

# State Bar of South Dakota

## 89TH ANNUAL BAR CONVENTION

**Sioux Falls Convention Center  
& Sheraton Hotel  
June 16-18, 2021**

## CLE'S WEDNESDAY & THURSDAY

**General Counsel 101  
Alps/Ethics  
Early Bird  
Up In Smoke  
Transactional Work  
Ethical Leadership**

## ANNUAL BUSINESS MEETING

**Sioux Falls Convention Center  
Exhibit Hall 1  
June 18, 2021  
8:00 am CST**

**JUNE 2021**

**NEWSLETTER**

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# State Bar of South Dakota

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P R E S I D E N T ' S   C O R N E R

*Terry G. Westergaard*

I look forward to seeing many of you at the bar convention this month. It may look a little different, but it is good to get back together. It is amazing to me how much work goes into planning the convention. Our bar staff works extremely hard behind the scenes to make sure everything runs smoothly.

Thank you for the opportunity to serve as your Bar President this past year. Unfortunately, most meetings were cancelled or went online. A recent strategic planning meeting reminded me that there were some good things that came out of this pandemic. If we focus on the positive, we can accomplish some great thing as a State Bar.

This is the final interview with bar staff. Kylee is the newest person in the office. She is likely the voice you hear answering the phone when you call the office. Here is my conversation with Kylee.



previous job was able to help me get to where I wanted to be in life. Therefore, I had to make the decision to search for a job that would. Apparently, I didn't make as big of a

**TERRY:** First, why did you apply for a position with the State Bar and what keeps you here?

**Kylee:** To make a long story short, my not going to be

**fool out of myself during my interview, as I thought I had.**

**I stay because of the simple fact that the Bar, was able to provide what my previous job could not. The ability for me to grow in my career, sustain a life on my own, provide more opportunities, & most importantly, a work family which I care for dearly.**



**TERRY:** What did you do before you started working for the State Bar?

**Kylee:** I did basically the same job position as I am here, but I was with the State of South Dakota, in the Bureau of Information & Telecommunications department.

**TERRY:** What do you enjoy doing when you're not in the office?

**Kylee:** I love to go horseback riding, snuggle with my fur babies (Cinch & Diesel), & workout. I just got my motorcycle license as well, so that will probably become a favorite too.



TERRY: Where do live?

**Kylee: Over by The Izaak Walton & PILC Soccer field, in a nice little neighborhood.**

TERRY: Would you say you are more of an introvert or extrovert, and why?

**Kylee: I am most definitely an introvert. But, depending on the person/people I am around, I can be a full-blown extrovert! Which isn't always a good thing haha.**

TERRY: What is your favorite holiday?

**Kylee: Christmas!**

TERRY: What are some of your favorite things?



**MOVIE: I love too many. So, my favorite genres would be Horror & Romance.**  
**BAND/MUSICIAN: I also love too many! Some of**

**my tops would have to be Coffey Anderson & Reba McEntire.**

**VACATION SPOT: I do not get out much... but I have always been in love with Australia.**

**COLOR: All the shades of Blue & Grey.**

**ICE CREAM FLAVOR: ALL.**

**MEAL TO EAT: Medium Rare Sirloin, with sweet potato fries & ranch. For dessert, a Danny's Special donut from The Donut Shop.**

**RESTAURANT IN PIERRE: Guadalajara's or Tokyo.**

**SEASON OF YEAR: Fall.**

TERRY: One final question for me to keep in mind when I stop into the State Bar office in Pierre. How do you take your coffee/favorite beverage?

**Kylee: Decaf Vanilla Latte with Almond Milk**



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STATE BAR OF SOUTH DAKOTA  
YOUNG LAWYER SECTION



by: *Caroline A. Srska*  
YLS President

**H**appy June everyone! I am excited that we will again have an in-person bar convention this year. I always look forward to the bar convention to see all my colleagues from around the state. You will be seeing the Young Lawyers around! We will elect new board members in the odd-numbered circuits and will elect officers. Nominations can still be taken during the annual meeting for anyone interested in taking on a leadership role. Young Lawyers will also announce the Young Lawyer of the Year award, with a reception following, called the “Legalpalooza” to honor the recipient’s achievement. Thank you to The Court Reporter’s Association and South Dakota Trial Lawyers Association for co-sponsoring this event! Look forward to a Young Lawyer’s event Thursday evening, and a Yoga session Friday morning. I also have the distinct pleasure to present a bar member with the Young Lawyer’s President Appreciation Award, which will be announced during the Business Meeting.

The Annual Meeting will serve as 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 foster connections and mentorship, provide CLE programming to our members, and to serve the public. Involvement in the State Bar presents opportunities to network and make friends among other bar members, to broaden one’s knowledge, and to serve the community. As part of my sendoff, I’ll use the platform to encourage all young lawyers to get involved with your local or state bar organization. It will take only a small fraction of

your time, and I promise you will find it rewarding.

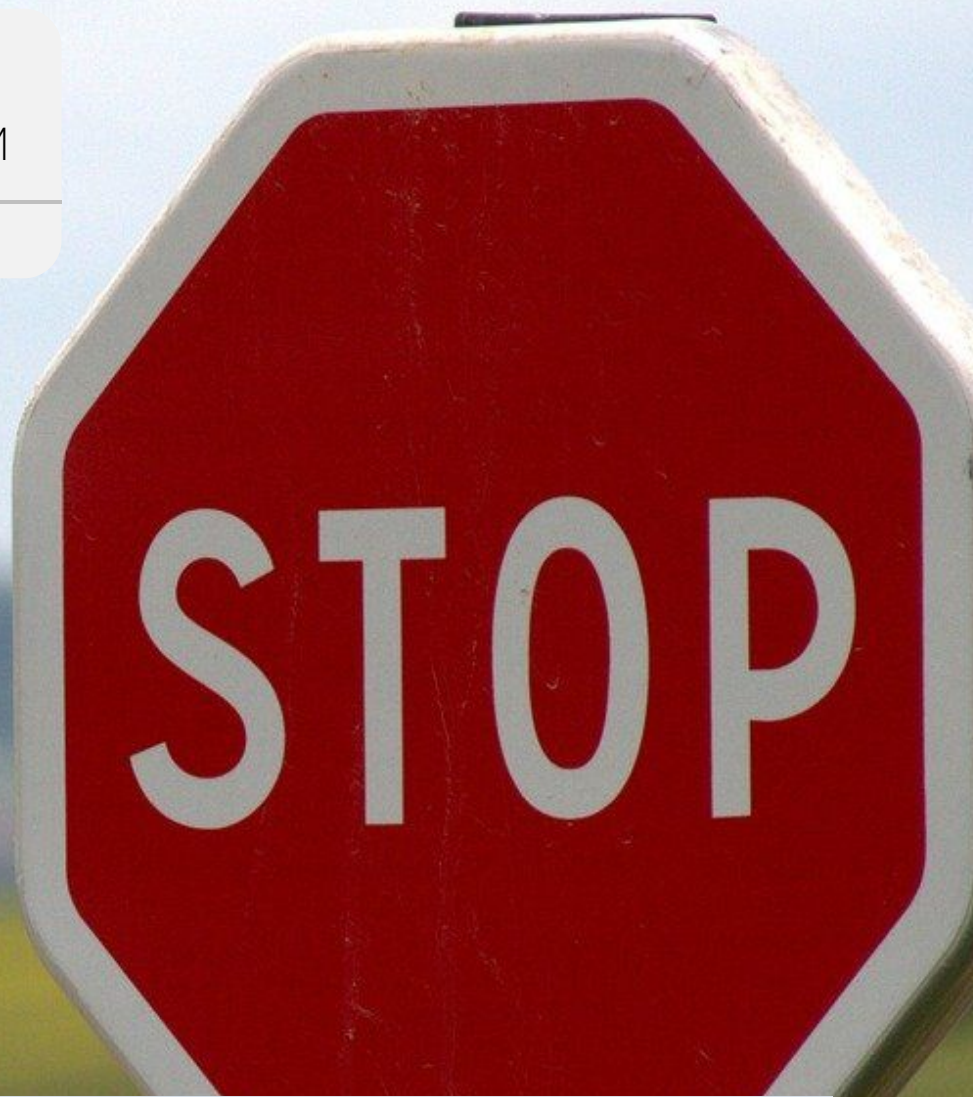
I now introduce President-Elect Ole Olesen who will take the reins in serving as the Young Lawyer Section President. Ole has helped me tremendously, and I’m confident he will continue to be an awesome leader throughout the next year and will improve and expand upon the foundation that has been laid by past young lawyers. I would like to thank Terry Westergaard, bar commissioners, Andy Fergel, Nicole Ogan, Tracie Bradford, Elizabeth Overmoe, and Nate Chicoine for guiding the board and me through this year’s programs. I also owe thanks to all my board members who dedicated their time and energy during the past year – Anthony Sutton, Rachel Mairose, Tyler Coverdale, Tony Teesdale, Mariah Bloom, Jenny Jorgenson, Chelsea Wenzel, Kelsey Weber, Arman Zeljkovic, and Lexi Baca. These board members carried the load of organizing and executing programming this year, and I greatly appreciate their efforts.

