and Tracie Bradford for your outstanding work on this project.

Finally, thank you for the opportunity to serve as your President this past year. It is the highest honor of my career and is a year that I will cherish for years to come! We accomplished much this year through the hard work and commitment of countless volunteers and staff. President Elect Reed Rasmussen will lead us through our first year of transition as Tom Barnett retires and

Andy Fergel assumes the role of Executive Director. I look forward to continuing to help our State Bar deliver exceptional benefits to its members and valuable service to the public while also maintaining a close relationship with the judiciary and the USD School of Law.

Wellness Tip: Consider buying a stand-up desk or treadmill desk for your office! I bought a treadmill desk for my office this spring and will likely never have an office without one. If you would like to learn more information on how to combine work and exercise by using a treadmill desk, please contact me at [pamela@janklowabdallah.com](mailto:pamela@janklowabdallah.com).



# YOUNG LAWYERS SECTION

by: Abbey Howard, YLS President



Young Lawyer events in mind:

First-Time Attendees Reception – Wednesday, June 20 12:00 pm – 1:00 pm. This is a great opportunity to meet young lawyers and law students.

Legalpalooza - Pre-Banquet Social Hour and Young Lawyer Mixer – Wednesday, June 20 beginning at 5:30 p.m. At 5:45 p.m., the Young Lawyers Section will recognize the Young Lawyer of the Year.

The annual State Bar Convention is right around the corner and it signifies the end of my term as President of the Young Lawyers Section. I have enjoyed my time serving the State Bar and working with other bar leaders and young lawyers to provide programming to our members and to serve the public. I have learned firsthand that being involved in the State Bar provides opportunities to meet young lawyers, veteran lawyers, and judges, to network and expand my knowledge, and to serve my community. As my term ends, I want to take one more opportunity to encourage all young lawyers to get involved with your local or state bar organization. I promise you will not be disappointed.

Thank you to Tamara Nash who will soon grace these pages and be serving as the next Young Lawyers Section President. I am certain she will do great things in the coming months for the State Bar. Thank you also to the other Board members who dedicated their time and energy during the past year – Nathan Chicoine, Justin Johnson, Jason Krause, Brittany McKnight, Eric Davis, Ole Olesen, Carrie Srstka, Kassie Shiffermiller, Nicole Tupman, and Morgan Nelson. The board members carried the heavy load of organizing and executing programming this year and I cannot thank them enough for their efforts.

As I mentioned last month, the Bar Convention provides a great opportunity for young lawyers to network with other bar members from around the state and to gain new knowledge and information at CLEs. I hope to see many of you in Sioux Falls. As you plan your trip to the Bar Convention, please keep the

I would be remiss if I failed to take the opportunity to thank my prior employers and the UJS for allowing me to dedicate the time to serve as a member of the Young Lawyer Board over the past several years. I have enjoyed my time serving the State Bar and I am appreciative for all the friendships my involvement has allowed me to form.

As this is my last submission, I have asked young lawyer Ole Olesen to tell us a little about himself and his thoughts on being connected with the State Bar. Ole started on our Board as the Fifth Circuit Representative, but had to vacate that seat as he moved to Rapid City midway through the year. Ole continued to volunteer his time to assist our Board with multiple projects and programming. I could not be more appreciative of Ole and his continued commitment to the State Bar, despite no longer officially serving on the Board. Thanks, Ole, for your time, your talents, and for sharing your story.

All the best, Abbey Howard

I was born and raised in Rapid City, South Dakota. The child of a machinist and nurse, I am a first generation attorney. A misspent youth led me along the scenic route to becoming a lawyer. When I was about to turn nineteen I took a very real look at my life and where it was going. I realized that I needed to change something and find a new direction. So, I enrolled in an apprenticeship program in Piney Point, Maryland, to become a merchant mariner with the Seafarer's International Union.



I spent the next seven and a half years figuring out life while I worked aboard various merchant vessels hauling oil, natural gas, and cargo

all over the Pacific Ocean. One day, while I was back home in South Dakota, I decided that it was time to pursue a new life. I registered for classes beginning that fall at SDSMT. At the end of my junior year at the School of Mines, I realized that I wanted to continue my education and get a law degree. I decided that I had done my share of traveling and South Dakota was the place that I wanted to spend my career, so I made the wise choice to remain here and attend law school at USD.

Following law school, I was honored to be offered work with the Aberdeen firm of Siegel, Barnett & Schutz,

LLP. Unfortunately, after working there for only a year, it became clear to me that I needed to return to Rapid City to be closer to my aging parents. The support given to me by the partners and staff of the firm is something that I will not forget.

I have now been at the Pennington County Public Defender's Office for ten months. Criminal defense is an area that I did not go to law school expecting to practice within, but I find highly rewarding. I am especially drawn to juvenile justice, and am one of two attorneys in our office currently practicing juvenile defense.

Being a young lawyer in South Dakota is a remarkable experience. My connections to the State Bar began while in Law School and I have already made connections all over the state. If I had any advice for someone new to the Bar or struggling to make those connections, it is to get involved. There are so many opportunities available to the person that says "Yeah, I will do that." If you are willing to go a step further and seek out opportunities, you will be amazed at the results. If you put yourself out there, it will come back tenfold.



# Fellows of the South Dakota Bar Foundation

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

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

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

# YOU ARE INVITED TO JOIN!

## Fellows of the South Dakota Bar Foundation

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

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

Address \_\_\_\_\_

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

I would like to contribute:

in Lump Sum    Annually    Semi-Annually    Quarterly    Monthly

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

### In Memoriam

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

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

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

Credit/Debit Card Payments:

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

Address Tied to Card (if different than above):  
\_\_\_\_\_

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

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

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

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

**Present:**

# ALPS/ETHICS

**Robert W. Minto, Jr. – Chair**

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**June 20, 2018**  
**1:30 – 5:00 pm**

**Ramkota Hotel**  
**Sioux Falls**

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10:00 am – 1:00 pm Registration – Free to Active State Bar Members, Others; \$100

At this year's ALPS ethics presentation, attendees will watch and discuss issues raised in 3 different video vignettes, all of which are segments of a fictional legal talk show called "The Hotline." A sampling of the topics raised include dealing with clients who go rogue, responding to a malpractice claim, the application of the RPCs to artificial intelligence, conflict issues in multiple client representation, duties that arise when a lawyer acts as an escrow agent, and text messaging as a client communication tool.

**Robert W. Minto, Jr.** has served as President and CEO and Director of ALPS Corporation since 1987 and as of May 2013 serves as Executive Board Chair and Director. Mr. Minto also serves as President and CEO of Lawyers Reinsurance Company (Vermont).

Mr. Minto received his B.A. degree in Business Administration from the University of Washington in 1969 and his J.D. from the University of Montana School of Law in 1973. He served as an Associate (1973-1977), a Principal (1978-1991) and Of Counsel (1991-2000) with the law firm of Worden Thane in Missoula, Montana.

Mr. Minto has significant experience in mediation and arbitration having represented numerous parties during his law practice from 1973 to 1991 and has served as a facilitator mediator or arbitrator for the not-for-profit sector. He has experience as an arbitrator in insurance/reinsurance disputes dating back to 2003.

**Chris L. Newbold**, is Executive Vice President of ALPS Corporation and ALPS Property & Casualty Company. In his role as Executive Vice President, Mr. Newbold oversees bar association relations, strategic and operational planning, risk management activities amongst policyholders, human resources, and non-risk related subsidiary units. Internally at ALPS, Mr. Newbold has developed leading conceptual models for strategic planning which have driven proven results, ensured board and staff accountability, focused organizational energies, embraced change, integrated budgeting and human resource functions into the process and enabled a common vision for principal stakeholders. Externally, Mr. Newbold is a nationally-recognized strategic planning facilitator in the bar association and bar foundations worlds, conducts risk management seminars on best practices in law practice management and is well-versed in captive insurance associations and other insurance-related operations.

Mr. Newbold received his law degree from the University of Montana School of Law in 2001, and holds a bachelor's degree from the University of Wisconsin-Madison. Following his graduation from law school, he served one year as a law clerk for the Honorable Terry N. Trieweiler of the Montana Supreme Court. He began his career at ALPS as President and Principal Consultant of ALPS Foundation Services, a non-profit fundraising and philanthropic management consulting firm. Mr. Newbold is currently a member of the State Bar of Montana, the American Bar Association, and is involved in a variety of charitable activities. Mr. Newbold resides in Missoula, Montana, with his wife, Jennifer, and their three children, Cameron (10), Mallory (8) and Lauren (4).

Register online at [www.statebarofsouthdakota.com](http://www.statebarofsouthdakota.com)



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

## *BUSINESS LAW CLE*

*Chair – Sarah Richardson Larson  
Davenport, Evans, Hurwitz & Smith, L.L.P.; Sioux Falls, SD*

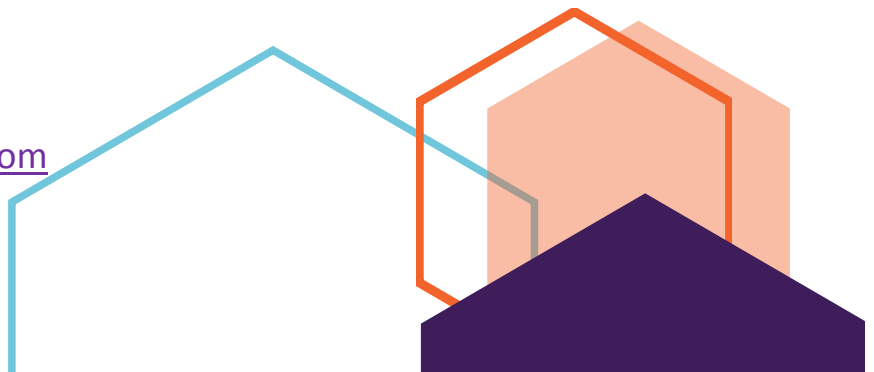
**June 21, 2018  
Ramkota Hotel  
Sioux Falls, SD  
8:15 – 11:45 a.m.**



- 8:15 – 9:00 a.m.      **Registration** – Free to Active State Bar Members, Others; \$100
- 8:15 – 9:00 a.m.      **You and Your Client: The Rules of Engagement and Disengagement**  
– *Sheila S. Woodward – Marlow, Woodward & Huff, Prof. LLC;*  
*Yankton, SD*
- 9:00 – 9:45 a.m.      **What Title Companies Want Attorneys to Know**  
– *Eric Hanson – Dakota Homestead Title Insurance Company;*  
*Sioux Falls, SD*
- 9:45 – 10:00 a.m.      Break
- 10:00 – 10:45 a.m.      **The SOS on the POA: Don't Get Bit by the Wolf in Sheep's Clothing**  
– *Bobbi L. Thury – Legacy Law Firm, P.C.;*  
*Sioux Falls, SD*
- 10:45 – 11:45 a.m.      **2017 Tax Act Update**  
– *James M. Jarding, Jr. – Eide Bailly, LLP;*  
*Sioux Falls, SD*

**Register online at:**

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



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

# Early Bird

Stanton Anker – Chair

June 21, 2018  
6:30 – 7:30 am

Ramkota Hotel, Sioux Falls

6:00 – 6:30 am Registration – Free to Active State Bar Members, Others; \$100

6:30 am **Lawyer Referral Online Platform**

Pamela Reiter, State Bar President - Johnson, Janklow, Abdallah & Reiter, Sioux Falls

6:40 am **Ag Law Update**

Amanda Gaikowski – Estate Planning Solutions, Sioux Falls and Brian Donahoe – Donahoe Law Firm, Sioux Falls

6:50 am **Family Law – Tax Reform and Alimony**

Linda Lea Viken – Viken & Riggins, Rapid City

7:00 am **Breach Notification Law**

Walter Prescott – Goosmann Law Firm, Sioux Falls

7:10 am **Legislative Update**

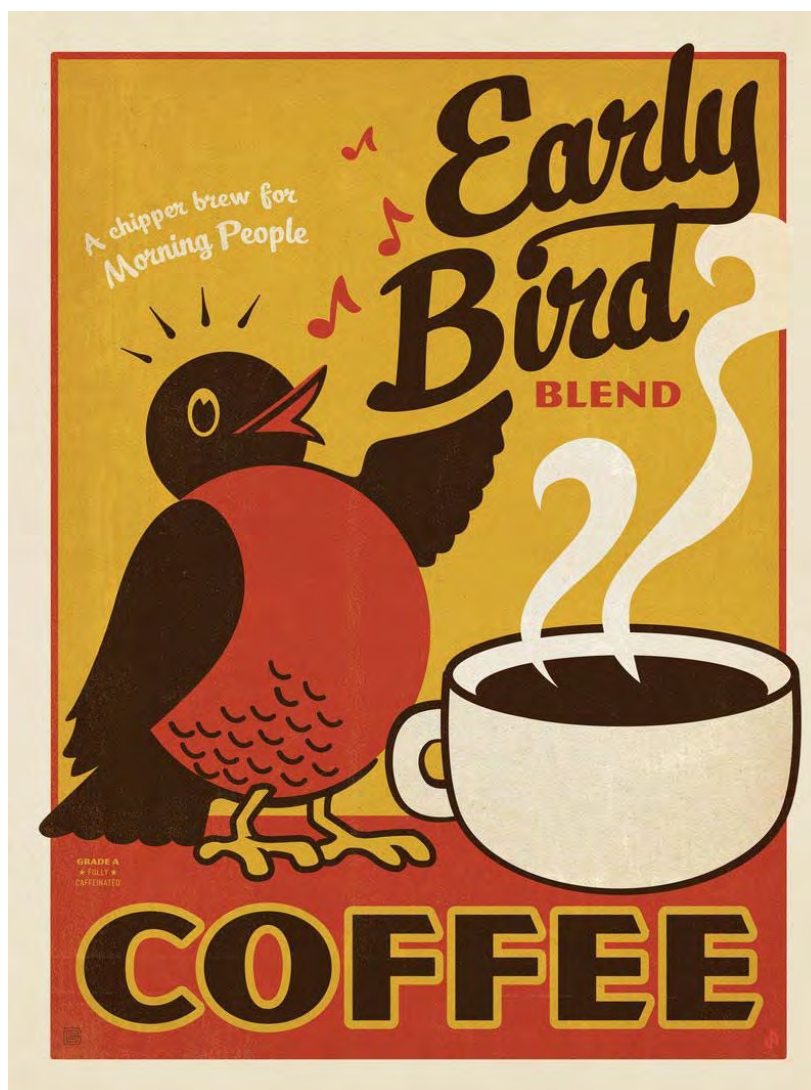
Timothy Johns – Johns & Kosel, Deadwood

7:20 am **Supreme Court Update**

Meghann Joyce –  
Goosmann Law Firm, Sioux Falls

Register online at:

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



*Present:*

## Legal Potpourri

adj. & n. (le•gal & pot•pour•ri)

1. A smorgasbord of or relating to law;
2. A miscellaneous collection of, relating to, or having the characteristics of the profession of law.