I also want to take the opportunity to thank the Attorney General’s Office for encouraging me to be active in the bar, and allowing me to take the time to serve on the Young Lawyers Section Board. I have served on this board for the past five years, and I will greatly miss it. I have enjoyed connecting with other lawyers over the years, and look forward to the next chapter.

## Annual Business Meeting

View/Listen/Vote via ZOOM

[Register](#)



The 2021 Annual Business Meeting will be held on June 18th 2021, starting at 8 am. Members are encouraged to attend this meeting in person if they are comfortable, however online attendance is once again available. Voting at the business meeting will be conducted via Zoom.

- [In person attendees](#) who are active bar members will be emailed a link (to the email address provided on their registration sign up) on June 17th. This link will allow in person attendees to submit their votes electronically. IF YOU DO NOT HAVE A SMARTPHONE OR DEVICE FOR VOTING, please see the registration desk to arrange for paper ballot on Friday.
- [Online attendees](#) may view, listen and vote at the meeting via Zoom. In order to attend the meeting online, members must register by June 16th to receive the zoom link.

# Fellows of the South Dakota Bar Foundation

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

---

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

(cumulative, including pledges & testamentary gifts)

- \* Fred & Luella Cozad

## Life Fellow - \$25,000 plus

(cumulative, including pledges & testamentary gifts)

- \* Frank L. Farrar

---

## Diamond Fellows - \$10,000 plus

(cumulative, including pledges & testamentary gifts)

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

## Platinum Fellows - \$10,000

(cumulative, including pledges & testamentary gifts)

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

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(cumulative, including pledge)

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

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

- \* Frankianne Elizabeth Coulter
- \* Kimberley A. Mortenson
- \* Timothy J. Rensch



# Fellows of the South Dakota Bar Foundation

## Presidential Fellows - \$10,000

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- \* Hon. Michael Day
- \* Robert B. Frieberg
- \* Thomas H. Frieberg
- \* William C. Garry
- \* David A. Gerdes
- \* Hon. David R. Gienapp
- \* Patrick G. Goetzinger
- \* G. Verne Goodsell
- \* Robert E. Hayes
- \* Terry L. Hofer
- \* Carleton R. "Tex" Hoy
- \* Steven K. Huff
- \* Hon. Charles B. Kornmann
- \* Bob Morris
- \* Thomas J. Nicholson
- \* Gary J. Pashby
- \* Stephanie E. Pochop
- \* Reed A. Rasmussen
- \* Pamela R. Reiter
- \* Robert C. Riter, Jr.
- \* Eric C. Schulte
- \* Jeffrey T. Sveen
- \* Charles M. Thompson
- \* Richard L. Travis
- \* Thomas J. Welk
- \* Terry G. Westergaard

---

## Fellows - \$500 (per year)

- \* Hon. John Bastian
- \* Mary Jane Cleary
- \* Andrew L. Fergel
- \* Neil Fulton
- \* Tom E. Geu
- \* Craig A. Kennedy
- \* Hon. Judith K. Meierhenry
- \* Robert C. Riter, Jr.
- \* Laura Clark Rowe
- \* Thomas Eugene Simmons
- \* Jason R.F. Sutton
- \* Barry R. Vickrey



*Our Profession. Our Responsibility.*

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



by: Neil Fulton  
Dean  
USD  
Knudson School of Law

Our recruiting cycle is in full swing. The Class of 2024 is taking shape as I write (hard as it is to believe that is the year). I will be very excited to give you a deeper introduction to that class later this summer. For now, however, I am excited to introduce you to Katey Ulrich, our Director of Admissions and Marketing. Family pulled Liz Taggart out of the Law School to Sioux Falls in the middle of the academic year. Katey was working with the Community College of Sioux Falls and the name everyone suggested as the perfect person for Admissions at the Law School. That has certainly proven true as she has continued the excellent work Liz did and incorporated her own new ideas in recent months. She will be at the Bar Convention and I hope many of you get to meet her. For now, however, I want to turn the column over to her to introduce herself. See you in Sioux Falls!



Hello! My name is Katey Ulrich and I joined the law school staff in January 2021 as the Director of Admissions and Marketing. I am originally from Watertown, South Dakota and attended USD for my B.S. in Psychology and M.A. in Educational Administration – Adult and

Higher Education. I have worked at USD for five years in admissions and student services and am thrilled to have joined the law school team. This transition has been exciting, challenging, and rewarding. The last four months have been very busy as we wrapped up the 2020-2021 school year, a year unlike any other, and began recruiting the Class of 2024 in earnest. As we look forward to Fall, we are excited to start having more events and speakers and bringing in an outstanding class of future lawyers!

Our Class of 2024 is on track to be around 80 students with our LSAT and GPA metrics rising slightly from recent years. The composition will likely be half women and half out of state students, both higher percentage than in the last several years. The increase in out of state students doubtless has some connection to our expansion of resident tuition to students with an LSAT at or above 150. Previously it was available only to students at or above 155 and we yielded very few students in that lower band. We have seen a significant increase since the BOR approved the policy change and hope to draw more students to South Dakota to continue their education and begin their careers.

In April, we held our first Law Camp with incredible help from many friends of the law school. This virtual event attracted nearly 50 high school students to learn about different opportunities to work in legal careers like judges, private and public practice lawyers, court clerks, and law enforcement. As we look towards the future, it will be critical to get students thinking about a career in law earlier in their education. As I know Dean Fulton has told many of you, the number of students graduating from high school and attending universities will begin to dramatically decline in the next 5 years. We are looking forward to continuing that program and expanding our efforts with high schools. Additionally, we are increasing Law Honors and 3+3 programming at the University of South Dakota to engage with undergraduate students that are currently at USD. This year, we started a law honors program at Northern State University. It will offer preferred admission and scholarship support for up to five NSU seniors. We are working with firms and universities to increase our connection to Sioux City to draw more students.

We are looking forward to returning to some of our standard recruiting strategies as LSAC Forums begin again in the Fall but are optimistic about the way virtual recruiting and events will increase our accessibility to students that we may have had a harder time reaching in the past. With many changes that have occurred in the last year, this is an exciting time to be in recruiting as we think of new and collaborative ways to reach our future students. If there is a way for us to partner or support any programming you are working on, please reach out!

## *A Special Thanks*

*USD Knudson School of Law, along with Dean Neil Fulton, Advisor Thomas Welk, Adjunct Faculty Marilyn Trefz, and the 27 student participants extend a special thanks to the 2021 USD Knudson School of Law, Law Practice Drafting Course Proctors and Panelists for sharing their time, knowledge and expertise with the USD Law Students.*

### *Our 2021 Panel:*

Administrative Law, **Jason Sutton**  
Alternative Dispute Resolution, **Michael McKnight**  
Business Entity Formation, **Lisa Prostrollo**  
Civil Pre-trial Practice, **Pamela Reiter**  
Criminal Defense, **Ashley Miles Holtz**  
Criminal Prosecution, **Tom Wollman**  
Estate Planning, **Richard Ericsson, Abby Oftedal**  
Estate Administration, **Lindsay Hovden**  
Family Law, **Greg Brewers**  
Law Practice Management, **Tom Frieberg**  
Real Estate Transactions, **Eric Hanson**

#### *In-House Counsel Panel*

**Amber Hardy, Dan Rafferty, Kristina Schaefer, Kelsea Kenzy Sutton, Nicole Tupman**

#### *Judges' Panel*

**Presiding Judge Robin Houwman, Judge David Knoff, Chief Justice Frank Pommersheim**

*"I really enjoyed the class and feel it was one of the most practical courses I have taken in law school. Thank you so much!"*

*~2021 3L  
Law Student*

*All of your efforts & service are very appreciated!*

*Thank you*



# **JUSTICE SQUAD**

Thank you to the following attorneys for accepting a pro bono or reduced rate 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.

**JOEL ARENDS**

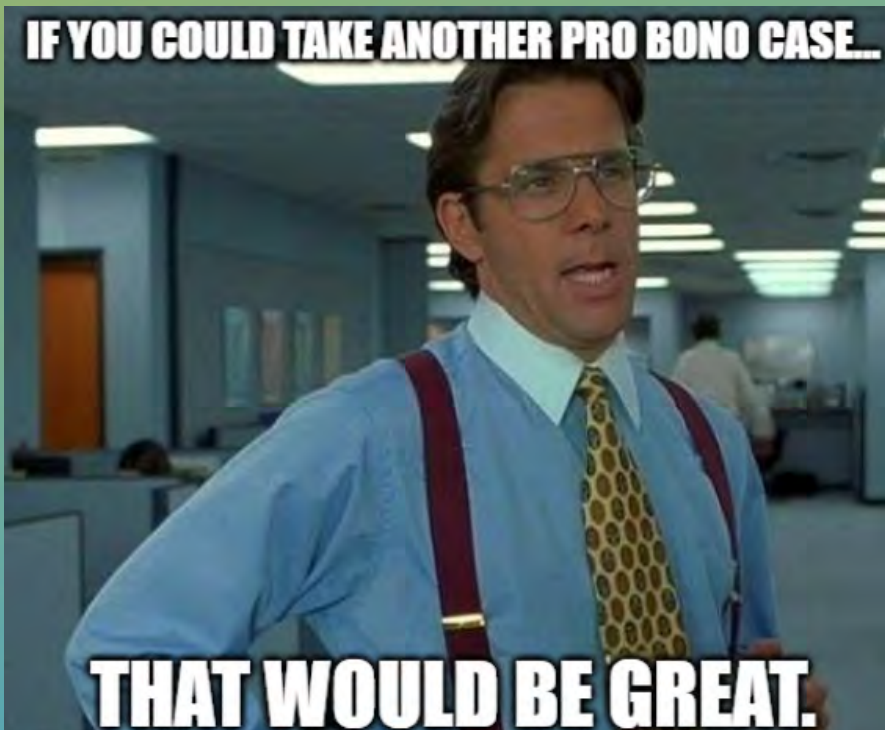
**KATIE JOHNSON**

**JIM SWORD**

**MICHAEL HENDERSON**

**TIMOTHY DOUGHERTY**

**MINDY WERDER**



**AND MUCH THANKS TO:**

**KYLE KRAUSE**

**STEVE HUFF**

**MARWIN SMITH**

**BETH BALOUN**

**LINDA LEA VIKEN**

**TOM SIMMONS**

**ELIZABETH OVERMOE**

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*Register Now!*

# BARCON

89th Annual



*Browse agendas on the following pages for*

- Keynote: Rashmi Airan
- ALPS/Ethics
- General Counsel 101
- Early Bird
- Up in Smoke! Changes to SD Marijuana Laws
- Transactional Work
- Ethical Leadership

June 16 - 18, 2021  
Sioux Falls Convention Center  
& Sheraton Hotel

# ANNOUNCEMENTS

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

*Morgan Erickson*

has joined the firm as an associate attorney  
effective May 12, 2021.

Griese Law Firm, P.C.  
311 S. Phillips Ave, Ste 201  
Sioux Falls, SD 57104

Telephone: (605) 271-0115  
Facsimile: (605) 336-2604

[Morgan@grieselawfirm.com](mailto:Morgan@grieselawfirm.com)

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

*Ryan Fargen*

has become associated with the firm.

Legacy Law Firm, P.C.  
17404 S. Bitterroot Place  
Sioux Falls, SD 57108

Telephone: (605) 275-5665

[ryanf@legacylawfirmpc.com](mailto:ryanf@legacylawfirmpc.com)

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

The Law Firm of  
**Moreno, Bachand, Hruska & Scheibe, P.C.**  
is pleased to announce that effective May 10, 2021  
it will now be known as

*Bachand & Hruska, P.C.*

**PO Box 1174, 206 W. Missouri Ave., Pierre, SD**  
**Ph: (605) 224-0461 Website: pirlaw.com**

The Law Firm extends its heartfelt congratulations to

*Mark A. Moreno*

for his years of service to the Firm and for his appointment to the  
**United States District Court**  
as a full-time Magistrate Judge

and to

*Aaron P. Scheibe*

for his appointment as Chief of Staff for The Honorable Kristi Noem

JOIN US  
AS WE CELEBRATE

*Honorable Judge  
Robert Mandel's*

RETIREMENT!

WEDNESDAY, JUNE 9, 2021

3:00PM - 7:00PM

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SAVE THE DATE

20  
21

FALL  
FORUM

OCTOBER 28 & 29, 2021

MAKE PLANS TO JOIN US  
IN SIOUX FALLS OR ONLINE.

REGISTRATION OPENS IN AUGUST!

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TRUST ASSOCIATION

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# CAN'T MAKE IT TO THE CONVENTION IN SIOUX FALLS THIS YEAR?

THE STATE BAR WILL BE LIVE STREAMING

# YES

THE OPENING KEYNOTE, WEDNESDAY CLES, AND THE THURSDAY 8 AM

# YOU

CLES YOU SEE ADVERTISED IN THIS NEWSLETTER!

# CAN

GET THE LINKS DELIVERED DIRECTLY TO YOUR EMAIL!



RSVP





The Trail of Governors Foundation wishes to thank the members, their law firms and friends of the Bar who have generously donated to the funding of the statue of former Governor and noted lawyer Coe I. Crawford which will be installed in front of the State Bar headquarters at the intersection of upper Pierre Street and Capitol Avenue.

## You are invited!

You are cordially invited to the unveiling ceremony for the bronze statues of Governor Charles Sheldon, Governor Coe Crawford, and Governor Carl Gunderson

at ten o'clock in the morning on Friday, June 11, 2021, at the Capitol Rotunda, 500 East Capitol Avenue, Pierre, South Dakota.

All donors will be recognized on a plaque to be installed in the State Bar offices as well as the Trail website. There is still time to be included in this effort. All donations are fully tax deductible and may be sent to Trail of Governors, % South Dakota Community Foundation, 2310 Patron Parkway, Pierre, SD 57501. Please note "TOG/Crawford" on your contribution. Further information on the Trail is available on the web at: [www.TrailofGovernors.com](http://www.TrailofGovernors.com) or call Chuck Schroyer at (605) 280-2623.

89TH ANNUAL BAR CONVENTION

NOT

*A Black-Tie Affair*

Wednesday June 16th  
7:00pm

.....