*Meghann Joyce and Jennifer Williams*  
*Co-Chairs*

**June 20, 2018**  
**1:00-4:45 pm**

Ramkota Hotel  
Sioux Falls, SD

1:30-2:30pm

### **Recent Changes to Attorney Conduct and Attorney Discipline Rules**

Neil Fulton; Federal Public Defender's Office, Pierre, South Dakota

*What is the Ethics Committee and what can it do for you?*

Tim Gebhart; Sioux Falls, South Dakota

Michael McKnight, Boyce Law Firm, Sioux Falls, South Dakota

*What is the State Bar doing to address mental health concerns for attorneys and their clients?*

2:30-3:00pm

### **Meet the New South Dakota State Bar Executive Director**

Andrew Fergel; State Bar Executive Director, Pierre, South Dakota

Pamela Reiter; Current President of the State Bar of South Dakota

3:00-3:15pm

### **Break**

3:15-4:15pm

### **How to Get Involved with Legal Services**

Brendan Johnson; Robins Kaplan, L.L.P., Sioux Falls, South Dakota

*How mandatory pro bono works for Robins Kaplan*

Denise Langley; Access to Justice, Pierre South Dakota

Brent Thompson; East River Legal Services, Sioux Falls, South Dakota

John Buchy; Dakota Plains Legal Services, Rapid City, South Dakota

*Legal services and how you can get involved*

4:15-4:45pm

### **Introduction to the South Dakota Lawyer Referral Service & Update on the Funding Campaign for the Law School**

Pamela Reiter; Johnson, Janklow, Abdallah & Reiter, L.L.P.,  
Sioux Falls, South Dakota



The State Bar of South Dakota  
and  
The Continuing Legal Education  
Committee  
present:

## General Litigation

Program Chairs:

Jason R. Sutton  
William D. Sims

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June 21, 2018  
8:00 – 12:00pm

Ramkota Hotel, Sioux Falls

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- 7:30 – 8:00 am                      Registration – Free to Active State Bar Members, Others; \$100
- 8:00 to 8:50 a.m.                      “What I Learned as Judge That I Wished I Knew as a Lawyer”  
Speakers: Justice Janine Kern, Judge Susan Sabers,  
Judge Craig Pfeifle, and Judge Bruce Anderson
- 9:00 to 10:00 a.m.                      “Finding and Solving Lien and Subrogation Issues in Personal  
Injury Cases”  
Speakers: Lee Schoenbeck and Karen Armstrong  
“Medicare Set Asides”  
Speaker: Linda Wolden
- 10:00 to 11:20 a.m.                      “Conversation Matters”  
Speaker: Mary Verstraete, Co-Founder of the Center for Coaching  
Excellence and a Professional Certified Coach with the International  
Coach Federation
- 11:30 to 12:00 p.m.                      “The Unused Discovery Tools in Your Toolbox”  
Speaker: Jason Sutton

Register online at: [www.statebarofsouthdakota.com](http://www.statebarofsouthdakota.com)



# REPRESENTING CLIENTS IN CRIMINAL PROCEEDINGS WITH A MENTAL ILLNESS

REQUIRED TRAINING FOR COURT  
APPOINTED ATTORNEYS\*

*Greg Sattizahn and Alecia Fuller  
Co-Chairs*

**June 21, 2018  
1:00-4:00pm**

Ramkota Hotel  
Sioux Falls, SD

- 12:30-1:00 Registration – Free to Active State Bar Members, Others; \$100
- 1:00-1:05 **Introduction and Overview**  
**Improving Criminal Justice Responses for Persons with Mental Illness**  
Greg Sattizahn; State Court Administrator, Unified Judicial System, Pierre
- 1:05-2:00 **Representing a Client with Mental Illness in a Criminal Proceeding**  
**Overview, Tips and Best Practices**  
Betsey Harris, Rapid City
- 2:00-3:15 **Forensic Evaluations**  
**What a Defense Attorney Should Know**  
Dr. Stephen Manlove, MD, Manlove Psychiatric Group, Rapid City
- 3:15-3:30 Break
- 3:30-4:00 **Client Interaction Panel**  
Mike Miller, Sioux Falls  
Brad Schrieber, Pierre  
Matt Laidlaw, Rapid City
- 4:00-4:15 **Competency Restoration**  
**An Inside View into the Restoration Process at the Human Services Center**  
Dr. Joel Merkwan, Human Services Center, Yankton

\*Completion of this CLE satisfies the requirement of SDCL 23A-40-21 allowing an attorney to receive court-appointments in criminal proceedings after July 1, 2018

Register online at: [www.statebarofsouthdakota.com](http://www.statebarofsouthdakota.com)

# Legal Palooza

WEDNESDAY, JUNE 20

SIoux FALLS  
RAMKOTA • ANNEX  
5:15 PM

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JOIN THE  
SD DEFENSE LAWYERS,  
SD TRIAL LAWYERS AND  
THE YOUNG LAWYERS  
BOARD FOR COCKTAILS &  
CONVERSATION  
PRIOR TO THE STATE BAR'S  
KICKOFF BANQUET &  
DANCE

All State Bar Meeting Attendees and Their Guests are Welcome!!

## LAWYERS CONCERNED FOR LAWYERS LAWYERS ASSISTANCE COMMITTEE

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

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

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

## Caribou Coffee Club

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

Attendance is limited to lawyers.

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

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



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



# YOU are NOT Alone

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

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

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

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

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

The Sand Creek website, [www.sandcreekeap.com](http://www.sandcreekeap.com), is a useful resource designed to help make your life easier. On the website you will find: Child care and elder care referrals; hundreds of articles on important mental and emotional health issues; work-related resources to help manage stress, cope with job changes or deal with a difficult boss; wellness resources including a comprehensive exercise, nutrition and healthy living portal that has hundreds of articles, recipes and tips for healthy living.

Confidentiality is the bedrock of a Member Assistance Program. All discussions and services are kept strictly confidential. The State Bar of South Dakota will not know that you are using the services. We encourage you to use this valuable benefit.

Sand Creek is a HIPPA compliant service.



Go to [www.sandcreekeap.com](http://www.sandcreekeap.com)  
Click the Work Life Wellness Login Link  
Our Company ID is sbsd1  
Or call 800-632-7643  
Monday-Friday, 7:30am-5pm CT

Immediate, Confidential Support  
24 hours a day/7 days a week:  
888-243-5744

*All discussions and services are kept strictly confidential.*

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



# ANNOUNCEMENTS

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

*Aaron T. Galloway*  
as our newest shareholder.

[agalloway@lynnjackson.com](mailto:agalloway@lynnjackson.com)  
909 St. Joseph Street, Suite 800  
Rapid City, SD 57701  
605.342-2592

Sioux Falls Office  
110 N. Minnesota Avenue, Suite 400  
Sioux Falls, SD 57104  
Telephone: (605) 332-5999

Spearfish Office  
135 East Colorado Boulevard  
Spearfish, SD 57783  
Telephone: (605) 722-9000

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

Johnson, Janklow, Abdallah & Reiter, LLP  
is pleased to announce that

*Jami J. Bishop and  
Sara E. Show*  
have become Partners in the firm.

101 S. Main Avenue, Suite 100  
Sioux Falls, SD 57104

Telephone: (605) 338-4304  
Facsimile: (605) 338-4162

[jami@janklowabdallah.com](mailto:jami@janklowabdallah.com)  
[sara@janklowabdallah.com](mailto:sara@janklowabdallah.com)

Riter, Rogers, Wattier and Northrup, LLP is pleased  
to announce that

*A. Jason Rumpca*  
has joined the firm as an associate attorney.

319 S Coteau  
Pierre, SD 57501  
Telephone: (605) 224-5825  
Facsimile: (605) 224-7102

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

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

*Adam Oster*

has become associated with the firm.

7404 S. Bitterroot Place  
Sioux Falls, SD 57108

Telephone: (605) 275-5665

[adam@legacylawfirmnpc.com](mailto:adam@legacylawfirmnpc.com)  
[www.LegacyLawFirmPC.com](http://www.LegacyLawFirmPC.com)

Nooney & Solay, LLP  
is pleased to announce that

*Samuel E. Woodall*  
has joined the firm as an associate attorney.

326 Founders Park Drive  
P.O. Box 8030  
Rapid City, SD 57709-8030

Telephone: (605) 721-5846  
Facsimile: (605) 721-5867

[www.nooneysolay.com](http://www.nooneysolay.com)  
[sam@nooneysolay.com](mailto:sam@nooneysolay.com)

**Fax Number Correction!**

*Donahoe Law Firm, P.C.*

3401 East 8th Street, Suite 215  
Sioux Falls, SD 57103

Telephone: (605) 367-3310  
Facsimile: 1-866-376-3310

USD Law would like to thank the  
State Bar of South Dakota for its continued partnership and support of the law school.

USD Law would also like to thank the following supporters of the law school's  
15 x 15 scholarship program (15 students' tuition for 3 years at \$15,000 per year):

- President James W. Abbott ('74)
- Great Plains Education Foundation (3 scholarships)
- Harvey ('73) and Cynthia Jewett
- James ('77) and Kathy McMahan
- Speaker Mark and Cynthia ('95) Mickelson and Linda Mickelson Graham
- Sanford Health
- Siegel, Barnett & Schutz LLP
- South Dakota Trust Company
- Ryan Taylor ('99)
- Fred ('73) and JoAnn Winkler

An additional thank you to all members of the SD Bar who support USD Law,  
whether financially or by sharing their time and talents.

We are very grateful for your support!



*Please join USD Law at the reception on Thursday afternoon of the Annual Meeting to honor USD President James W. Abbott and USD Law Professors Charles Thatcher and Christine Hutton.*

*President Abbott is retiring this summer after 21 years as President of USD, Professor Thatcher retired this spring after 41 years at USD Law, and Professor Hutton is retiring this December after 34 years at USD Law. All three will be in attendance; help us wish them well in their retirements!*

*Class of 1968  
USD Law School Grads Class  
Reunion:*

We will meet Thursday, June 21st, 2018 beginning at 5 p.m. at the Ballroom West, Sioux Falls Country Club (formerly Westward Ho. C. Club), 3400 West 22nd St. Sioux Falls, S. D.

## **Awards for Half Century of Service**



The practice of issuing awards to those members of the State Bar who have reached the fifty-year milestone since admission to practice law in the State of South Dakota, inaugurated in 1968, is being continued in 2018. The ceremony has become one of the highlights of our Annual Meeting.

The following State Bar members are eligible to receive the award at the annual meeting in June:

**50 years - Robert Arneson, Brookings; John P. Blackburn, Yankton; George H. Danforth, Huron; A. Peter Fuller, Lead; David A. Gerdes, Pierre; John M. Grossenburg, Hill City; Gene Paul Kean, Sioux Falls; Patrick H. Lacey, San Diego, CA; Eugene L. Martin, Rapid City; Robert A. Michaels, Wayzata, MN; Murray Ogborn, Denver, CO; James W. Olson, Rapid City; Rollyn H. Samp, Sioux Falls; Kermit A. Sande, Reston, VA; William J. Srstka, Sioux Falls; Dale R. Zimmerman, Centennial, CO; Dean A. Zimmerman, Houston, TX**

There may be others who should be included in this list. It will be most helpful if you will scrutinize the foregoing list, and if omissions or corrections occur to you, please notify Tom Barnett at State Bar Headquarters.

# 1993 USD LAW SCHOOL GRADUATES

## 25<sup>TH</sup> CLASS REUNION

THURSDAY, JUNE 21, 2018, 6:30 – 9:30 P.M.



**MYERS DELI**

CARPENTER BUILDING, 221 SOUTH PHILLIPS AVENUE

(FREE PARKING IN THE 1<sup>ST</sup> AVENUE PARKING RAMP, ONE BLOCK EAST)

HOSTED BY



**DONAHOE LAW FIRM, P.C.**

# CLASS REUNION

The USD Law Graduating Class of 2008 is celebrating their 10 Year Reunion during the State Bar of South Dakota Annual Meeting in June.

On Wednesday Evening, June 20, we will be reserving tables at the Annual Meeting Gala (Ramkota) for those classmates (and their significant others/ spouses) that wish to sit together. If you want to join, please RSVP to Paige Bock at [paige.wilbur@gmail.com](mailto:paige.wilbur@gmail.com) with the # of spots that you need served. (You still need to register with the State Bar for this event.)

On Thursday, June 21, around 7:30pm, folks will gather in the lower level at The Blarney Stone Pub at 333 S. Phillips Ave. - Downtown Sioux Falls - to mingle. No RSVP is necessary for this event. Just show up!

**CLASS OF  
2008**

# LAW SCHOOL CLASS OF 1988

Celebrates their 30<sup>TH</sup> Year Reunion

.....

*Where: Minnehaha Country Club*

*3101 W. 22<sup>nd</sup> Street*

*When: Thursday, June 21<sup>st</sup> at 5:00p.m.*

*Details: Cash Bar, Appetizers provided*

Please RSVP by June 14<sup>th</sup> to Judy Arnold at:

[judithcarnold@msn.com](mailto:judithcarnold@msn.com)

## **NOTICE OF ANNUAL MEETING OF THE SOUTH DAKOTA JUDGE'S ASSOCIATION**

NOTICE IS HEREBY GIVEN that the Annual Meeting of the South Dakota Judge's Association will be held at the Ramkota Hotel, Sioux Falls, South Dakota on June 20, 2018, commencing at the hour of 1:15 pm.

This notice is given pursuant to the By-Laws of the South Dakota Judges Association to all Supreme Court Justices, Circuit Court Judges and Magistrate Judges.