Heavy Hors d'oeuvres  
Casual Attire  
Cocktails  
Conversation

SIOUX FALLS CONVENTION CENTER

Sioux  
Falls  
Convention  
Center

Wednesday, June 16th



1  
PM

with Mark  
Bassingthwaight

## **Cybersecurity - How to Protect Yourself and Keep the Hackers at Bay**

An attorney's decision to use a computer tablet, a cloud-based service, a smart phone, a public Wi-Fi network, or a free email account in the furtherance of delivering legal services is not, in and of itself, unethical or necessarily a poor business decision. The real concern is with what the attorneys who use such tools do or don't do with them. For example, portable devices, which includes backup drives, can be lost or stolen; rogue programs that capture banking passwords, encrypt your data, or steal your data can be unintentionally downloaded; and this list goes on and on. These kinds of breaches are often the result of common missteps such as lax security procedures, falling victim to a social engineering attack, and even simple ignorance about how a given device works or what a computer app or program really does. This ethics program will discuss various cyberattack vectors and share practical advice on how to manage the risk of a breach.

## **Malpractice Missteps - Exploring Common Mistakes Lawyers Make**

This program will identify common malpractice missteps lawyers make and discuss practical ways each misstep can be avoided. Participants will learn how problems can arise from a variety of file documentation missteps, where conflict of interest traps lie, and why redundant calendaring systems can lead to a false sense of security just for starters.

Brought to you by The State Bar of South Dakota,  
The Committee on Continuing Legal Education and





VOTE  
*Lisa Marso*

2021-2022  
South Dakota State Bar  
President-Elect

*"As a dedicated member of the South Dakota State Bar for more than 25 years, I would be honored to serve as your 2021-22 President-Elect and thereafter 2022-23 President."*

– Lisa Marso

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**Save  
the Date!**

South Dakota  
Paralegal Association



*Seminar & Annual Meeting*

in conjunction with the State Bar Convention  
*Sheraton Sioux Falls Convention Center*

**SOCIAL:** Thursday, June 17  
6-8pm @ Crooked Pint Ale House

**SEMINAR:** Friday, June 18  
7:30am-5pm @ Sheraton Convention Center

- Continental Breakfast @ 7:30-8am
- Annual Meeting @ 11:20am-12pm
- Lunch Served @ 12-12:30pm

**Watch for registration info  
in the next newsletter!**

Seminar will provide 6 CLE Credits  
(1 Ethics • 4 Substantive • 1 Non-Substantive)

**N AFFILIATED  
ASSOCIATION**

The USD Knudson School of Law will be hosting Fall 2021 On Campus Interviews (OCI) on August 19-20, September 9-10, and September 30 - October 1.

Employers are invited to participate in Fall OCI on the date of your choice to interview our 2L students for internship and externship opportunities and our 3L students for post-graduate positions.

Interviews may be conducted either in-person at the law school or virtually.



# FALL 2021 ON CAMPUS INTERVIEWS (OCI)

To register, please contact Brian Boyenga, Director of Career Services, at [brian.boyenga@usd.edu](mailto:brian.boyenga@usd.edu) with your preferred interview date and a job description of the position(s) you are seeking to fill.

## 10 YEAR REUNION

USD School of Law  
Class of 2010

**COME RAISE A GLASS  
TO OUR CLASS!**

**Let us know you will be there!**

RSVP to Beth at  
[eovermoe@gmail.com](mailto:eovermoe@gmail.com)

June 17th, 2021  
6pm-9pm  
Alex Halbach's Home  
650 East 21st Street  
Sioux Falls, SD 57105

# The Young Lawyers Board

PRESENTS

## LEGALPALOOZA

Family Fun at Sioux Falls Stadium

SD Court Reporters  
SD Trial Lawyers

Sponsors

5:30PM - June 16th

Sioux Falls Stadium is  
located next door to  
the convention center.





***A Community of Lawyers Engage in the  
Defense of Civil Actions***

SDDL A is seeking nominations for their 2021 Awards Program. Below are the three Awards that will be considered by the Board and awarded at the Annual Meeting in November 2021. If you have a colleague that is a current\* or past member of SDDL A and fits this criterion, please consider nominating him or her.

**The Robert C. Riter Distinguished Service Award**

The Robert C. Riter Distinguished Service Award is granted to the SDDL A member for his or her exceptional service to the SDDL A on a continuing and sustained basis.

**Collegiality Award**

The SDDL A Collegiality Award is given annually to recognize one of its members for uncompromising client advocacy while unflinchingly demonstrating utmost respect for the justice system, judges, opposing counsel, and other parties.

**SDDL A Associate Lawyer Award (Rising Star)**

The SDDL A Associate Lawyer Award is given annually to recognize one of the Association's associate lawyers who has consistently demonstrated growing professional excellence and service to his or her community.

Please submit the nominee's name, CV and a short paragraph outlining reasons for the nomination by emailing Kris Rahm at [krisrahm@me.com](mailto:krisrahm@me.com) no later than August 2, 2021.

\*nominations cannot include current SDDL A Board Members.



# Rashmi Airan

State Bar

Opening Keynote



Join Rashmi as she shares her life-changing story to illustrate the multitude of factors that influence our choices both in business and at home. She will set forth the business discipline necessary for decision-making and uncover the mental process of problem solving that leads to organizational cultures with integrity.



Sioux Falls  
Convention Center

**Rashmi Airan** is an internationally recognized corporate and motivational speaker, a "recovering lawyer and investment banker," a woman leader and an entrepreneur. Due to a life-changing and humbling experience that resulted in a six-month sentence to Federal prison for conspiracy, Rashmi now shares her story to create a culture of conversation around ethics, diversity and inclusion, and resilience in all aspects of our lives. Her clients include Coca-Cola (India), Hershey's, SHRM, the FBI, Sotheby's Int'l, MGM Resorts, Georgia Institute of Technology, and Columbia Law School.

Rashmi Airan, a first-generation immigrant of Indian parents and the oldest of three daughters, was raised with high expectations to achieve. Rashmi was previously a very successful lawyer who graduated with honors from Columbia Law School. She lives in Miami with her two teenage kids.

**"Thanks again, you did a great job today!" ~ Clair Gerry**

**Patrick Burns**, mediator/arbitrator  
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- LL.M – *Dispute Resolution*, Pepperdine University School of Law
- Former adjunct professor of arbitration procedure and law at USD School of Law
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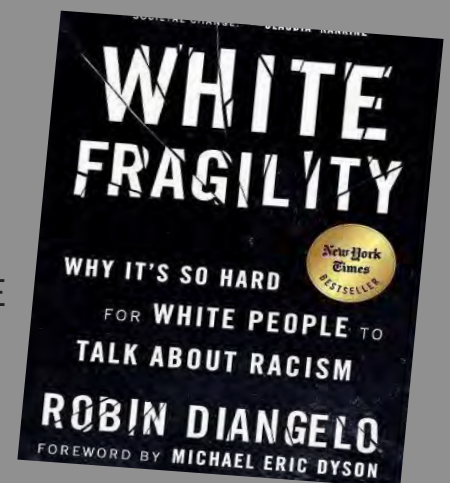
**SAVE  
THE  
DATE**



**Wednesday  
June 16th  
4:15pm**

"Exploring 'White Fragility' and Racism: Moving Beyond Lip Service and Improving our Bar, *Together*"

JOIN US FOR A  
GUIDED DISCUSSION  
INFORMED BY THE  
BEST-SELLER, "WHITE  
FRAGILITY"



Hosted by  
Diversity & Inclusion Committee



# General Counsel 101

June | 16 | 2021

1pm-4pm

Sioux Falls  
Convention Center

*John Richter,  
Nicole Tupman,  
Matt Roby  
Co-Chairs*

A primer on the role of General Counsel, and a discussion on the tools and skills necessary to succeed and excel!