Submitted,

**Judge Mark Anderson**

President, SD Judge's Association May 26, 2018

**Please note: registration for all  
Annual Meeting Activities  
including:**

**CLEs**

**Wednesday Banquet**

**Thursday Family Night**

**Women In Law Brunch can be  
found by logging in to**

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

**and choosing the Events Tab at  
the top.**

**The Young Lawyers Section and USD Student Bar Association  
Present  
The State Bar Convention Annual Road Race**



**Friday, June 22<sup>nd</sup>, 2018  
Sioux Falls, SD  
3200 W. Maple St.**



**Eligible Entrants: All members of the State Bar of South Dakota including relatives and dates, law students, court reporters, and employees of the Unified Judicial System**

**Full Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
*Last First M.I.*

**Address:** \_\_\_\_\_  
*Street Address Apartment/Unit #*

\_\_\_\_\_  
*City State ZIP Code*

**Circle Age** 12& under, 13-19, 20-29, 30-39,  
**Group:** 40-49, 50-59, 60-69, 70-79, 80-89 **Event Desired:** One Mile  5K

**Please CHECK IN at the south-east side entrance of the Ramkota Hotel no later than 7:30a.m. – the race will begin at 7:45a.m.**

**In consideration of your acceptance of this entry I, intending to be legally bound, for myself, my heirs, executors, and administrators, waive and release The State Bar of South Dakota, the Young Lawyers Section of the State Bar of South Dakota, any individuals participating the organization and conduce of this road race, their representative, successors and assigns from any and all rights any claims for damages I may have, arising out of any injuries and illnesses suffered by me in this event including those which may be attributed to weather conditions. I attest and verify that I will participate in this event as a foot race entrant, that I am physically fit and have sufficiently trained for the competition of this event and my physical condition has been verified by a licensed medical doctor.**

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Please e-mail this completed application by June 20, 2018 to:  
Jenna Schweiss, SBA President  
jenna.schweiss@coyotes.usd.edu**

# *Women In Law*

BRUNCH & PANEL DISCUSSION  
STATE BAR ANNUAL MEETING  
RAMKOTA HOTEL, SIOUX FALLS  
JUNE 20TH, 2018 @ 10:00AM\*

Distinguished panelists will provide their thoughts on charting a path to the bench, how to prepare for a career as a judge, building your reputation and a network, career/life balance, ethical considerations, and benefits and trade offs of a judicial career. Attendees will obtain insightful advice and tips to prepare for the road to the bench. Other event highlights include the announcement of the 2018 USD Women in Law Award and recognition of Governor Dugaard for his judicial appointments. Lieutenant Governor Matt Michels will be in attendance on Governor Dugaard's behalf.

## *Panelists:*

Judge Karen Schreier  
Justice Judith Meierhenry  
Justice Janine Kern  
Judge Bobbi Rank  
Judge Camela Theeler  
Judge Cheryle Gering  
Judge Carmen Means

## *Moderator:*

Pamela Reiter, State Bar President

\*Please note the day and time change from our traditional WIL social. All members of the bar are welcome. Indicate on your Annual Meeting registration you plan to attend.

A tropical beach scene with palm trees, a hammock, and a lifeguard stand. The background is a clear blue sky and ocean. The text is overlaid on the image.

# FAMILY NIGHT BEACH PARTY

## CELEBRATE

**TOM BARNETT IS HEADING OFF INTO THE SUNSET**

## RETIREE

**HELP US WISH HIM WELL**

## STYLE

*Beach Attire Encouraged!*

**ALL CONVENTION ATTENDEES ARE WELCOME!**

*Thursday June, 21 | 5:30-10pm | Poolside, Ramkota Hotel*





# South Dakota Paralegal Association, Inc.

Founded in 1989

ANNUAL MEETING & SEMINAR  
FRIDAY, JUNE 22, 2018  
RAMKOTA HOTEL & EVENT CENTER  
3200 W. MAPLE STREET  
SIOUX FALLS, SD 57107

<i>Time</i>	<i>Agenda</i>	<i>Speakers</i>
7:30-8:00 AM	Registration & Breakfast	
8:00-9:00 AM	<i>Mediation – Drafting a Great Mediation Statement</i>	Lon Kouri, May & Johnson, PC
9:00-9:10 AM	Break	
9:10-10:10 AM	<i>Adoptions – Role of the Paralegal</i>	John Hughes, Hughes Law Office
10:10-10:15 AM	Break	
10:15-11:15 AM	<i>Technology Tips and Tricks – Improving Multi-Tasking</i>	Open Forum led by Jessi Stucke, CP
11:15 -12:15 PM	<i>SDPA Annual Meeting</i>	<i>SDPA Executive Committee</i>
12:15-1:15 PM	Lunch	
1:15-2:15 PM	<i>Estate Planning - Preparing Clients &amp; Non-Standard issues</i>	Mandy Gaikowski, Estate Planning Solutions
2:15-2:25 PM	Break	
2:25-3:25 PM	<i>Ethics: Attorney - Client Privilege</i>	Thomas Welk, Boyce Law Firm, LLP
3:25-3:35 PM	Break	
3:35-4:35 PM	<i>Marsy's Law – Impact and Implementation</i>	Kelli Peterson, Minnehaha County State's Attorney's Office

## ***REGISTRATION FORM***

**\*\*NOTE: If planning to attend via webinar, please include the e-mail with which you can be reached if we experience technical difficulties\*\*** Email: \_\_\_\_\_

Seminar Fee enclosed (includes luncheon): \_\_\_\_\_ Member \$65 \_\_\_\_\_ Non-Member \$85 \_\_\_\_\_ Student \$30

Webinar Fee Enclosed: \_\_\_\_\_ Member \$65 \_\_\_\_\_ Non-Member \$85 \_\_\_\_\_ Student \$30

Name: \_\_\_\_\_ Designation (CP/ACP/RP/PLS/PP) \_\_\_\_\_

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

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

Telephone: \_\_\_\_\_ **Thursday Social:** \_\_\_ Yes \_\_\_ No \_\_\_ Maybe

Send registration form and payment to Jen Frederick, CP, P.O. Box 1325, Watertown, SD 57201, **by Friday, June 8, 2018**. Make checks payable to **SDPA**. To cancel your registration, please contact Jen Frederick at (605) 886-0010 or at jen@schoenbecklaw.com. Cancellations received on or before June 8, 2018, will receive a full refund. **Two room blocks are available:** 1) The Ramkota Hotel, 3200 W. Maple St., Sioux Falls, SD (605-336-0650), under the SD State Bar, \$109.99 per night for a room with 2 queen beds. The deadline to reserve your room is **Friday, June 8, 2018**. 2) The Dakotah Lodge, 3200 Russell St., Sioux Falls, SD (605-332-2000), under SDPA, \$127.40 per night for a room with 2 queen beds or 1 king bed. The deadline to reserve your room is **Wednesday, May 21, 2018**. **PLEASE NOTE** different deadlines for room blocks, and book early.

Continuing legal education credit from NALA required to maintain the Certified Paralegal credential has been approved for this seminar for 6 hours of CLE credit, which includes 1 hour of ethics credit and 1 hour non-substantive credit.

PLEASE JOIN  
**TERRY WESTERGAARD**

CANDIDATE  
FOR 2019  
**BAR  
PRESIDENT  
ELECT**

.....  
SIOUX FALLS  
RAMKOTA HOTEL  
Hospitality Room #1013  
.....



**WEDNESDAY  
JUNE 20<sup>TH</sup>**  
4:30 to 6:00 pm  
& 9:00 to 11:00 pm

**THURSDAY  
JUNE 21<sup>ST</sup>**  
4:00 to 6:00 pm  
& 8:00 to 11:00 pm

## 2018 Dry Hospitality Room

The Diversity & Inclusion Committee, Lawyers Assistance Committee and Lawyers Concerned for Lawyers will be hosting

# “The Fun Room”

## All Are Welcome

+

Wednesday & Thursday during the State Bar Convention in  
Room 1035

Come Check it out - Times will be posted at registration

\*Not sponsored by the State Bar

# BOARD OF BAR COMMISSIONERS

Minutes, April 12, 2018

ClubHouse Hotel & Suites, Sioux Falls, SD

Present: President Reiter, President-Elect Rasmussen, Commissioners Miner, Willert, Lovrien, Sutton, Duncan, Hopper, Zea, J. Williams, Huff, Thompson Kerver, and Tobin. Also attending were incoming ED Andrew Fergel, ED Tom Barnett, Strategic Plan Coordinator Elizabeth Overmoe, and ABA Consultant Jennifer Lewin.

President Reiter called the meeting to order at 1:00 p.m.

Review of proposed meeting minutes from January 5, 2018. Motion made by commissioner Duncan, seconded by President-Elect Rasmussen, to approve proposed meeting minutes without modification. Motion passed unanimously.

Review of proposed meeting minutes from February 9, 2018, commission meeting. President-Elect Rasmussen noted that proposed minutes incorrectly reflected that he abstained regarding the motion to take no position on SB 145. His vote should have been in favor of the motion. Commissioner Duncan moved to approve the proposed minutes as modified to reflect President-Elect Rasmussen voting in favor of the motion for the State Bar to take no position on SB 145. Motion seconded by commissioner Willert and passed unanimously.

Review of proposed meeting minutes from February 10, 2018, commissioner meeting. Motion made by commissioner Miner, seconded by commissioner Willert, to approve proposed meeting minutes without modification. Motion passed unanimously.

President Reiter provided an update on the Lawyer Referral Services (LRS) program. President Reiter provided examples of marketing materials for the program. President Reiter indicated that the LRS program and website will be presented at the annual meeting. An annual fee of \$50 is required for an attorney to subscribe to the lawyer referral program.

Denise Langley (calling in) and Beth Overmoe provided a report on A2J. Year to date, 24 cases have been closed. 34 cases have been placed with attorneys. There was not a waiting list at the time. A2J continues to recognize volunteer attorneys in the bar newsletter. A2J is also going to recognize attorneys with a ribbon on their name badge at the annual meeting. The statewide intake website for A2J, East River Legal Services, and Dakota Plains Legal Services is now online and operational. Also, through a grant from the Bar Foundation, A2J is going to recognize law students who volunteer 50 hours of pro bono service by giving a graduation card and a

graduation cord in the A2J colors to those students. A2J has also printed cards to be provided to each Circuit Court judge providing the contact information for A2J and SD Free Legal Answers. A2J is looking into additional recognition efforts for participating attorneys. So far in 2018, 41 attorneys have been recognized as Legal Super Heroes for A2J and SD Free Legal Answers as part of the new A2J Justice Squad theme.

Commissioner Zea provided an update on the website. President Reiter has appointed a small committee to evaluate changes to the website. That committee has met telephonically and the next step is a meeting with Nicole Ogan and state bar staff to evaluate potential improvements to the website. A request by a member to make all lawyer contact information public accessible was rejected because it is believed by a majority of our members that publication is an individual decision to be made by a lawyer and many do not want unsolicited (spam) contacts.

A discussion occurred regarding proposed amendments to the by-laws for the State Bar of South Dakota. The commission walked through the draft of the by-laws from Commissioner Tobin. President Reiter announced a telephonic meeting at 9:00 a.m. on April 26<sup>th</sup> to review final draft of the bylaws. Further, that a vote on the revised bylaws would occur no later than May 1<sup>st</sup> to permit publication to members in time for action at the annual meeting.

Tom Barnett presented the financial report. He requested that budgets be supplemented as follows: Audit - \$219.95, Law School Committee - \$66.46, Lawyer Referral - \$443.13, and Transition Committee - \$2310.01. Moved by Sutton, seconded by Hopper to approve supplements previously recommended which motion was approved. Barnett recommended that the Commissioners approve a resolution regarding the buy-out of accrued vacation which action would save the State Bar approximately 7.6%. Moved by Duncan, seconded by Sutton to approve and adopt the resolution, which passed unanimously.

Beth Overmoe gave a brief report on the activities of the Young Lawyers Section. Included in the presentation was a report on veterans' clinics and that over 130 veterans were helped over a two day period. Beth also reported on Project Destination, an outreach project to encourage young people, particularly Native Americans, to consider law school.

Regarding Commission directives on legislation during the 2018 session, which initial directions were made via email, moved to ratify such action by Duncan, seconded by Lovrien, which motion was approved.

The Commissioners discussed entering into a compromise with Steve Palmer regarding his debt to the Client Assistance Fund. Moved by J. Williams, seconded by Hopper, to approve the settlement agreement whereby the Fund would receive approximately \$16,500, which motion was unanimously approved.

Commissioner Duncan presented his recommendations on solicitations for a contract lobbyist for the 2019 legislative session. Commissioners, by motion by Willert and second by Hopper and unanimous approval, decided to publish the RFP in the May, June and July newsletters, with a deadline of July 16<sup>th</sup> for applications. Interviews will be conducted on August 21<sup>st</sup> in Pierre.

The Commissioners discussed proposed model rule 8.4 (g). Moved by Miner, seconded by Sutton, to refer the matter back to the ethics committee with directions to draft a SD specific version of the proposed rule, which motion was approved with Lovrien voting against the motion and J. Williams abstaining.


The Commissioners discussed a complaint from a member who believes that certain commercial companies are practicing law without a license. Much of this discussion revolved around the US Supreme Court case North Carolina Board of Dentistry vs. FTC. Among other things, the Court ruled that such a board could not be controlled by those licensed in area sought to be regulated/restricted; rather, an independent board utilizing executive branch (or perhaps judicial branch). Commissioners determined that they didn't want the State Bar to be the test case and secondly, any citizen (or aggrieved lawyer) has the authority under SDCL 16-18-1 to bring an action for injunctive relief, and finally, practicing law without a license is a Class I misdemeanor and violators may be prosecuted by either the AG or local states attorney.

Action on the matter to select a site for the 2023 and 2025 annual meetings was deferred until the July meeting.

By consensus, the Commissioners determined to continue studying the existing Keller v. California policy and to consider in the future, modifications to more closely align the policy with more recent court decisions.

The final matter to be considered by the Commissioners was the request from the Supreme Court for input on the effective time for filing responses and time to respond, all relevant as the Court reviews electronic filing. Moved by Miner, seconded by Rasmussen, to concur with the recommendation of the practice rules committee, and urge the Court to adopt the Federal rule, which motion was approved, J. Williams abstaining.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas C. Barnett, Jr.", with a stylized flourish at the end.

Thomas C. Barnett, Jr.  
Secretary-Treasurer

# The State Bar of South Dakota

## Contract Lobbyist

### Request for Proposals

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

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

Prospects for this position must meet the following criteria:

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

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

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

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

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

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

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

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



# State of South Dakota Unified Judicial System



## Office of the State Court Administrator

Telephone: (605) 773-3474  
FAX: (605) 773-8437

500 East Capitol Avenue  
Pierre, SD 57501-5070

May 7, 2018

State Bar of South Dakota  
222 East Capitol Avenue, #3  
Pierre, South Dakota, 57501

### **RE: Court Appointed Defense Attorney Mandatory Training**

Members of the State Bar:

During the 2017 Legislative Session, the legislature passed HB 1183: An Act to provide and revise certain provisions regarding mental health procedures in criminal justice, to make an appropriation therefor, and to declare an emergency. One provision of HB 1183 requires every court-appointed defense attorney to receive training on mental illness, available mental health services, eligibility criteria and referral process, and forensic evaluations.

Since the passage of HB 1183, we have been developing the training to satisfy the statutory requirement. There are two ways for defense attorneys to fulfill the training.

First, a CLE will be offered at the Bar convention titled *Representing Clients in Criminal Proceedings with a Mental Illness*. The four-hour training will give an overview of HB 1183, present best practices for representing a client with mental illnesses, discuss forensic evaluations, and outline the competency restoration process at the Human Services Center. Completion of the CLE will allow attorneys to be added to the court-appointed defense attorney list.