**1:00-1:50pm** **Observations From the State's Perspective**

*Mark Miller*, General Counsel to Governor Kristi Noem

*Jeff Hallem*, Investment Counsel Staff, formerly of the Attorney General's Office

*Karla Engle*, Department of Transportation General Counsel

Moderators: Katie Hruska, Deputy General Counsel to Governor Kristi Noem, and Renee Gallagher, USD Law Student

**2:00-2:50pm** **The View From City Hall**

*Justin Johnson*, City Attorney for the City of Mitchell

*Joel Landeen*, City Attorney for the City of Rapid City

*Stacy Kooistra*, City Attorney for the City of Sioux Falls

Moderators: Matthew Roby, City of Watertown, and Sarah Covington, University of Dayton Law Student

**3:00-4:00pm** **The Life of Private In-House Counsel**

*Amy Koenig*, VP of Governance, Deputy General Counsel, Corporate Secretary at Black Hills Corp.

*Kristina Schaefer*, General Counsel and Chief Risk Officer at First Bank & Trust

*David Stoos*, Associate Corporate Counsel at Sanford Health

Moderators: Nicole Tupman, Assistant General Counsel at Midco, and Josey Blare, USD Law Student

**Brought to you by The State Bar of South Dakota and The Committee on Continuing Legal Education**

# Up In Smoke: Changes to South Dakota Marijuana Laws

Alecia Fuller & Jeffery Tronvold, Co-Chairs

 Sheraton Hotel

 June 17, 2021

 8 AM - NOON

8:00 a.m. – **The story behind Amendment A**  
Brendan Johnson, Robins Kaplan, Sioux Falls

9:00 a.m. – **Can I Bank Marijuana?**  
Bret Afdahl, South Dakota Division of Banking,  
Pierre

10:00 a.m. – **How Legalized Marijuana will Affect  
Public Safety**  
Tony Harrison, Captain; Pennington County  
Sheriff, Rapid City

10:30 a.m. – **Ethics**  
Professor Mike McKey, University of South Dakota,  
Vermillion

11:30 a.m. – **Lawyers Concerned for Lawyers**  
Rebecca Porter, Lawyer Assistance Director,  
Lawyers Concerned for Lawyers, Rapid City

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JUNE 17TH, 2021  
7:05 PM

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VS  
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MILKMEN

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LYNN, JACKSON,  
SHULTZ & LEBRUN, P.C



*cheers to 50 years*

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 1971, is being continued in 2021. 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:

*Jan S. Amundson, David M. Axtmann, Lee R. Burd, Thomas V. Conway, James R. Davies, Thomas A. DiGrazia, Greg A. Eiesland, Wally Eklund, Thomas G. Fritz, Roger R. Gerlach, Kenneth L. Gosch, Wynn A. Gunderson, Robert A. Moore, Stephen L. Pevar, Arthur L. Rusch, Randolph F. Stiles, John A. Storsteen, William G. Taylor, John S. Theeler, and Thomas L. Trimble*



# South Dakota Paralegal Association

## *Annual Meeting & Seminar*

in conjunction with the South Dakota State Bar Convention

SOCIAL: *Thursday, June 17, 2021, 6-8pm @ Crooked Pint Ale House, Sioux Falls*

SEMINAR: *Friday, June 18, 2021 ~ Sheraton Sioux Falls & Convention Center*

### AGENDA

7:30-8:00am	<b>REGISTRATION • LIGHT BREAKFAST</b>	
8:00-9:00am	<i>Medical Records: Best Practices for Personal Injury Cases</i> . . . . .	Attorney Lee Schoenbeck & Karen Armstrong, PP, PLS Schoenbeck Law ~ Watertown
9:10-10:10am	<i>Probate Problems, Predicaments, Petitions &amp; Pleas</i> . . . . .	Thomas E. Simmons, Professor of Law University of South Dakota
10:20am-11:20am	<i>A&amp;N Cases: What You Need to Know</i> . . . . .	Attorney Melissa Fiksdal Jeff Larson Law ~ Sioux Falls
11:20am-12:00pm	<i>Annual Meeting</i> . . . . .	Executive Committee
12-12:30pm	<b>LUNCH</b>	
12:30-1:30pm	<i>Introduction to Diversity, Equity &amp; Inclusion</i> . . . . .	Ms. Heather Hansen, Inclusive Diversity & Equity Consultant Allstate Insurance Company
1:40-2:40pm	<i>eDiscovery</i> . . . . .	Ms. Colleen Zea Computer Forensic Resources
2:50-3:50pm	<i>Legal Ethics for Paralegals</i> . . . . .	Speaker TBD
3:50-4:00pm	<b>CLOSING REMARKS</b>	

### Registration Form

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/Organization: \_\_\_\_\_ Email \_\_\_\_\_

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

Phone: \_\_\_\_\_ **Thursday Evening Social:**  Yes  No  Maybe

\*NOTE: If you plan to attend via GoToMeeting, please include any other e-mail by which you can be reached if we experience technical difficulties:

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

Mail registration form and payment to Rebekah Mattern, c/o Lynn, Jackson, Shultz & Lebrun, Address, 110 N. Minnesota Avenue, Suite 400, Sioux Falls, SD 57104 **by Friday, June 4, 2021**. Make checks payable to **SDPA**. To cancel your registration, please contact Rebekah at (605) 275-5954 or at [RMattern@LynnJackson.com](mailto:RMattern@LynnJackson.com). Cancellations received on or before June 4, 2021, will receive a full refund. There is a block of rooms available at the Sheraton under SDPA at \$159.00 per night. This room rate may not be available after May 18, 2021.

**\* Continuing legal education credit from NALA has been requested as follows:  
 6 hours of CLE credit to include 1-hour of ethics credit and 1-hour non-substantive credit.** 

\*DISCLAIMER: Our seminars are also live-streamed through GoToMeeting; however, please note that we cannot guarantee your experience will be equivalent to attending in person. We will try to ensure the best online experience possible; however, audio, visual, and other technical difficulties may be outside our control. If you will be attending virtually, we highly recommend testing your equipment with GoToMeeting prior to the seminar.

# **Bankruptcy Law and the COVID-19 Pandemic: a Feast of Changes, a Famine of Filings**

**with Judge  
Charles Nail**

**Stanton Anker,  
Eric Hanson,  
Sarah R. Larson,  
Co-Chairs**

## **TOPICS INCLUDE:**

- Recent changes to the Bankruptcy Code, including those adopted during the pandemic, and their impact on South Dakota.
- Presentation of case filing trends in the district and nationwide.
- Ethics discussion focusing on the need for regular specialized continuing education.
- Judge Nail will close with a discussion regarding changes coming to the South Dakota bankruptcy world and the opportunities it will present for attorneys.

**8:00  
am**

**June**

**17th**

**2021**

**Sioux Falls  
Convention  
Center**

Brought to you by the State Bar of South Dakota and the  
Committee on Continuing Legal Education

# TRANSACTION TRACT - CLE

## SCHEDULE:

- **Judge Charles Nail**

**8:00am**

- Bankruptcy Law and the COVID-19  
Pandemic: a Feast of Changes, a  
Famine of Filings

- **Professor Tom Simmons**

**9:00am**

- Traditional, Untraditional, and  
Wacky Trusts?

- **Eric Hanson – Dakota Homestead**

**10:00am**

- Remote Notarizations: Questions  
Needing Answers



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**JUNE 17, 2021**  
**8:00 am**

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**Sioux Falls  
Convention  
Center**

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# THE FUN ROOM

## FUN FOR EVERYONE

STARTING AT 8 PM  
JUNE 16 & 17, 2021

FONTENELLE BALLROOM  
- SIOUX FALLS SHERATON



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LAWYER'S ASSISTANCE, AND  
LAWYER'S CONCERNED FOR  
LAWYERS

*For the usual fun!*





# Early Bird

*Stanton Anker, Chair*

6:30 - PRESENT AND FUTURE OF THE BAR EXAM,  
\_\_\_\_ DEAN NEIL FULTON

6:40 - POWER ACT, HON. ROBERTO LANGE

6:50 - LEGISLATIVE UPDATE, ANDREW FERGEL

7:00 - LAW PRACTICE MANAGEMENT, SPEAKER TBD

7:10 - LAWYER'S ASSISTANCE, REBECCA PORTER

7:20 - SUPREME COURT UPDATE, MEGHANN JOYCE

*Brought to you by the CLE Committee and The State Bar*

6:30 AM  
THURSDAY  
JUNE  
17TH

SIoux FALLS  
CONVENTION  
CENTER

# Ethical Leadership

with Rashmi Airan

Jennifer Williams - Chair



Learn the principles of ethical leadership



Create a culture of integrity and courage



Plan for reputational risk and implement accountability and authenticity



Create an active commitment to ethical decision-making



Create the safe space for vulnerable conversations at home and work

## Thursday, June 17th - 1pm to 4pm



**Rashmi Airan**

Rashmi will explore how organizational culture is directly connected to reputational risk and brand. The session will uncover the human performance principles and adversity management tools necessary to help any executive when the inevitable crisis presents itself. The session will also provide real value and challenge existing norms. The issues of ethics is constantly evolving and ever changing, thus requiring constant recalibration.