Second, an online training is being developed for those who are unable to attend the training. Much like the current online Abuse and Neglect training, attorneys will be able to log-on to the training via the Unified Judicial System's webpage and watch a series of training videos. The content was developed by the State Court Administrator's Office in collaboration with mental health professionals, attorneys experienced in criminal law, and other experts. It is currently being produced and will be available in the near future. When it is available a notice will be sent statewide.

Finally, the State Court Administrator's office developed a Mental Health handbook for defense attorneys. While it does not take the place of training, it provides attorneys a starting point for their work

***Our Mission: Justice for All***

***Our Vision: We are stewards of an open, effective, and accessible court system, worthy of the Public's trust and confidence.***



with their clients who have a mental illness, to alert the attorney to some basic legal options they may want to consider, and to give them some ideas about where to go for assistance. Like the video training, it was drafted and reviewed by both mental health professionals and attorneys experienced in criminal law. It will be found on the UJS webpage.

Respectfully,



Greg Sattizahn



## HERO

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

*William Moss, Psy.D.*

Clinical Psychologist - Located in Rapid City  
(605) 645-0371

Psychosexual Evaluations - Custody  
Competency - Mitigating Factors  
Juveniles – Adults – Older Adults

***DeRouche Agricultural and Legal Consulting, LLP***



34 years Farm Business Instructor at Mitchell Tech

3 years of Ag Lending

**8 years Research, Deposition, Testifying**

Expert witness on agricultural issues

**Roger DeRouchey Phone: 605-770-8080**

**700 Broad Street Alexandria, SD 57311**

[www.deroucheagriculturallegalconsulting.com/services.html](http://www.deroucheagriculturallegalconsulting.com/services.html)



# THE JUSTICE SQUAD

Thank you to the following attorneys for accepting a pro bono or modest means case from Access to Justice, Inc., this month! You are now a member of the the A2J Justice Squad – an elite group of South Dakota lawyers who accept the responsibility to defend justice, uphold their oath and provide legal representation to those who need it.

## YOU ARE A LEGAL SUPERHERO.

- EDDIE HRUSKA
- GARY CONKLIN
- AMY BARTLING
- MICHAEL SABERS
- LINDA KOGEL
- CRAIG THOMPSON
- ERIC SCHLINGEN

*Special thanks to Nicole Ogan and Tracie Bradford for their help locating volunteer attorneys this month!*

**POW!**

*And thank you to Scott Moses for answering questions on SD Free Legal Answers!*

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*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;*

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# An Overview of Common Legal Issues re Immigration

## Part 2 | SD State Bar Immigration Law Committee

Immigration law and immigration consequences become relevant in other areas of law when noncitizen clients are involved. To assist other practitioners the immigration committee has put together general information on some of these situations. The committee's goal is to bring a general awareness of some of the more common non-immigration legal issues that are problematic for the client's status or future status options. Please see the previous edition of the newsletter for the introduction to this series of articles.

### Firearms Offenses, Hunting Violations

Non-citizens who are convicted of any law relating to use or possession of a firearm (gun) or "destructive device" are deportable under INA 237 (a)(2)(C). "Firearm" includes guns or firearms, frames and receivers, and silencers. "Destructive Device" includes objects such as bombs, grenades, rockets or similar devices, or parts to convert or create firearms or destructive devices. Even seemingly minor firearm convictions that can occur while hunting can be considered deportable offenses. Other examples of firearms convictions that can potentially lead to deportation could include negligent discharge of a gun, brandishing a pistol, unlawful transport of a firearm.

### Affidavits of Support

An Affidavit of Support is a document that an individual, typically called a sponsor, signs to provide financial support for a foreign national. The Affidavit of Support is a required document for many family-based immigration applications. The U.S. government considers the Affidavit of Support an enforceable contract against the sponsor by the foreign national, the federal government, the state government, and any entity that provides a means-tested benefit. The contract is enforceable until the foreign national becomes a citizen through naturalization, has worked 40 qualify quarters as defined by the Social Security Act, the sponsor dies, or the foreign national abandons permanent residency and leaves the United States. By signing the Affidavit of Support, the sponsor agrees to submit to the jurisdiction of any federal or state court in which an action is brought to enforce the affidavit.

### Prior Topics

- May Newsletter:  
Types of Immigration  
Statuses

### Upcoming Topics

- International Adoption
- Hague Convention
- Child Abuse
- Involuntary  
Termination of  
Parental Rights
- Protection Orders
- Divorce
- Criminal Offenses

## **An Overview of Common Legal Issues regarding US Immigration Law.**

The State Bar Immigration Committee invites you to learn a basic understanding of U.S. immigration law concepts. Understanding these concepts will enable you to represent your noncitizen clients more effectively. South Dakota attorneys will likely represent noncitizen clients in federal or South Dakota legal matters at some point in their careers. Those matters can directly influence the noncitizen's immigration interests, including current statuses and future options. Possessing a basic understanding of immigration law enables the nonimmigration attorney to better serve the noncitizen client.

The noncitizen client is any person who is not a United States Citizen. The noncitizen client may be a trustor residing outside of the United States but authorizes the creation of a South Dakota trust. The noncitizen client might be a lawful permanent resident, (LPR or green cardholder), of the United States who, for whatever reasons, has not yet taken the necessary steps to become a naturalized United States citizen. The noncitizen maybe the "nonimmigrant" who lawfully resides in South Dakota and in some situations may be able to work lawfully in the United States.

Different areas of law that affect immigration status will be published in upcoming newsletters. The committee's goal is to bring a general awareness of some of the more common non-immigration legal issues that are problematic for the client's status or future status options. For specific situations, the committee welcomes questions.

As an introduction, the first topic we will cover is a brief explanation of different types of immigration status ranging from undocumented to pending, (naturalized), citizen. Generally, all statuses can be initially broken into two categories, immigrant and nonimmigrant. A client will not always have documentation to prove their status. This is quite common. Certain statuses or in-between situations may not have any physical proof available.

### Undocumented

Individuals that do not have status may have entered without status or may have legally entered with status that has since expired or been revoked.

### DACA

Young people that were previously undocumented and have met very specific criteria may have obtained DACA status. DACA is valid for 2 years at a time and is simply a deferral to deportation that allows the individual work authorization. Currently, no new DACA applications are being accepted, however current DACA holders are allowed to apply for renewal while litigation over the program's termination continues.

### Non-Immigrant Temporary Visas

These visa holders could include vacationers, students, and some temporary workers.

### Trafficking or other Crime Victim or Witness

T and U visa holders may have been undocumented but have met certain requirements, such as providing assistance to federal, state, or local authorities which investigate the criminal activity which caused harm to the victim.

### VAWA Self-Petitioner and Special Immigrant Juvenile

Abused spouses and abused or abandoned children may obtain legal status by proving the abuse/neglect. For juveniles, this requires a predicate state court order.

#### Lawful Permanent Resident, (LPR)

Also known as a green card holder, LPR status allows one to live and work permanently in the U.S. LPRs may have started out as another status, however not all statuses are eligible to become LPRs. LPR status is required prior to becoming a naturalized citizen. LPRs can be deported. Mistakes and certain crimes are some of the ways an LPR can be put into deportation proceedings.

#### Refugee/Asylee

Both refugees and asylees must prove a well-founded fear of persecution. Refugees must be out of their country of origin and apply for refugee status in the second country. In the second country, they are screened extensively before they are allowed into the U.S. Asylees enter the U.S. and present themselves to the U.S. government and request asylum.

#### Family-Sponsored Visas

Immediate relatives of U.S. citizens and lawful permanent residents may be eligible for visas that lead to permanent resident status. These visas can involve very long wait times, (10+ years), for relatives other than spouses and unmarried children under 21 years old. There is no process to petition for grandparents, aunts, uncles, etc.

#### Naturalized Citizen

Adults that have been admitted for lawful permanent residence, (a green card holder), for a required period of time and who are able to demonstrate “good moral character” may qualify to become a naturalized citizen. The process is not complete, and the person is not a citizen, until they have taken the oath of citizenship. The U.S. does not deport U.S. citizens, however there is a de-naturalization process for individuals that the U.S. believes procured naturalization improperly or through misrepresentation. The U.S. citizen may relinquish the status of citizenship.

Upcoming topics include:

1. Firearms Offenses, Hunting Violations
2. Affidavits of Support
3. International Adoption, Hague Convention
4. Child Abuse/involuntary termination of parental rights
5. Child Support
6. Protection Orders
7. Divorce
8. Criminal Offenses

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## A SPECIAL THANKS TO THE 2018 USD SCHOOL OF LAW LEGAL PRACTICE DRAFTING COURSE FACULTY

*USD School of Law, along with Dean Thomas Geu, Dean Tiffany Graham, Advisor Thomas Welk, Professor Ramon Ortiz, Adjunct Coordinator Marilyn Trefz, and Project Rural Practice Attorneys extend a special thanks to the 2018 Legal Practice Course Presenters for sharing their time, knowledge and expertise to train and mentor young lawyers and law students. Presenters shared practice overviews, sample fact patterns with responsive documents, drafting assignments and individual student feedback.*

**Law Practice Management, Chad Nelson**  
**Real Estate Transactions, Eric Hanson**  
**Criminal Prosecution, Alexis Tracy**  
**Business Entity Sale, Jennifer Larsen**  
**Criminal Defense, Rachel Rasmussen**  
**Estate Administration - Bobbi Thury**

**Family Law, Scott Kading**  
**Alternative Dispute Resolution, Michael McKnight**  
**Business Entity Formation, John Archer**  
**Civil Pre-trial Practice, Eric Schulte**  
**Estate Planning, Jayna Voss**  
**Administrative Law, Thomas Welk**

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**Mrg Simon, Kristina Schaefer, Matthew Tobin**  
**Presiding Judge Cheryle Gering**  
**Presiding Judge Larry Long**  
**Retired Judge Kathleen Trandahl**

**Your efforts and service are appreciated by the 37 3Ls who took this course.**

*Here is what a few of this year's students had to say...*

"Taking Law Practice Drafting was by far one of the greatest experiences during my time at USD Law. Having the opportunity to draft legal documents that were then reviewed by renowned South Dakota lawyers was truly incredible. I am humbled by the lawyers who took the time to provide substantial insight and knowledge that will help us as we begin our legal career. I only hope I too can provide back to students one day what the SD State Bar and attorneys have provided to me."  
~ Alayna Holmstrom (Ackerman)

"The Law Drafting course provided a great opportunity to put the theory we learn during law school to practice. The course also helped provide exposure to many areas of law. I now have a better idea of what areas interest me. I'm grateful to the attorneys who took time out of their busy schedules to provide us with instruction and materials to refer to as we begin our careers!"  
~Brigid Hoffman

"The South Dakota Law Drafting Course has substantially helped me prepare for the practice of law in our state. This course has provided me with the knowledge, and the tools, to succeed in drafting documents that are not taught elsewhere within a standard legal education. I am convinced that students who take this course will be ahead of their peers entering the legal profession because these skills will not have to be taught to us by our employers."  
~Branden Nethken

"The Law Practice Drafting Class has been one of the most beneficial classes I have taken. This class has given me the opportunity to finally put my knowledge of the law to use and get a taste of what the "real-world" will be like. The weekly lecturers and assignments have also made me feel more confident in my abilities when I start my job this Fall."  
~Laura Hodson

"Enrolling in the South Dakota Drafting course has been the smartest decision I've made in law school. As a recent addition to the Rural Attorney Recruitment Program, the course has provided me with not only the confidence to provide legal services to my hometown community after graduation in May, but it has fostered the growth of my network of specialized attorneys throughout the state when I face a challenge I can't solve on my own. Thank you to all of the past and future presenters for the Law Practice Drafting course, I hope to one day repay the favor you've all given me." ~Rachelle Norberg

# NORTHERN PLAINS WEATHER SERVICES

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

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## The Importance of Learning to Say No

Mark Bassingthwaighe, Esq.

Some people seem to view having to say no as requiring them to be confrontational; and for these folks, confrontations are difficult things to get through. Others view saying no as being rude. Now, certainly how a “no” is delivered can be rude; but the act of saying no in and of itself isn’t. Regardless of the reason or situation in which one might struggle with saying no, it’s a valuable skill to learn. In fact, in the context of a law practice, the ability to say no can be a real life saver because we’re talking about quality of life issues here.

When visiting law firms around the country, I often ask a few questions about firm culture in an attempt to understand the environment in which everyone is working. For example, is the setting conducive to allowing staff and attorneys to maintain a healthy balance between their personal and professional lives? If yes, that’s great! If no, I become concerned. The risk of a malpractice claim is now higher than it otherwise would have been if for no other reason than that missteps can happen more readily when we’re not at our emotional best or if our batteries are running low.

Upon further questioning in those settings where things are out of balance, it is common to find that work hours for some are beyond reasonable. I am not trying to suggest that working long hours is a direct cause of malpractice claims. It is not. In fact, I have met a number of attorneys and staff who work incredibly long hours and remain quite happy and content. However, these individuals also often play hard when they are not working. Most importantly, they have found ways to stay refreshed and sharp during the time they devote to their personal lives. My focus is really directed toward those individuals who feel that their own work circumstances are burdensome. When pressed, I will often hear from these individuals comments along the lines of “I really don’t know how to turn down clients so I have taken on more than I had planned,” or “This client has been a client of mine for many years and I can’t risk saying no to the additional work even though the work isn’t something I am comfortable handling.” Others have shared “While I knew I shouldn’t have taken this client’s matter on, I didn’t know when the next prospective client might come through the door and I do have

bills to pay.” I have even heard “Making these kinds of personal sacrifices is one of the costs that come with being an attorney.”

The inability or refusal of an attorney to say no to taking on more clients than she should, to willingly take on additional work that is beyond her comfort zone, or to agreeing to work with a recognized problem client requesting her services can readily evolve into a serious problem. While the occasional sacrifice is often fine, for the attorney who habitually struggles with saying no, the work environment can quickly be experienced as a huge burden resulting in feelings of being overwhelmed and/or out of control. This isn’t good, both from a quality of life and risk management perspective. If left unattended for any length of time burnout and or depression is often what follows.

This is why it’s important to learn to say no. It can be done creatively, respectfully, and non-confrontationally. A statement along the lines of “*At present, due to the number of pending cases here at our firm, we are not able to represent you in this case. Please understand that it is our firm policy to decline representation on any matter where we do not feel confident that we can invest all of the time and energy necessary to do the best possible job for our client*” is a very respectful way to say no. “*While I greatly appreciate your continued loyalty, my legal judgment tells me that you are best served by my assisting you in finding an attorney with the level of experience this particular matter calls for*” is another positive way to say no. If your practice is going to be truly full for a time, consider instructing staff to inform all potential clients that you currently are not accepting any new clients for X number of months and that they are free to check back at that time. All of these approaches are examples of ways to say no in a non-confrontational and respectful way.

Allow me to share one final thought with the intent of further driving a point home. Time has always interested me and I am particularly fascinated by how others manage time. A number of years ago I knew a physician who regularly allowed his patient schedule to get overbooked and he could never keep up. Yet

every afternoon, without telling anyone and in spite of patients waiting, he would simply walk off site and go grab a cup of coffee for ten to fifteen minutes. Although this drove his staff crazy, he always came back refreshed and ready to take on the rest of the day. While I wouldn't recommend this as a way to manage time or clients, there is something of value to be learned here. As I see it, this doctor was on to something. This was his way of reminding himself who was in control of his professional life. He was. So go ahead, take control say no when necessary. It really is ok.



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

our on-demand CLE library at [alps.inreachce.com](http://alps.inreachce.com). Mark can be contacted at: [mbass@alpsnet.com](mailto:mbass@alpsnet.com).

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**There will be a RED MASS prayed at Cathedral of St. Joseph (521 N. Duluth Ave., Sioux Falls) beginning at 5:30 p.m. on Thursday, June 21, 2018. In accord with the Church's Tradition of the Red Mass, those men and women who serve in government and legal professions while seeking to assure justice and stability through our political and legal systems will be held in prayer as we implore the Holy Spirit to offer them guidance in their work.**

**In addition to during the SD State Bar Convention, this Mass will be held on the vigil of the Feast of St. Thomas More, the Patron Saint of Attorneys and Statesmen. It will be celebrated by His Excellency, the Most Reverend Paul J. Swain, Bishop of Sioux Falls who is himself an attorney. This Red Mass will be held in association with the Diocese's recognition of the USCCB-endorsed "Religious Freedom Week."**

**The Red Mass is not sponsored by the State Bar of South Dakota. All members of the legal profession are invited and encouraged to attend.**



## Trial Academy Registration

Sponsored by the State Bar of South Dakota, National Institute for Trial Advocacy, and the USD School of Law

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

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

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

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

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

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

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

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

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

Brief description of your current law practice:

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

To:

State Bar of South Dakota

222 E. Capitol Ave.

Pierre, SD 57501

## Trial Academy Scholarship Application

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

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

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

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

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

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

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

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

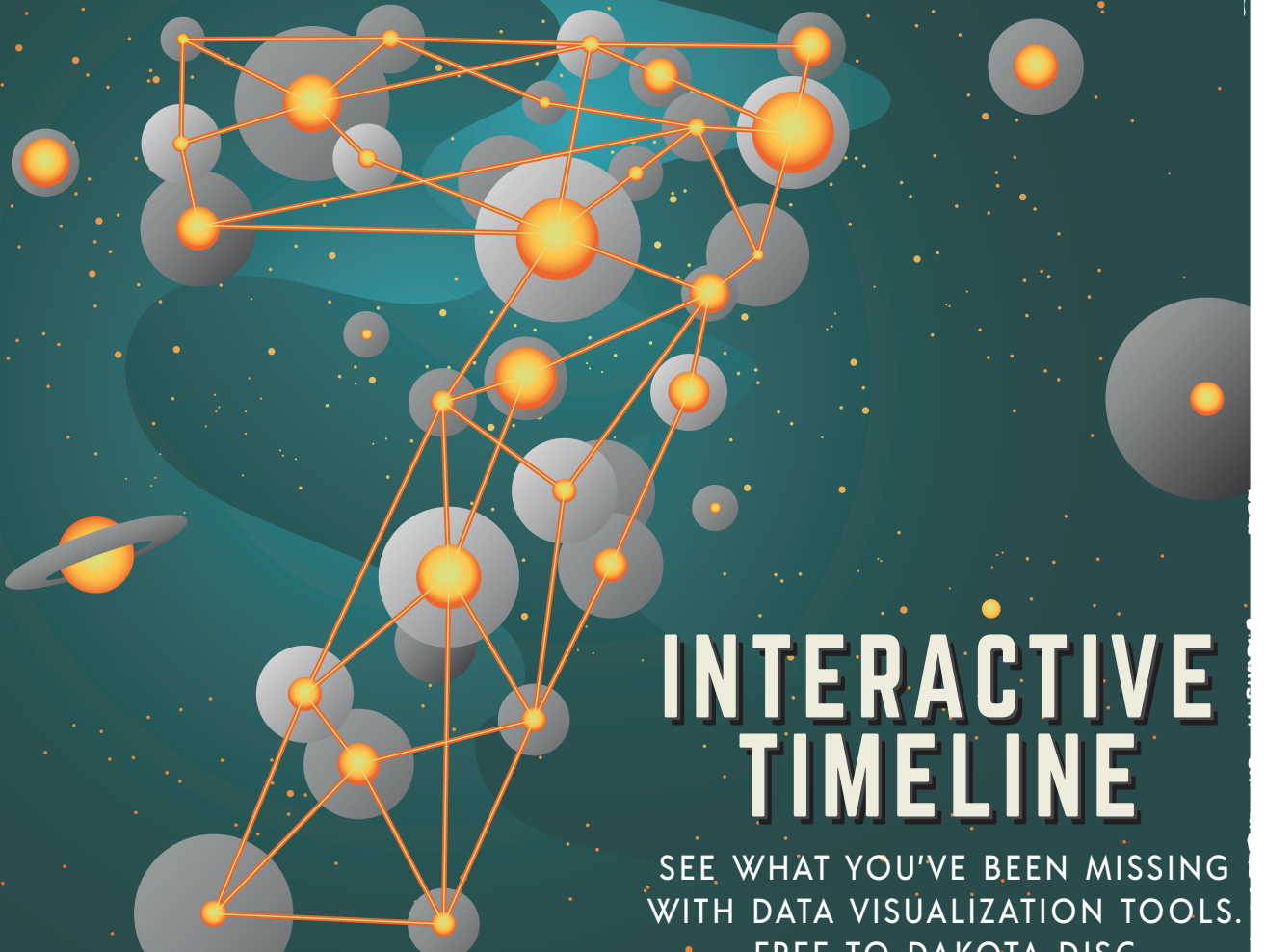
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

Dated: \_\_\_\_\_

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The Young Lawyers Section Board of Directors will be proposing the following amendment to their bylaws during their report at the Annual Meeting on June 22, 2018:

Article V; Sub-Point B:

Functions: The Board of Directors shall have the general management and control of the affairs of the Section, subject to the statutes of the State of South Dakota, bylaws, rules, regulations, policies and procedures of The State Bar of South Dakota and this Section, and Board of Bar Commissioners of The State Bar of South Dakota. The Board of Directors shall implement and maintain a mentorship program to integrate newly admitted members of the State Bar of South Dakota into the legal profession. The Board of Directors shall assist and cooperate with the officers and committees of The State Bar of South Dakota and may recommend to the President thereof members of the Section to serve upon the various committees of The State Bar of South Dakota.”

The inclusion of this sentence will institutionalize the current practice of the SD YLS as being the entity within the State Bar of South Dakota responsible for the Hagemann-Morris Young Lawyer Mentorship Coin Program. Any questions or concerns regarding this amendment can be directed to your SD YLS representatives. Current bylaws can be found on the State Bar of South Dakota Young Lawyers Section community page in the file library.

Please Join

Steve Huff

Candidate for 2019  
Bar President Elect  
Hospitality Room 1009

**Wednesday, June 20**

4:30-6 pm and 9-11 pm

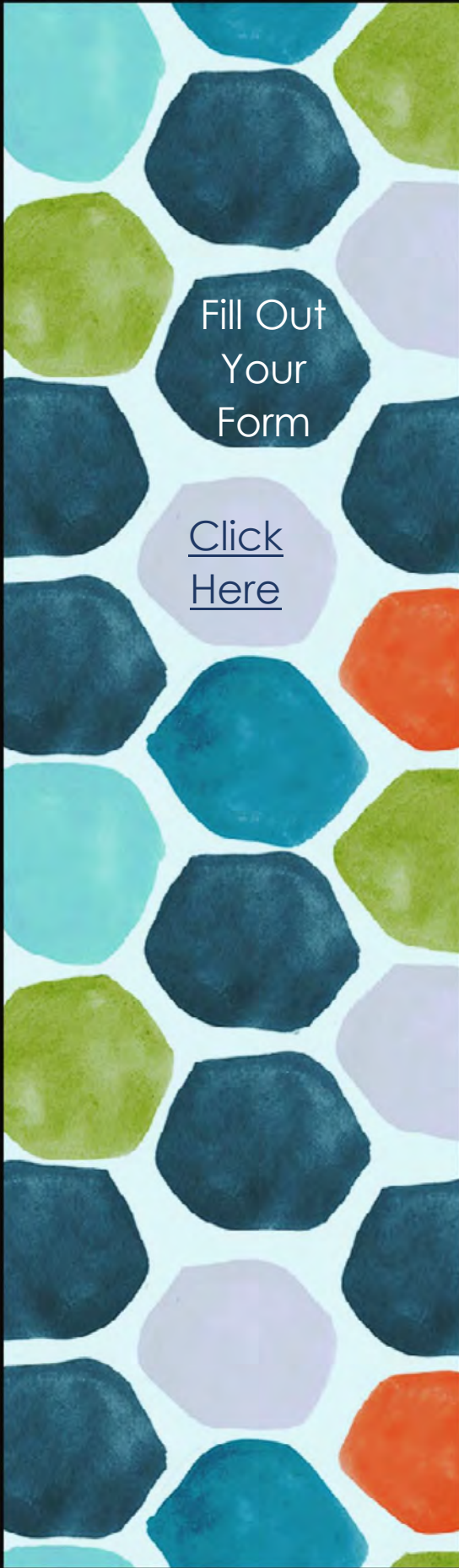
**Thursday, June 21**

4-6 pm and 8-11 pm



Help us answer this questions, "Is this Steve Huff?"





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# GET INVOLVED



COMMITTEE  
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**DUE**

**JUNE 29**

# ALPS/USD FOUNDATION GOLF TOURNAMENT

The golf tournament will be held on Thursday, June 21, 2018 at the Elmwood Golf Course in Sioux Falls. The format is a four-person scramble. The golfers will be handicapped by tee placement as has been done in the past. Participants need not have established handicap and all are welcome to play. This tournament is open to all members (which includes the judiciary), spouses/companions, children of members, court reporters and law students. This tournament is a charitable fundraiser for the Law School. Winners receive shirts and bragging rights.

Entry is \$125.00 per person (\$500.00 for the team). This entry fee includes (per team) green fees, golf cart, range balls, two mulligans (per person), and entry into a skins game. **The tournament will have two shotgun starts—8:30 am and 2:00 pm.** Teams may select which time they tee off. Participants who are not attending Thursday morning meetings are urged to reserve the 8:30 am start time. Checks should be made payable to the ALPS/USD Foundation Golf Tournament. Please submit your tournament registration form and entry fee by June 7, 2018. After June 8, late entries will be accepted on an “as available” basis. Mulligans and a skins game will be offered onsite. This tournament is once again made possible by the generous donation of \$1,000 from ALPS.

Enclosed, please find a check totaling the sum of \$500, made payable to the ALPS/USD Foundation Golf Tournament. Members of our team are:

1. \_\_\_\_\_ 2. \_\_\_\_\_

3. \_\_\_\_\_ 4. \_\_\_\_\_

We would like to tee off at 8:30 am \_\_\_\_\_ 2 pm \_\_\_\_\_ .

**Mail this form with payment to:**

**State Bar of South Dakota**

**222 E Capitol Ave. #3**

**Pierre, SD 57501**



## Tuesday, June 19, 2018

**1:00 pm** – Pro Se Committee – Conference Room I

**2:00 pm** – Equal Access to our Courts and Legal Services – Maple Room

## Wednesday, June 20, 2018

**8:00 am** – Child Support Modification Referees – Conference Room I

**9:30 am** - SD Bar Foundation Board of Directors Meeting and Luncheon – Maple Room

**10:00 am**

Women in Law Brunch – Harvest Room

REGISTRATION BEGINS – East Lobby

**11:00 am**

CLE Committee Meeting – Amphitheater II

Law School Advisory Council Executive Committee – Crystal Room

SD Trial Lawyers Board of Governors Meeting and Luncheon – Conference Room II

**11:30 am** Law School Advisory Council – Crystal Room

**12 noon**

Young Lawyers Welcome Reception – Poolside

American College of Trial Lawyers Luncheon – Boardroom

Alternative Dispute Resolution Committee Luncheon – Crystal Balcony

South Dakota Defense Lawyers Association – Viking Room

**1:00 pm** Opening Address: Lt. Governor Matt Michels Roosevelt/Lincoln/Jefferson Rooms

**1:15 pm** SD Judges Association Meeting – Amphitheater I

**1:30 pm**

CLE: ALPS/Ethics – Washington Room

CLE: Legal Potpourri – Roosevelt/Lincoln/Jefferson Rooms

**2:00 pm** SD Code Commission – Conference Room III

**5:15 pm** LegalPalooza, Young Lawyers Section Mixer, sponsored by SD Trial Lawyers and SD Defense Lawyers – Annex

**6:30 pm** BANQUET – Exhibit Hall, Music by *DNR Band*

## Thursday, June 21, 2018

**6:00 am** - REGISTRATION BEGINS – East Lobby

**6:30 am** - CLE: Early Bird – Roosevelt/Lincoln/Jefferson Rooms

American College of Trust & Estate Counsel (ACTEC) Breakfast – Crystal Room

**7:00 am**

American Board of Trial Advocates (ABOTA) Breakfast – Maple Room

In-House Counsel Breakfast – Conference Room III

**8:00 am**

CLE: General Litigation –Roosevelt/Lincoln/Jefferson Rooms

**8:15 am**

CLE: Business Law – Washington Room

**8:30 am** ALPS/Law School Foundation Golf Tournament 1<sup>st</sup> Shotgun Start – Elmwood Golf Course, Sioux Falls

**11:00 am**

SD Trial Lawyers Association Annual Meeting and Luncheon – Annex

Council of School Attorneys Meeting – Viking Room

# Annual Meeting Schedule of Events

2018

## 12 noon, Thursday, June 21, 2018

Real Property, Probate and Trust Law Section Luncheon – Conference Room III  
Administrative Law Committee Lunch – Crystal Room  
Agricultural Law Committee Lunch – Boardroom  
Council of School Attorneys & Municipal Attorneys Luncheon – Harvest Room  
Veterans Committee Lunch – Conference Room I

## 1:00 pm

Real Property, Probate and Trust Law Section Executive Council – Conference Room III  
Municipal Attorneys Meeting – Viking Room

CLE: Mental Health Training for Court Appointed Attorneys – Washington Room

2:00 pm ALPS/Law School Foundation Golf Tournament 2<sup>nd</sup> Shotgun Start – Elmwood Golf Course, Sioux Falls

4:00 – 6:00 pm - SD Community Foundation, SD Bar Foundation, USD Foundation Joint Reception – Roosevelt Room – Very brief program congratulating President Abbot and Professors Thatcher and Hutton on their retirement at 5 pm.