Rashmi believes her vulnerability will inspire her leaders to let down their guard in a confidential environment to explore issues of ethics and integrity. Energized by her openness, we will be able to discuss real-life challenges that are faced daily.

## My Former Client Posted What???



No one enjoys hearing feedback about themselves that is critical in nature; but don't get me wrong. Sometimes we need to hear that we're not meeting the expectations of others. Critical feedback shared respectfully can be a wonderful opportunity for personal and professional growth. That said, when a former client posts a review, on something like an attorney rating site, which is full of vitriol and outright lies, well that's something else entirely. Now the temptation to fight back and defend one's reputation is in play. The interesting ethical question is this. Can you?

The answer isn't as simple as you might think. Yes, there is an exception in our confidentiality rule (Rule 1.6) that permits an attorney to reveal information relating to the representation of a client to the extent the attorney reasonably believes necessary to establish a claim or defense in a controversy between the attorney and the client. This is often referred to as the self-defense exception. Unfortunately, every authority who has considered the question has held that an attorney facing this situation cannot disclose confidential information to rebut a former client's allegations about the attorney's

representation of that person. Why? Because there is no legal controversy. The exception really doesn't come into play unless and until you are having to deal with the likes of a bar complaint, legal malpractice claim, or fee dispute. A negative online review simply doesn't get you there.

Although, while you can't disclose client confidences to defend yourself, there is no ethical prohibition against disagreeing with this client's publicly voiced criticisms of you in more generic terms. As a risk guy, however, I need to suggest that doing so may not be the best idea depending upon how you end up handling the exchange. Think about how others, some of whom might be potential new clients or even current clients, might respond to the debate you are about to enter into.

For example, don't take the bait on a fight you won't win. Participating in name calling, a war of words, or worse can too easily be viewed as you being someone who can't handle a little criticism; and truth be told, the consuming public isn't interested in trying to figure out who's right and who's wrong in their respective



Authored by: Mark Bassingthwaighte, Risk Manager

Since 1998, Mark Bassingthwaighte, Esq. has been a Risk Manager with ALPS, an attorney's professional liability insurance carrier. In his tenure with the company, Mr. Bassingthwaighte has conducted over 1200 law firm risk management assessment visits, presented over 400 continuing legal education seminars throughout the United States, and written extensively on risk management, ethics, and technology. Mr. Bassingthwaighte is a member of the State Bar of Montana as well as the American Bar Association where he currently sits on the ABA Center for Professional Responsibility's Conference Planning Committee. He received his J.D. from Drake University Law School.

opinions. Making matters worse, the very fact that you feel free to fight with a former client on an online forum would suggest to any viewer that they risk being treated similarly were they were ever to voice dissatisfaction with your services.

The better choice is to view the negative review for what it is, a marketing opportunity. Josh King, former General Counsel for Avvo, has shared the following advice to lawyers fearful of the fallout of a negative online review and I agree with him wholeheartedly.

*Negative commentary can be a golden marketing opportunity. By posting a professional, meaningful response to negative commentary, an attorney sends a powerful message to any readers of that review. Done correctly, such a message communicates responsiveness, attention to feedback and strength of character. The trick is to not get defensive, petty, or feel the need to directly refute what you perceive is wrong with the review. . . . [A] poorly-handled response to a negative review is much worse than no response at all. It makes you look thin-skinned and defensive. Worse yet, if you argue and reveal client confidences (or even potential harmful non-confidences), you may be subject to discipline.*

What might such a response look like? While the specifics of the negative review matter, here's just one idea:

*It is unfortunate that the author of this negative review chose not to leave any identifying information which would have allowed me the opportunity to address his or her specific concerns directly. Understand that as a lawyer I am ethically prohibited from revealing information relating to my representation of any client in a public forum; however, I always welcome the opportunity to discuss the concerns any client, former or current, might have with the service I provide. It is with pride that I share that I have handled over 500 matters of this type during my 21 years of practice and I have yet to have anyone directly express any concerns with the representation they received.*

I know that the desire to stand up and defend one's self can be strong, particularly when your professional skills and reputation are called into question. Should you ever

find yourself staring at a negative review that starts to make your blood boil, just stop and take a few breathes. Remember what Rule 1.6 says, think about what it means to be a professional, and take the high road by drafting a response along the lines of what I've suggested. As I see it, there's no better ethically permissible way to try and shut the criticism down and why not take advantage of Josh's "golden marketing opportunity" at the same time!

---

Josh King, Your Business: Someone Online Hates You, THE RECORDER (Aug. 16, 2013, 4:40 PM) <http://www.therecorder.com/id=1202614786352/Your-Business:-Someone-Online-Hates-You?slreturn=20140026162748>.

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

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

### In Memoriam

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

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

Mail payment to:

State Bar of South Dakota

111 W Capitol Ave. #1

Pierre, SD 57501

Or you can email this form to:

[tracie.bradford@sdbar.net](mailto:tracie.bradford@sdbar.net) or call 605-224-7554 to set up a payment.

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



# Supreme Court of South Dakota

OFFICE OF THE CLERK  
500 East Capitol Avenue  
Pierre, South Dakota 57501-5070  
(605) 773-3511

Shirley A. Jameson-Fergel  
Clerk

Laura J. Graves  
Chief Deputy

Amy Hudson  
Deputy Clerk

Sarah L. Gallagher  
Deputy Clerk

May 27, 2021

Mr. Andrew L. Fergel  
Executive Director  
State Bar of South Dakota  
111 West Capitol Ave #1  
Pierre SD 57501-2596

Re: August 2021 Special Rules Hearing

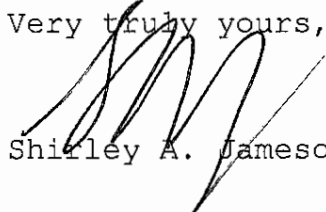
Dear Mr. Fergel:

A Supreme Court Rules Hearing will be held Tuesday, August 24 2021, at 11:00 a.m., CT in the Courtroom of the Supreme Court, Capitol Building, Pierre, South Dakota.

**An original and five copies of proposals for amendment or adoption of rules should be filed with the Clerk of the Court no later than July 1, 2021. Please comply with SDCL 16-3-5.1 when submitting proposals.**

Please publish this letter in the June 2021 edition of the State Bar Newsletter. Thank you.

Very truly yours,

  
Shirley A. Jameson-Fergel



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# SIXTH CIRCUIT

# BENCH/BAR Meeting

Friday, June 25, 2021

10 a.m.

Capitol Lake Visitor's Center  
Pierre, SD

**COME AND PARTICIPATE:** The Judges of the Sixth Circuit and Magistrate Judge will discuss their courtroom preferences, provide tips and tricks, touch briefly on other topics, and answer audience questions.

If you have questions/topics for discussion they can be provided beforehand to [kirsten.jasper@state.sd.us](mailto:kirsten.jasper@state.sd.us).

Also if you are interested in a link for live streaming, email [kirsten.jasper@state.sd.us](mailto:kirsten.jasper@state.sd.us).