4:30 pm - SD Association of Criminal Defense Lawyers – Gourley building, 2<sup>nd</sup> floor, 400 N. Main Ave., Sioux Falls

6:00 pm FAMILY NIGHT and Tom Barnett Retirement Party – Poolside – Music provided by *Crab Grass Band*  
Kids food and entertainment – Conference Room III (Parents, this is adjacent to the outdoor pool)

## Friday, June 22, 2018

7:15 am - \*Prayer Breakfast – Judge Larry Long – Crystal Room

## 7:30 am

Project Rural Practice and Solo and Small Firm Breakfast – Conference Room II  
Fellows of the American Bar Foundation Breakfast – Maple Room  
Judicial-Bar Liaison Committee Meeting and Breakfast – Conference Room III  
Lawyers Concerned for Lawyers/Lawyers Assistance Committee Breakfast – Conference Room I  
Family Law Breakfast – Boardroom

7:45 am - Road Race – West Entrance, Ramkota

## 8:00 am

REGISTRATION BEGINS – East Lobby  
SD Paralegal Association Annual Meeting – Annex

8:30 am **State Bar Business Meeting** – Lincoln/Jefferson Rooms

11:15 am – Reception for 50-Year Veterans and McKusick Award Recipient - Poolside

11:30 am - SD Paralegals Association Luncheon – Annex

12 noon Past Presidents Luncheon – Maple Room

1:15 pm **State Bar Business Meeting** – Lincoln/Jefferson Rooms

2:15 pm – Bar Commissioner's Meeting – Lincoln/Jefferson Rooms (Immediately following Business Meeting)

\*This function is not sponsored by the State Bar

Times and Locations are subject to change without prior notice.

## STRESS and DEPRESSION HELP

Contact information for the regional mental health centers in South Dakota is located at [www.statebarofsouthdakota.com](http://www.statebarofsouthdakota.com) ("For SDBAR Members" Under the Health & Wellness tab, click on the Stress/Depression/Addiction link. We have reached an understanding with all these centers and all will honor our agreement. If you are stressed out or you believe that you may be suffering from depression, the State Bar encourages you to seek a professional evaluation. If you don't have insurance or otherwise lack the financial resources, the State Bar project, funded by ALPS and the SD Bar Foundation, will cover the evaluation and several follow-up counseling sessions if indicated. You need only schedule the appointment and show them your 2017 active membership card. This is a confidential project. Counseling records are not, repeat, are not made available to the State Bar. We just pay the bill for those who can't afford it, up to the limit of \$500 per lawyer.

If you have a law partner or lawyer friend that you believe may be suffering from stress and depression, visit with them. Encourage this lawyer to consider having an evaluation. Depression caught at the early stages prior to becoming chronic is much, much easier to address. In just a few counseling sessions, you/your friend can learn techniques to deal with the stress more effectively in our lives, whether personal or professional.



## SOLACE PROGRAM

If you are aware of anyone within in the South Dakota Legal Community (lawyers, law office personnel, judges, courthouse employees, or law students) who have suffered a sudden and/or catastrophic loss due to an unexpected event, illness, or injury, the South Dakota SOLACE Program may be able to assist. Please contact [solace@sdbar.net](mailto:solace@sdbar.net) if you, or someone you know, could benefit from this program.

We have a statewide (and beyond) network of generous South Dakota attorneys willing to get involved and help. We do not solicit cash but can assist with contributions of clothing, housing, transportation, medical community contacts, and a myriad of other possible solutions through the thousands of contacts available through the State Bar of South Dakota and its membership.

# June 2018

Official Publication of the State Bar of South Dakota

If you wish to advertise in our publication or post job opportunities, please contact:

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

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

### Address Changes:

email [tracie.bradford@sdbar.net](mailto:tracie.bradford@sdbar.net) or log in to your profile at [www.statebarofsouthdakota.com](http://www.statebarofsouthdakota.com)

### Board of Bar Commissioners:

*President* – Pamela R. Reiter, Sioux Falls

*President Elect* – Reed Rasmussen, Aberdeen

*Executive Director & Secretary/Treasurer* –

Thomas C. Barnett, Jr., Pierre

*1st Circuit* - Dennis Duncan, Parker

*2nd Circuit* - Jason Sutton, Sioux Falls

*3rd Circuit* - Arthur Monte Hopper, Watertown

*4th Circuit* - Kellen Willert, Belle Fourche

*5th Circuit* - Rodrick Tobin, Aberdeen

*6th Circuit* - Rich Williams, Pierre

*7th Circuit* - McLean Thompson Kerver, Rapid City

*At Large* - Steven K. Huff, Yankton

Jennifer Williams, Rapid City

Marshall C. Lovrien, Aberdeen

Jana M. Miner, Pierre

Rebecca Morlock Reeves, Watertown

Colleen Zea, Sioux Falls

## Job Postings and Classified Advertisements

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

### ATTORNEYS

#### **Appellate Position: Pierre, SD**

OFFICE OF ATTORNEY GENERAL  
APPELLATE POSITION

DETAILS: The Office of Attorney General seeks an attorney for an appellate position in the Pierre office. An appellate attorney is responsible for representing the state in criminal and civil appeals and for providing legal advice to many state agencies, boards and commissions. Assistant Attorneys General are required to maintain high moral character; have strong legal advocacy skills; have effective research and writing capabilities; and be able to communicate with clients and the courts.

OFFICE LOCATION: This position will be stationed in Pierre.

STARTING SALARY: Entry level salary is \$ 63,259.09 annually or greater, depending upon experience and funding availability. The State of South Dakota has an excellent benefit package including retirement, employee insurance coverage and paid leave.

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

APPLICATION PROCESS AND DEADLINE DATE: Interested persons should send a resume containing three references, a writing sample and a letter describing their qualifications by June 15, 2018, to the following:

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

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

Donahoe Law Firm P.C. is seeking a litigation associate with 2-5 years of experience. The position will focus on practice support and client contact, including research and brief writing, trial preparation and participation in the areas of agricultural, construction and railroad law and complex litigation before public bodies or agencies, and the state and federal courts in

South Dakota, Minnesota and Iowa. Work will primarily be in litigation, although development in other areas of the law is anticipated. Candidates should possess excellent research and writing skills, some trial experience, a desire to learn new areas of the law, an interest in practicing using the latest developments in technology and the ability to engage in the development of the firm. Applicants should be licensed in South Dakota. All applications will be held in confidentiality. Please send a cover letter and resume to: Donahoe Law Firm, P.C., 401 East 8th Street, Suite 215, Sioux Falls, SD, 57103.

#### **Attorney: Gettysburg, SD**

Neumayr & Smith law office in Gettysburg, South Dakota, is seeking an Attorney. The attorney will focus on the general practice of law, including Agriculture and Business Law, Real Estate Law, Probates and Wills, Trusts and Estate Law. Interested applicants should send a cover letter and resume to Craig Smith, PO Box 205, Gettysburg, South Dakota 57442, or [csmith@venturecomm.net](mailto:csmith@venturecomm.net) or may contact Craig at (605) 765-2494. All applications will be kept confidential.

#### **DEPUTY/SENIOR DEPUTY STATE'S ATTORNEY: Sioux Falls, SD**

The Minnehaha County State's Attorney's Office is looking for a prosecutor to join our top performing team of attorneys. Supported by experienced investigators, victim/witness assistants, paralegals, and legal office assistants, our attorneys enjoy a strong sense of camaraderie working in a think tank of legal Incumbents will perform professional legal work on behalf of Minnehaha County in civil and criminal court and administrative proceedings. Requires graduation from law school, JD degree, and admission by Supreme Court of SD to practice law; or out of state license & eligible to sit for next SD bar exam. Appointment at Senior level requires 2+ yrs of relevant experience. 5yrs complex felony prosecution,

jury trial, and civil litigation experience  
Hiring range: \$2,552.00 - \$2,615.00/bi-weekly; Senior level, \$2,681.60 - \$3,032.80/bi-weekly with full earning potential to \$3,695.20/biweekly. Minnehaha County offers health, dental, vision and life insurance, a generous paid time off program, extended sick leave, retirement, and an employee assistance program. For a full list of qualifications and the application process visit: <http://jobs.minnehahacounty.org>. Posting will remain open until positions are filled. Review of applications will begin May 21, 2018.

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

Applicants must have a JD degree and be licensed to practice, or by reciprocity be able to obtain a license to practice, in South Dakota, or be qualified to take the next South Dakota Bar Exam; must be a bright, motivated, self-starter; must have the tenacity to assume immediate practice responsibilities, including handling a significant caseload touching on many different areas of law with regular appearances in court; must demonstrate an interest in poverty law and working with Native American and low income clients. Applicant must have at least one year's experience in the practice of poverty law or Indian law, with trial and appellate experience in state and federal courts or two years' experience in the general practice of law. If Applicant does not possess this experience we would consider Applicant for a staff attorney position until qualified to be a Managing Attorney.

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

Opened until filled.

**Deputy State's Attorney:** Brookings County, South Dakota

The Brookings County State's Attorney's Office has an immediate opening for a Deputy State's Attorney to perform routine professional legal work in the

prosecution criminal crimes, juvenile crimes, and juvenile abuse and neglect cases in Brookings County. Responsibilities of the Deputy State's Attorney vary and may include reviewing offenses and evidence to make determination on charges and prosecuting violations of state law; reviewing requests for petitions and determining appropriate course of action; making recommendations for child custody and parental rights; and attending legal proceedings. Annualized compensation for appointment as a Deputy State's Attorney will be \$65,068.00.

Examples of duties include: Prepare and manage a caseload of predominantly low-level felonies, juvenile violation cases, abuse and neglect cases, and magistrate court cases. Assist law enforcement with involuntary mental health committals. Assist with civil representations of the County. Present cases for legal proceedings. Perform legal research. Prepare, draft, and file legal documents and correspondence. Review offenses, police reports, and evidence to make determination on charges. Prepare, send, and track subpoenas for witnesses and records. Prepare and interview witnesses for legal proceedings. Stay informed on changes in relevant law and statutes and proposed legislation and policy pertaining to criminal law, juvenile delinquency, and juvenile abuse and neglect. Communicate, correspond, and collaborate with parties involved in cases including victims, parents, school personnel, attorneys, court personnel, and law enforcement regarding procedures and actions for those cases. Respond to inquiries from the public. Make recommendations for custody, parental rights, sentences, and restitution for juvenile and magistrate files. Represent the State's Attorney's Office at public, private, and inter-governmental programs and events. Train and educate volunteers, law enforcement, and social workers on their roles and duties on legal issues and the court process duties. Answer, handle, or direct phone calls and walk-in traffic from clients and the general public regarding legal concerns and questions. Minimum Qualifications: Graduation from a college of law. 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 available South Dakota bar examination; or be a recent or imminent law school graduate, eligible to sit for the next available South Dakota bar examination. Comparable combination of education and experience

may be considered. Must successfully complete pre-employment background process. Working knowledge of civil and criminal law and methods and practices of pleadings; court procedures and rules of evidence; principles, methods, materials and practices utilized in legal research; and general law and established precedents. Ability to prosecute cases. Ability to speak and write effectively in the preparation and presentation of legal matters. Ability to establish and maintain effective working relationships with coworkers, other agencies and the public. Ability to maintain professional appearance and demeanor. Preferred Qualifications: Strong oral argument skills.

To apply: Interested applicants should submit a cover letter, resume, law school transcript and writing sample to: Tere Nesvold, Brookings County States Attorney, 520 3rd St., Suite 330, Brookings, SD 57006 or electronically at [tnesvold@brookingscountysd.gov](mailto:tnesvold@brookingscountysd.gov). Deadline for applications is 3/15/18. Brookings County is an Equal Opportunity Employer.

**Deputy State's Attorney: Union County**

SALARY[MK1]: \$4,250 - \$4,583.00 Monthly Opening Date: 3/12/18 Closing Date: OPEN UNTIL FILLED

GENERAL INFORMATION: The Union County State's Attorney's Office seeks applicants for the position of Deputy State's Attorney to perform professional legal work on behalf of Union County and county departments in civil and criminal court, and administrative proceedings. The Union County State's Attorney's Office has a high case volume for each attorney position. Responsibilities shall include providing legal advice and representation to county officials and staff, working with law enforcement, as well as members of the community in the preparation of criminal cases, legal research and writing, motion preparation, litigating cases in court, and assisting with drafting, filing and presenting proposed legislation.

EXAMPLES OF DUTIES INCLUDE: Prosecute violations of state law including felony, misdemeanor, juvenile violations, and juvenile abuse and neglect cases. Review police reports and evidence to make determination on charges and prepare subpoenas for witnesses. Make recommendations for child placement and supervision terms in juvenile cases. Perform legal research, prepare and file legal documents and correspondence. Draft proposed legislations and appear before legislative committees. Prepare

press releases and communicate with the media. Give direction to support staff, provide educational instruction to interns, externs, volunteers, law enforcement, and social workers. Other duties as assigned.

MINIMUM QUALIFICATIONS: Law degree from an ABA-accredited school of law, and admission by the Supreme Court of South Dakota to practice law in the state of South Dakota. Successful applicant must have working knowledge of civil and criminal law, methods of and practices of pleadings; court procedures and rules of evidence; principles, methods, materials and practices utilized in legal research; general law and established precedent; and the ability to prosecute cases. Must have strong oral and written communication skills, especially in the area of preparation and presentation of legal matters; ability to work with minimal direction, as well as the ability to work as part of a team; and the ability to organize and prioritize. Applicant must maintain a professional appearance and demeanor at work and in court. A successful applicant must maintain professionalism in all forms of communication towards this office as well as with other attorneys, officials, other professionals, and the public.

PREFERRED QUALIFICATIONS: Strong oral argument skills, experience in complex criminal issues, jury trial experience, and experience with complex civil/government litigation issues.

UNION COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER

APPLICATION PROCEDURE: Submit resume, cover letter addressing required qualifications, complete contact information for at least 3 professional references, and provide a writing sample not to exceed 5 pages relating to a criminal or governmental issue (i.e. Resistance to a Defense's Motion to Suppress; Motion to Suppress (with supporting authorities); Miranda Issues; Consent Issues; Planning and Zoning Issues; and Governmental Taking Issues, just to name a few).