A light lunch will be provided (first-come first-served) after the program and is sponsored by the following Pierre firms:



Sixth Circuit WIL





THE SD YLS INVITES YOU TO

# YOGA AT THE BAR

Friday, June 18th

6:30AM

Ballroom A

Sioux Falls Convention Center

**ENJOY YOUR DAY TO THE FULLEST BY  
BEGINNING IT WITH YOGA. JOIN OTHERS FOR A  
CLASS CATERED TO ALL LEVELS OF ACTIVITY.  
KRISTEN JOST, A SIOUX FALLS INSTRUCTOR,  
WILL HELP YOU START YOUR DAY OFF RIGHT.**

PLEASE BRING YOUR OWN YOGA MAT

**RESOLUTIONS, PROPOSED LEGISLATION, AND PROPOSED  
RULES TO BE VOTED ON BY MEMBERSHIP DURING ANNUAL  
BUSINESS MEETING ON FRIDAY, JUNE 18, 2021**

*Convention Center, Exhibit Hall 1*

**Business Law Committee:**

*Proposed legislation to repeal SDCL §§ 47-34A-1010 through 47-34A-1016, of Article 10 of the Uniform Limited Liability Company Act, to eliminate duplication and conflict with the domestication statutes in Article 9 of the Uniform Limited Liability Company Act. The full proposal follows directly below.*

**An Act to repeal certain domestication provisions in the Uniform Limited Liability Company Act.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

**Section 1.** That §§ 47-34A-1010 to 47-34A-1016 be REPEALED.

**~~47-34A-1010. Domestication.~~**

~~(a) A foreign limited liability company may become a domestic limited liability company only if the domestication is permitted by the organic law of the foreign limited liability company.~~

~~(b) A domestic limited liability company not required by law to be a domestic limited liability company may become a foreign limited liability company if the domestication is permitted by the laws of the foreign jurisdiction. Regardless of whether the laws of the foreign jurisdiction require the adoption of a plan of domestication, the domestication shall be approved by the adoption of the limited liability company of a plan of domestication in the manner provided in this section and §§ 47-34A-1011 to 47-34A-1016, inclusive.~~

**~~47-34A-1011. Plan of domestication.~~**

~~(a) The plan of domestication shall include:~~

- ~~(1) A statement of the jurisdiction in which the limited liability company is presently domesticated; and~~
- ~~(2) A statement of the jurisdiction in which the limited liability company is to be domesticated.~~

~~(b) The plan of domestication may include:~~

- ~~(1) As a referenced attachment, the articles of organization of the limited liability company upon its domestication; and~~

~~(2) Any other provision relating to the domestication.~~

~~(c) The plan of domestication may also include a provision that the plan may be amended at any time prior to filing the document required by the laws of this state or the other jurisdiction to consummate the domestication.~~

**~~47-34A-1012. Action on plan of domestication by a domestic limited liability company.~~**

~~In the case of a domestic limited liability company:~~

~~(a) Unless the articles of organization or a written operating agreement of the limited liability company provides otherwise, the members of the limited liability company shall approve the plan of domestication by the members in the manner provided in the limited liability company's operating agreement for amendments to the operating agreement or, if no such provision is made in an operating agreement, by all the members.~~

~~(b) If an amendment to a plan of domestication is made in accordance with subsection 47-34A-1011(c), and articles of domestication already have been filed with the secretary of state, amended articles of domestication shall be filed with the secretary of state before the effective date of any certificate of domestication issued by the secretary of state for the articles of domestication which the amended articles are to supersede.~~

**~~47-34A-1013. Articles of domestication.~~**

~~(a) After the domestication of a foreign limited liability company is approved in the manner required by the laws of the jurisdiction in which the limited liability company is organized, the limited liability company shall file with the secretary of state articles of domestication setting forth:~~

~~(1) The name of the limited liability company immediately prior to the filing of the articles of domestication and, if that name is unavailable for use in this state or the limited liability company desires to change its name in connection with the domestication, a name that satisfies the requirements of § 47-34A-105;~~

~~(2) The plan of domestication; and~~

~~(3) The original jurisdiction of the limited liability company and the date the limited liability company was organized in that jurisdiction, and each subsequent jurisdiction and the date the limited liability company was domesticated in each such jurisdiction, if any, prior to the filing of the articles of domestication.~~

~~(b) The articles of domestication shall have attached articles of organization that comply with the requirements contained in § 47-34A-203.~~

~~(c) If the secretary of state finds that the articles of domestication comply with the requirements of law and that all required fees have been paid, the secretary of state shall issue a certificate of domestication.~~

~~(d) The articles of domestication shall become effective pursuant to § 47-34A-206.~~

~~(e) A foreign limited liability company's existence as a domestic limited liability company shall begin when the certificate of domestication is effective. Upon becoming effective, the certificate of domestication shall be conclusive evidence that all conditions precedent required to be performed by the foreign limited liability company have been complied with and that the limited liability company has been organized under this chapter.~~

~~(f) If the foreign limited liability company is authorized to transact business in this state under § 47-34A-1004, its certificate of authority is canceled automatically on the effective date of the certificate of domestication issued by the secretary of state.~~

**~~47-34A-1014. Surrender of articles of organization upon domestication.~~**

~~(a) If a domestic limited liability company has approved, in the manner required by § 47-34A-1012, a plan of domestication providing for the limited liability company to be domesticated under the laws of another jurisdiction, the limited liability company shall file with the secretary of state articles of organization surrender setting forth:~~

- ~~(1) The name of the limited liability company;~~
- ~~(2) The limited liability company's new jurisdiction of organization;~~
- ~~(3) The plan of domestication;~~
- ~~(4) A statement that the articles of organization surrender are being filed in connection with the domestication of the limited liability company as a foreign limited liability company to be organized under the laws of another jurisdiction and that the limited liability company is surrendering its certificate of organization under the laws of this state;~~
- ~~(5) A statement that the limited liability company revokes the authority of its registered agent to accept service on its behalf and appoints the secretary of state as its agent for service of process in any proceeding based on a cause of action arising during the time it was organized in this state;~~

~~(6) A mailing address to which the secretary of state may mail a copy of any process served on the secretary of state under subdivision (5); and~~

~~(7) A commitment to notify the secretary of state in the future of any change in the mailing address of the limited liability company.~~

~~(b) If the secretary of state finds that the articles of organization surrender comply with the requirements of law and that all required fees have been paid, the secretary of state shall issue a certificate of organization surrender.~~

~~(c) The limited liability company shall automatically cease to be a domestic limited liability company when the certificate of organization surrender becomes effective.~~

~~(d) If the former domestic limited liability company intends to continue to transact business in the state, within thirty days after the effective date of the certificate of organization surrender issued pursuant to subsection (b), the former domestic limited liability company shall deliver to the secretary of state an application for a certificate of authority to transact business in the state pursuant to § 47-34A-1002 together with a certificate of existence or a record of similar import authentication by the secretary of state or other official having custody of company records in the state or country under whose law it is organized together with any fee required by § 47-34A-1206 and any other required fee.~~

**~~47-34A-1015. Effect of domestication.~~**

~~(a) When a foreign limited liability company's certificate of domestication in this state becomes effective, with respect to that limited liability company:~~

~~(1) The title to all real estate and other property remains in the limited liability company without reversion or impairment;~~

~~(2) The liabilities remain the liabilities of the limited liability company;~~

~~(3) A proceeding pending may be continued by or against the limited liability company as if the domestication did not occur;~~

~~(4) The articles of organization attached to the articles of domestication constitute the articles of organization of the limited liability company; and~~

~~(5) The limited liability company is deemed to:~~

~~(i) Be organized under the laws of this state for all purposes;~~

~~(ii) Be the same limited liability company as the limited liability company that existed under the laws of~~

~~the jurisdiction or jurisdictions in which it was originally organized or formerly domesticated; and (iii) Have been organized on the date it was originally formed or organized.~~