Application materials must be received by the closing date. Applications may be submitted to: Email: [Jerry.Miller@UnionCountySD.org](mailto:Jerry.Miller@UnionCountySD.org) Subject line:

APPLICATION

OR

Mailed: Union County State's Attorney  
209 East Main Street ~ Suite 140  
Elk Point, SD 57025

Re: APPLICATION



**Stinson Leonard Street Attorney: Mankato, MN**

Description: Stinson Leonard Street LLP (www.stinson.com), an Am Law 200 firm with offices in 13 cities nationally, is seeking an attorney with experience in the areas of corporate law, business transactions, business succession planning, secured lending transactions and/or commercial real estate to join our Mankato, Minnesota office. The preferred candidate is self-motivated and team-orientated, with the ability to work in a fast-paced collaborative environment. While this position is based in Mankato, MN, the attorney will have the ability to partner with our greater Stinson team and serve clients throughout our offices.

Qualifications Required: Qualified candidates will have at least three (3) years of experience in the areas of corporate law, business transactions, business succession planning, secured lending transactions and/or commercial real estate. The successful candidate is a professional who can provide exceptional customer service both to our clients and our internal team.

Qualified applicants will possess excellent academic credentials and have strong writing, analytical, organizational, and communication skills. Applicant must be licensed to practice law in the State of Minnesota.

To Apply: Please send cover letter, resume, unofficial law school transcript, and writing sample by e-mail to: Anna Lloyd Attorney Recruiting Manager Stinson Leonard Street 1201 Walnut, Suite 2900 Kansas City, MO 64106 recruiting@stinson.com

**Associate Attorney: Huron, SD**

Churchill, Manolis, Freeman, Kludt, Shelton & Burns LLP in Huron, South Dakota is seeking an Associate Attorney. The attorney in this position will focus on the general practice of law including school law, real estate, criminal defense, personal injury and domestic relations. Interested applicants should send a cover letter and resume to Jeff Burns, P.O. Box 176, Huron, South Dakota 57350, or jeff@churchillmanolis.com. All applications will be kept confidential. Open until filled.

**Associate Attorney: Sioux City, IA**

The law firm of Moore, Heffernan, Moeller, Johnson & Meis, LLP, in Sioux City, Iowa is seeking to hire an associate with 0-5 years' experience. Interest in business transactions, estate planning, real estate, or

litigation would be a plus. Preferred candidates should possess excellent oral and written skills. The Moore Heffernan Law Firm supports work-life balance, mentorship, and the professional development and community involvement of its attorneys. Benefits include PTO, 401K, health insurance, flex plan, CLE, bar dues and professional memberships. Please send a cover letter, resume and writing sample to Office Manager, Moore, Heffernan, Moeller, Johnson & Meis, LLP, P.O. Box 3207, Sioux City, Iowa 51102-3207 or email: kpetrie@MooreHeffernanLaw.com

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

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

REQUIRED EDUCATION and/or EXPERIENCE: Juris Doctor required; BS or BA in Business preferred. REQUIRED CERTIFICATION, LICENSURE, and/or REGISTRATIONS:

- Attorney duly licensed to practice in the state of South Dakota.
- Current Iowa License to practice law in good standing, or minimum 5 years of law practice (litigation emphasis) with the ability to obtain Iowa Licensure within 6 months of employment.
- Ability to obtain additional law licensure within other states as deemed necessary by AMI (Nebraska and/or Minnesota).
- This position requires a valid driver's license, and that the employee is insurable by the Avera Health automobile liability insurance carrier.
- Responsible for maintaining CLE requirements in all states in which licensed to practice.

**Litigation Attorney:** Madison, SD  
Jencks & Jencks, P.C. is seeking a litigation attorney. No experience is required but at least two years of practice is preferred. Strong writing, discovery management and motion practice is required. Some trial experience is preferred. South Dakota bar admission will be required. Some travel will be required in North Dakota and Minnesota, and sometimes to other states. Salary will be commensurate with experience and a bonus structure will be made available. All inquiries and applications will be handled confidentially. Send resume and cover letter to Carrie Wieman, Jencks & Jencks, P.C., P.O. Box 442, Madison, SD 57042 or carriewieman@jenckslaw.com

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

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

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

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

**CLOSING DATE:** Open until filled.

**APPLICATION INFORMATION:** Please submit a letter of interest and resume to: John J. Buchy,

Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, dpls1@gwtc.net

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

**STAFF ATTORNEY: SISSETON, SD**

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

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

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

**CLOSING DATE:** Open until filled.

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

**Estate Planning Attorney: Rapid City, SD**

Swier Law Firm, Prof. LLC is seeking Swier Law Firm, Prof. LLC is seeking an ESTATE PLANNING ATTORNEY in either its Sioux Falls Office or Rapid City Office with a minimum 2 years of experience. Candidates must possess outstanding oral and written skill and a desire to excel. Attracting and retaining top talent is the key to Swier Law Firm's success. Our compensation structure rewards contributions to our clients and reflects the competitiveness of the legal

market. This is an opportunity for a top candidate to become part of a growing law firm with a state, regional, and national client base. Please send a resume and cover letter to Executive Director Sara Travis at [sara@swierlaw.com](mailto:sara@swierlaw.com). All inquiries will remain confidential.

#### **Staff Attorney: Mission, South Dakota**

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

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

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

**CLOSING DATE:** Open until filled.

**APPLICATION INFORMATION:** Please submit a letter of interest and resume to: John J. Buchy, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, [dpls1@gwtc.net](mailto:dpls1@gwtc.net). Native Americans, Women and Minorities are encouraged to apply. Dakota Plains Legal Services is an Equal Opportunity Employer.

#### **Trust & Estate: Sioux Falls, SD**

BOYCE LAW FIRM, LLP, in Sioux Falls, South Dakota has an opening in its TRUSTS & ESTATES practice area for an associate position with 0-3 years of experience. Ideal candidates will have strong academic credentials, superior communication skills, a willingness to learn and be highly self-motivated. Work experience outside the practice of law preferred. Boyce Law Firm LLP is a top-rated, multi-specialty law firm. Compensation will be commensurate with education and experience. Benefits include

generous 401K, health insurance, annual CLE tuition, professional dues and memberships and numerous incidentals. Confidential inquiries, including resume, cover letter and law school transcript should be directed to Jennifer Bunkers, Boyce Law Firm, LLP, PO Box 5015, Sioux Falls, SD 57117-5015 or to [jebunkers@boycelaw.com](mailto:jebunkers@boycelaw.com). For more information about Boyce Law Firm, please visit [www.boycelaw.com](http://www.boycelaw.com).

#### **Coverage Attorney: S. Sioux City, NE**

Great West Casualty Company

Do you dream of a challenging and fulfilling legal career that also offers you the healthy work-life balance necessary to juggle the demands of your busy life? Great West Casualty Company has a Coverage Attorney position open on our Corporate Legal team that affords you the ability to achieve just that!

As a Coverage Attorney for Great West Casualty Company, you will focus on the Motor Carrier Policy, providing counsel, training, and assistance to the regions' claims departments to foster consistent, efficient, and appropriate claims practices. You will prepare coverage opinions and memoranda on claims legal topics as well as oversee litigation and declaratory judgement action while supervising outside counsel. We are looking for candidates with:

- JD degree. You must be licensed to practice in at least one state. CPCU/AIC designations helpful.
- At least 3 years of litigation experience with insurance, regulatory compliance, and administrative law emphasis. Prefer Insurance Defense Litigation experience.
- Strong attention to detail with above average multi-tasking skills and the ability to adapt quickly to situations that require immediate transition.
- The ability to read and analyze a policy and apply that to a fact scenario while confidently laying out your reasoning and rationale.
- Excellent communication and public speaking skills.

Who we are:

Great West Casualty Company provides specialized insurance products unique to the trucking industry and outstanding customer service to the thousands of truck drivers and trucking companies we serve. Over the past 60 years, we have grown to five offices serving insureds in over 40 states. We are now one of America's largest insurers of trucking companies. If your passion is to help others, you value education and continuous improvement, you enjoy participating in com-

munity activities, and you want to be valued for your contributions, come be part of our successful team.

Why work for us?

We offer you a challenging career with a competitive compensation and benefits package including:

- A 37.5 hour work week.
- A formal Management Development Program.
- Paid study materials, exam fees, study day, and monetary awards for professional development.
- Paid vacation and paid sick leave.
- Opportunities to impact the organization through participation in committees (Green Team, Fun Committee, etc.).
- Support of a healthy lifestyle through a wellness program and gym subsidies.

This position qualifies for relocation assistance. To learn more about Great West and our office locations, please visit our website [www.gwccnet.com](http://www.gwccnet.com).

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

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

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

#### **Assistant United States Attorney: Rapid City, SD**

The South Dakota United States Attorney's office is seeking an experienced attorney to fill one Assistant United States Attorney position in the Criminal Division, Rapid City Office. Link to South Dakota U.S. Attorney's Office: <http://www.justice.gov/usao/sd/>.

Applicants must possess a J.D. degree, be an active member of the bar (any jurisdiction) and have at least one year of post-JD legal or other relevant experience, be a U.S. Citizen or National. Applicants must demonstrate superior analytical ability; strong research, writing and courtroom skills; exercise fair and sound judgment; follow all Department of Justice and United States Attorney's Office policies; exhibit the ability to work collaboratively in a supportive and professional manner with other attorneys, support staff, and law enforcement agencies; superior analytical and communications skills; handle matters in court persuasively and justly on behalf of the United States of America; and be devoted to excellence.

The range of basic pay is \$61,218 to \$160,122, which includes a locality payment of 15.37%. Relocation expenses not authorized. All initial attorney appointments to the Department of Justice are made on a 14 month (temporary) basis pending favorable adjudication of a background investigation.

To apply, you must create a USAJOBS account or log in to your existing account. Applicants must submit a resume and all required documents through USAJobs.gov. Log into USAJobs.gov and search for Announcement number 18-SD-10211245-AUSA or click the link to view: <https://www.usajobs.gov/GetJob/ViewDetails/500551900>. You will be required to complete an online Occupational Questionnaire, as well as provide a cover letter, resume, and writing sample (not to exceed 15 pages). Applications accepted on USAJobs May 24 – June 8, 2018.

#### **Staff Attorney: Rapid City, SD**

Office: National Offices, South Dakota

Location: South Dakota

Staff Attorney, South Dakota Chapter of the ACLU [ASD-92]

#### **OVERVIEW**

Under the supervision of the Legal Director, the Staff Attorney will develop and litigate cases and participate in non-litigation advocacy to advance civil liberties and civil rights in South Dakota, North Dakota, and Wyoming and in partnership with the national ACLU.

This is a remarkable opportunity for a politically astute and strategic attorney who understands the value of both litigation and non-litigation advocacy. During legislative sessions, the staff attorney will be asked to develop legal opinions on proposed legislation and support the Policy Directors in South Dakota, North Dakota, and Wyoming as needed.

#### ROLES AND RESPONSIBILITIES

Engage in all aspects of litigation: manage and develop significant litigation in federal and state court including trial and appellate court litigation, prepare and respond to written discovery requests, take and defend depositions, engage in motion practice, write briefs, present oral arguments, and conduct trials.

Develop relationships and work with a team of cooperating attorneys, including those at other public interest organizations.

Supervise law students, interns, and volunteers.

Manage and oversee the intake process, supervise intake database administration; regularly review and handle complaint intake for potential action; strategize and execute or monitor intake-related actions.

In conjunction with the South Dakota, North Dakota, and Wyoming Policy Directors, work on integrated advocacy campaigns on priority civil liberties' issues. Work closely with legal and non-legal program staff, particularly legislative, communications, and advocacy staff members both at National ACLU and affiliate offices.

Provide legal research as needed on legislative proposals.

Represent the ACLU at hearings and meetings, public forums, task forces, workgroups and conferences when appropriate.

Engage in public speaking, including representing ACLU positions to the media and public generally in collaboration with the Communications Director.

Provide regular and timely updates and reports to the Legal Director and/or Executive Director.

Meet with individual donors to discuss the Legal Program as necessary and in conjunction with the Executive Director.

Demonstrate a commitment to diversity within the office using a personal approach that values all individuals and respects differences in regards to race, ethnicity, age, sex, gender identity and expression, sexual orientation, religion, ability and socio-economic circumstance.

Commitment to work collaboratively and respectfully toward resolving obstacles and/or conflicts.

Perform other related duties as assigned.

#### COMPENSATION

The ACLU offers a generous and comprehensive compensation and benefits package, commensurate with experience and within the parameters of the ACLU compensation scale.

#### HOW TO APPLY

Please send a cover letter, resume and a relevant legal writing sample to [HRJobsSD@aclu.org](mailto:HRJobsSD@aclu.org). Reference [ASD-92] in subject line.

Please indicate in your cover letter where you learned of this career opportunity.

Applications will be accepted until the position is filled.

For full job description please go to:

<http://www.statebarofsouthdakota.com/p/cm/ld/fid=40>

#### **Family Law Attorney: Sioux Falls, SD**

Swier Law Firm, Prof. LLC is seeking a FAMILY LAW ATTORNEY in Sioux Falls with a minimum 2 years of experience. Candidates must possess outstanding oral and written skill and a desire to excel. Attracting and retaining top talent is the key to Swier Law Firm's success. Our compensation structure rewards contributions to our clients and reflects the competitiveness of the legal market. This is an opportunity for a top candidate to become part of a growing law firm with a state, regional, and national client base. Please send a resume and cover letter to Executive Director Sara Travis at [sara@swierlaw.com](mailto:sara@swierlaw.com). All inquiries will remain confidential.

#### **Business Attorney: Rapid City, SD**

Swier Law Firm, Prof. LLC is seeking a BUSINESS ATTORNEY in Rapid City with a minimum 2 years of experience. Candidates must possess outstanding oral and written skill and a desire to excel. Attracting and retaining top talent is the key to Swier Law Firm's success. Our compensation structure rewards contributions to our clients and reflects the competitiveness of the legal market. This is an opportunity for a top candidate to become part of a growing law firm with a state, regional, and national client base. Please send a resume and cover letter to Executive Director Sara Travis at [sara@swierlaw.com](mailto:sara@swierlaw.com). All inquiries will remain confidential.

**Attorney: Pierre, SD**

Agency: Department of Social Services; Division of Legal Services; Pierre, SD

Salary/Grade: \$64,456 - 74,135 annually depending on experience

Closing Date: Open Until Filled

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

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

The Ideal Candidate Will Have:

Knowledge of:

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

Skill to:

- Communicate clearly and persuasively both orally and in writing.

Ability to:

- Interpret federal and state laws and regulations;
- Display high standards of ethical conduct;
- Perform legal research efficiently and effectively;
- Attend to details of assignments and complete work timely, accurately and thoroughly;
- Exercise sound judgment when making decisions and take prompt, decisive action;
- Analyze information, issues, situations, practices, and

precedents to arrive at a logical interpretation;

- Work independently while accepting guidance and soliciting input;
- Effectively plan, organize, and prioritize work activities of self and others to meet schedules and deadlines;
- Work cooperatively with others and promote a friendly work climate in order to achieve shared goals;
- Communicate clearly and persuasively both orally and in writing;
- Actively seek, collect, and evaluate information to learn more about issues or events;

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

**Staff Attorney: Sioux Falls, SD**

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

Pierre, SD 57501

For a detailed job description please visit the employment page at [www.drdsdlaw.org](http://www.drdsdlaw.org).

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

Hiring Range DOQ: \$4,853.60 - \$6,132.00 bi-weekly

Deadline for Filing: Friday, June 8, 2018

The Position

The City Attorney bears ultimate responsibility for the overall operation, planning, and development of the City Attorney's Office and provides highly professional legal representation of City government, elected officials, officers, and employees.

Graduation from an accredited school of law with a Juris Doctor degree supplemented by at least ten (10) years' experience of a responsible nature in the practice of law with considerable law experience involving municipalities, trying court and jury cases, administering a law office, preparing and reviewing contracts, pleadings, and laws or ordinances; or any such combination of education and experience as may be acceptable to the hiring authority.

Possession of a valid driver's license is desirable.

Application and Selection

Apply online at [www.siouxfalls.org/careers](http://www.siouxfalls.org/careers). Most qualified will be invited for testing. If an ADA accommodation is needed please contact, 72 hours prior to closing date,

605-367-8740 or [recruiter@siouxfalls.org](mailto:recruiter@siouxfalls.org).

## **PARALEGAL**

### **Paralegal: Sioux Falls, SD**

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

The firm offers a competitive compensation. Benefits include generous 401K, profit sharing, health insurance, life insurance, professional dues, memberships and paid attendance and expenses for continuing legal education. Confidential inquiries, including resume,

cover letter should be directed to Michele Benson, Boyce Law Firm, LLP, PO Box 5015, Sioux Falls, SD 57117-5015 or to [mlbenson@boycelaw.com](mailto:mlbenson@boycelaw.com). For more information about Boyce Law Firm, please visit [www.boycelaw.com](http://www.boycelaw.com).

## **LEGAL ASSISTANT**

Transactional Legal Assistant

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

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



**Judicial Qualifications Commission  
State of South Dakota**

**500 East Capitol Avenue**

**Pierre, SD 57501**

Telephone: (605) 773-2099

Fax: (605) 773-8437

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

**Kimberley A. Mortenson, Chair**

**Mark S. Roby, Vice Chair**

**Hon. Robin J. Houwman**

**Mark Haigh**

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

**Timothy M. Engel**

**Rebecca A. Porter**

**Lori Grode, Executive Assistant**

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***Notice of Judicial Vacancy***

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

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

The new appointment of Hon. Mark Salter as a Supreme Court Justice will create a vacancy for a Circuit Court Judge position (Position B) in the Second Judicial Circuit. The Judicial Qualifications Commission is now taking applications for this position.

All lawyers and judges interested in applying should obtain the application form at <http://ujs.sd.gov/>, or contact Lori Grode at the State Court Administrator's Office. The application must be returned to the Administrator's Office and must be postmarked no later than **5:00 PM on July 13, 2018**. Applicants should make sure the application submitted is the 2018 revision.

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

Lori Grode  
State Court Administrator's Office  
500 East Capitol Avenue  
Pierre, SD 57501  
Telephone: 605-773-2099  
Email: [lori.grode@ujs.state.sd.us](mailto:lori.grode@ujs.state.sd.us)

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

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



**MAGISTRATE JUDGE  
Second Judicial Circuit  
Sioux Falls, South Dakota**

**Requisition #:** J19-09

**Agency:** Unified Judicial System

**Salary:** \$102,780.69 annually

**Closing Date:** June 15, 2018

**Position Purpose:** Position performs highly responsible legal work in the disposition of certain types of cases in magistrate court in the Second Judicial Circuit. This position may require travel. Work involves responsibility for hearing and ruling on certain cases of Drug/DUI court, traffic, civil, criminal and small claims matters. Work is supervised by the Presiding Judge of the judicial circuit. Position includes generous benefits program with retirement system, health and life benefits, vacation plan and other options.

Duties may include:

- administering oaths;
- taking acknowledgements;
- issuing warrants of arrest, search and seizure warrants;
- acting as committing magistrate;
- fixing bond;
- handling initial action on protection orders;
- reading or listening to allegations;
- determining if action cited is supported by facts;
- hearing and evaluating evidence;
- trying and determining all cases of misdemeanor and actions or proceedings for violation of any ordinance by law or other police regulation of a political subdivision;
- taking pleas of guilty;
- taking forfeitures of appearance bonds;
- trying civil actions or small claims up to a specific jurisdictional amount;
- participating and assisting with Drug Court and/or DUI court;
- taking evidence;
- entering judgment;
- occasional work on weekends and holidays.

**Comments:** Graduation from an accredited law school and experience in the practice of law. Licensed to practice law in the State of South Dakota. Applicants must meet the State of South Dakota Constitutional requirements set in Article V Section 6 upon appointment. This position is appointed by the Presiding Judge of the judicial circuit, subject to approval by the Supreme Court, for a four-year term subject to potential renewal. The applicant recommended for appointment will undergo an intensive background investigation.

**To Apply:** Applicants must complete a letter of interest and personal data questionnaire. The personal data questionnaire can be obtained by accessing the following link <http://ujis.sd.gov/uploads/hr/MagistratePDQ.pdf> or contacting the Human Resources office. All personal data questionnaires must be submitted by the closing date to:

PMB 2713-000  
Director of Human Resources  
Unified Judicial System  
500 East Capitol Avenue  
Pierre, SD 57501  
Phone: (605) 773-4867; Fax: (605) 773-8437  
[Lisa.Mammenga@ujis.state.sd.us](mailto:Lisa.Mammenga@ujis.state.sd.us)  
An Equal Opportunity Employer



service of all documents filed in accordance with these rules and the Rules of Civil Procedure. Electronic service through the electronic filing system shall be deemed service by ~~mail~~ electronic mail transmission for purposes of ~~adding an additional three days to~~ calculating any prescribed period.

(4) Documents that will not be accepted for electronic filing, unless otherwise directed to be filed electronically by the court, include:

- (a) New criminal case initiating documents;
  - (b) Motions requesting that a document be sealed and original sealed documents;
  - (c) Trial or hearing exhibits;
  - (d) Wills to be retained for safekeeping pursuant to § 29A-2-515;
  - (e) Oversized documents that cannot be scanned effectively;
  - (f) Documents not of sufficient graphical quality to be legible when scanned;
  - (g) Administrative appeal records filed with the court pursuant to § 1-26-33;
  - (h) Discovery documents as provided by § 15-6-5(g);
- and
- (i) Any other documents directed by the court not to be filed electronically.

(5) A document filed or served electronically has the same legal effect as a paper document.

(6) Any signature on a document filed electronically is considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the court shall strike the filing.

(7) Documents requiring signatures of more than one party may be electronically filed either by (a) submitting a scanned document containing all necessary signatures; (b) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than seven days after filing; or (c) in any other manner approved by the court. When filing documents that require signatures from other parties, it is not permissible to insert a "/s/" for another person's signature.

(8) All paragraphs, excluding attachments, shall be numbered in all documents, except briefs, filed electronically. Reference to material in such documents shall be to paragraph number, not page number.

RULE 18-13

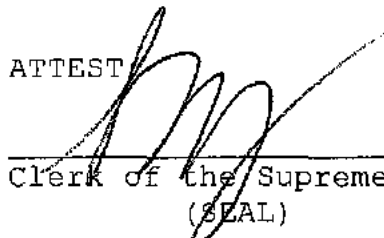
IT IS FURTHER ORDERED that this rule shall become effective July 1, 2018.

DATED at Pierre, South Dakota, this 10th day of May, 2018.

BY THE COURT:

  
David Gilbertson, Chief Justice

ATTEST

  
Clerk of the Supreme Court  
(SEAL)

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

MAY 10 2018

  
Clerk

**ALERT**

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

\* \* \* \*

IN THE MATTER OF THE AMENDMENT )                    RULE 18-14  
TO SDCL 15-6-6(a). )

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A hearing was held on February 13, 2018, at Pierre, South Dakota, relating to the amendment to SDCL 15-6-6(a), and the Court having considered the proposed amendment, the oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-6-6(a) be and it is hereby amended to read in its entirety as follows:

**SDCL 15-6-6(a). Computation of time.** In computing any period of time prescribed or allowed by this chapter, by order of court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal holiday or, when the act to be done is the filing of a paper in court, a day on which weather or other conditions have made the office of the clerk of court inaccessible, in which event the period runs until the end of the next day which is not one of the aforementioned days. When the period of time prescribed or allowed is less than eleven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in this rule, "legal holiday" includes those holidays listed in § 1-5-1.

Service by facsimile and, electronic mail transmission, and through the Odyssey® electronic filing system must be completed by 11:59 ~~5:00~~ p.m. central standard time or daylight savings time as applicable, ~~receiver's time~~, on a weekday, which is not a legal holiday, or service shall be deemed to be made on the following weekday, which is not a legal holiday.

Rule 18-14

IT IS FURTHER ORDERED that this rule shall become effective July 1, 2018.

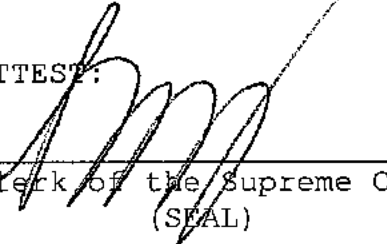
DATED at Pierre, South Dakota, this 10th day of May, 2018.

BY THE COURT:



David Gilbertson, Chief Justice

ATTEST:

  
Clerk of the Supreme Court  
(SEAL)

SUPREME COURT  
STATE OF SOUTH DAKOTA  
**FILED**

MAY 10 2018

  
Clerk

IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

\* \* \* \*

IN THE MATTER OF THE AMENDMENTS	)	RULE 18-15
AND ADOPTIONS TO APPENDIX A. TO	)	
SDCL CHAPTER 16-16, REGULATIONS	)	
OF THE BOARD OF BAR EXAMINERS	)	
STATE OF SOUTH DAKOTA	)	

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A hearing was held on February 13, 2018, at Pierre, South Dakota, relating to the amendments of and adoptions to Appendix A. to SDCL Chapter 16-16 relating to the Regulations of the Board of Bar Examiners, State of South Dakota, and the Court having considered the proposed amendments and adoptions, the oral presentation thereto and being fully advised in the premises, now, therefore, it is

ORDERED that Appendix A. to SDCL Chapter 16-16, Regulations of the Board of Bar Examiners, State of South Dakota, be and it is hereby amended to read in its entirety as follows:

**4. Passing Score.**

The bar examination is comprised of three portions:

- A) The combined MPT, MEE, and Indian law portion,
- B) The MBE, and
- C) The MPRE.

An applicant must pass each portion of the examination. A general average of 75% or higher on the combined MPT, MEE, and Indian law portion of the examination shall be deemed a passing score on that portion of the examination. A scaled score of 135 or higher shall be deemed a passing score on the MBE portion of the examination. An applicant may receive additional points on their MBE score, not to exceed three additional points, based on their score on the combined MPT, MEE, and Indian law portion of the examination as follows: 80 to 84 percent, one point; 85 to 89 percent, two points; and 90 percent or more, three points.

Rule 18-15

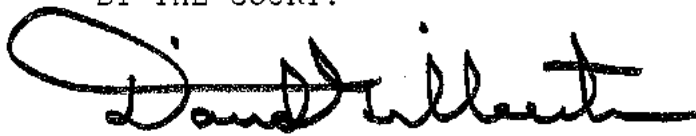
These additional points may not be transferred to an examination administration other than the one in which they are obtained. A scaled score of 85 shall be deemed a passing score on the MPRE portion of the examination. The Board of Bar Examiners shall determine the passing score on each portion of the bar examination in advance of the examination. Written notice of any deviation from the scores enumerated in this regulation will be given to the dean of the University of South Dakota School of Law and all applicants for admission to practice law by examination.

An applicant who has failed only one portion of the exam ~~must only reapply to sit for the failed portion~~ may elect to sit for retake both portions of the examination or only that portion which the applicant failed; however, a passing score on one portion of the examination shall only be valid for a period of two years to exempt the applicant from retaking that portion of the examination. An applicant who elects to retake both portions of the examination must obtain a passing score on both portions of the examination in that administration of the bar examination in order to pass. An applicant who fails either: A) the MPT, MEE, and Indian law portion of the examination; and/or B) the MBE portion of the examination three times must receive Supreme Court permission pursuant to SDCL 16-16-11 to take another examination.

IT IS FURTHER ORDERED that this rule shall become effective immediately and it shall not be retroactive.

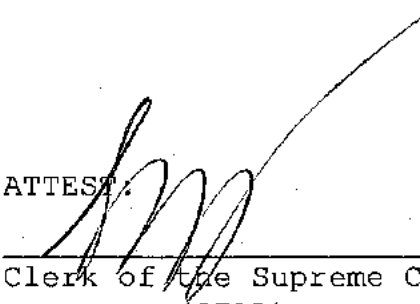
DATED at Pierre, South Dakota, this 23rd day of May, 2018.

BY THE COURT:



David Gilbertson, Chief Justice

ATTEST.


  
Clerk of the Supreme Court  
(SEAL)

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

MAY 23 2018

  
Clerk





# June 2018

Disciplinary Board.....	June 18-20.....	ClubHouse, Sioux Falls
2018 Annual Meeting.....	June 20-22.....	Ramkota, Sioux Falls
Bar Commissioners Retreat.....	July 12-13.....	Red Rossa, Pierre
Disciplinary Board.....	September 13-14.....	Rapid City
Estate Planning CLE am.....	September 28.....	Ramkota, Sioux Falls
TBA pm.....	September 28.....	Ramkota, Sioux Falls
SD YLS Swearing-In Ceremony.....	October 19.....	Pierre
Juvenile Law CLE.....	December 7.....	Ramkota, Rapid City

*NOTICE IS HEREBY GIVEN that the Annual Meeting of The State Bar of South Dakota will be held at the Ramkota Hotel in Sioux Falls, South Dakota, on June 22, 2018, commencing at the hour of 8:30 a.m.*

*This notice is given pursuant to Section 24 of the Bylaws of The State Bar to all Active and Inactive members thereof.*

*Dated at Pierre, South Dakota, this 30th day of April, 2018.*

Thomas C. Barnett, Jr.  
Secretary-Treasurer  
The State Bar of South Dakota