~~(b) Any member of a foreign limited liability company that domesticates into this state who, prior to the domestication, was liable for the liabilities or obligations of the limited liability company is not released from those liabilities or obligations by reason of the domestication.~~

#### **~~47-34A-1016. Abandonment of domestication.~~**

~~(a) Unless the domestic limited liability company's articles of organization, operating agreement, or the plan of domestication provides otherwise, after the domestication has been authorized and at any time before the effective date of the certificate of domestication issued by the Office of the Secretary of State, the domestication may be abandoned by majority vote of the members of the domestic limited liability company.~~

~~(b) If a domestication is abandoned under subsection (a) after articles of organization surrender have been filed with the secretary of state but before the certificate of organization surrender has become effective, written notice that the domestication has been abandoned in accordance with this section shall be filed with the secretary of state prior to the effective date of the certificate of organization surrender. The notice shall take effect upon filing and the domestication shall be deemed abandoned and shall not become effective.~~

~~(c) If the domestication of a foreign limited liability company into this state is abandoned in accordance with the laws of the foreign jurisdiction after articles of domestication have been filed with the secretary of state but before the certificate of domestication has become effective in this state, written notice that the domestication has been abandoned shall be filed with the secretary of state prior to the effective date of the certificate of domestication. The notice shall take effect upon filing and the domestication shall be deemed abandoned and shall not become effective.~~

#### **Elder Law Committee:**

*Proposed legislation to authorize remote witnessing for five varieties of legal instruments associated with estate planning: Wills, Living Wills, Healthcare Powers of Attorney, Anatomical Gifts/Refusals, and Pre-Need Cremation Authorizations. The full proposal follows directly below.*

**An Act to provide for remote witnessing of certain legal instruments.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

**Section 1.** That a NEW SECTION be added:

**Definitions.**

Terms used in this chapter mean:

(1) "Electronic," relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(2) "Electronic presence," the relationship of two or more individuals in different locations communicating by means of video communication technology.

(3) "Instrument," a will, a declaration, a power of attorney, a pre-need cremation authorization, or an anatomical gift or refusal to make an anatomical gift of the individual's body or part thereof.

(4) "Video communication technology," an electronic device or process that allows a signer and a remotely located person or persons not in the physical presence of the signer to communicate in real-time with each other simultaneously by sight and sound and which makes any necessary reasonable accommodation for individuals with vision, hearing, or speech impairments.

(5) "Signer," an individual who signs or acknowledges her or his signature. A signer also includes an individual who directs another person to sign for the signer in the physical presence of the signer.

**Section 2.** That a NEW SECTION be added:

**Attested Wills.**

The term "conscious presence" in § 29A-2-502(b)(3) also includes electronic presence.

**Section 3.** That a NEW SECTION be added:

**Living Wills.**

A declaration made pursuant to § 34-12D-2 may also be witnessed by two adult individuals in the electronic presence of the declarant.

**Section 4.** That a NEW SECTION be added:

**Healthcare Powers of Attorney.**

A durable power of attorney for health care decisions made pursuant to § 59-7-2.1 may also be witnessed by two other adult individuals in the electronic presence of the principal.

**Section 5.** That a NEW SECTION be added:

**Anatomical Gifts.**

An anatomical gift or a refusal to make an anatomical gift of the individual's body or part thereof pursuant to §§ 34-26-52(b) or 34-26-54(b) may also be witnessed by two adults, at least one of whom is a disinterested witness, who have signed at the request of the signer in the electronic presence of the signer.

**Section 6.** That a NEW SECTION be added:

**Pre-Need Cremation Authorization.**

A pre-need cremation authorization made pursuant to § 34-26A-38 may also be witnessed by two witnesses in the electronic presence of the person as authorizing agent.

**Section 7.** That a NEW SECTION be added:

**Electronic Presence and Impairment Recitals.**

(1) An instrument which is witnessed in the electronic presence of two or more individuals should recite: (a) that the witnessing was conducted by electronic means; and (b) the physical location of the witness or witnesses. The failure to so recite shall not render the witnessing invalid.

(2) An instrument which is witnessed pursuant to this chapter where two or more individuals have substantial vision, hearing, or speech impairments should recite: (a) the existence and nature of such impairments; and (b) the reasonable accommodations made. The failure to so recite shall not render the witnessing invalid.

**Ethics Committee:**

*Proposal to amend South Dakota Rule of Professional Conduct 1.2 by adding a new section "(e)" and a new comment to Rule 1.2, to specifically permit a lawyer to counsel or assist a client regarding conduct expressly permitted by South Dakota Cannabis laws, even if the same conduct violates federal law. The full proposal follows directly below.*



**Rule 1.2. Scope of Representation and Allocation of Authority Between Client and Lawyer**

(a) Subject to paragraphs (c) and (d), a lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.

(b) A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities.

(c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.

(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

(e) Notwithstanding subsection (d), a lawyer may counsel or assist a client regarding conduct expressly permitted by South Dakota Cannabis laws, even if the same conduct violates federal law, but the lawyer must inform the client that the conduct violates federal law and advise the client about the legal consequences under federal law of the client's proposed course of conduct.

Comment: "Subsection (e) addresses the conflict between South Dakota state law and federal law related to the cultivation, distribution, or use of marijuana. This subsection is intended to clarify that, notwithstanding federal law prohibitions, a lawyer may ethically advise a client about complying with South Dakota's Cannabis laws. This advice and assistance may include providing legal services to a client to help the client create or operate a business that is lawful under South Dakota's Cannabis laws, such as: advice and services related to incorporating a business; tax, employment, and contract-related advice and services; lobbying to government agencies about the scope of or changes to the law; and otherwise assisting a client

with operating a business in compliance with South Dakota law. It may also include providing legal advice or advocacy to a state, county, or municipal government body in discussing, drafting, and enacting statutes or regulations to implement South Dakota's Cannabis laws. This list of potential acceptable conduct is intended to be exemplary, not limiting.

However, a lawyer may not advise a client about how to avoid the detection or prosecution by federal authorities of the same conduct. The lawyer must also inform the client of the conflict between state and federal law, including the potential for criminal liability and the penalties that could be associated with violating federal law. Where appropriate the lawyer must also advise the client of other potential impacts on the lawyer-client relationship, including on the attorney-client privilege, which could arise from the fact the client's conduct may be prohibited under federal law. Finally, the rules of the Federal District Court for the District of South Dakota are not impacted by this comment, even if it has adopted these rules as its own."

### **Evidence Committee:**

*Proposal to amend SDCL 19-19-404(b) concerning crimes, wrongs, or other acts through the Supreme Court's rulemaking process. The full proposal follows directly below.*

### **PROPOSED AMENDMENT TO SDCL 19-19-404 (b) :**

- (b) Other crimes, wrongs, or ~~other~~ acts.
- (1) Prohibited Uses. Evidence of a any other crime, wrong, or ~~other~~ act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.
  - (2) Permitted uses; ~~notice in a criminal case~~. This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident. ~~On request by a defendant in a criminal case, the prosecutor must:~~
  - (3) Notice in a criminal case. In a criminal case, the prosecutor must:

- (A) Provide reasonable notice ~~of the general nature~~ of any such evidence that the prosecutor intends to offer at trial, so that the defendant has a fair opportunity to meet it; and
- (B) Articulate in the notice the permitted purpose for which the prosecutor intends to offer the evidence and the reasoning that supports the purpose; and
- (C) Do so in writing before trial - or in any form during trial if the court, for good cause, excuses lack of pretrial notice.

*Proposal to amend SDCL 19-19-807 concerning the residual exception to a hearsay statement through the Supreme Court's rulemaking process. The full proposal follows directly below.*

**PROPOSED AMENDMENT TO SDCL 19-19-807:**

**(a) In general.** Under the following ~~circumstances conditions,~~ a hearsay statement is not excluded by the rule against hearsay even if the statement is not ~~specifically covered by~~ admissible under a hearsay exception in § 19-19-803 or 19-19-804.

- (1) The statement ~~has equivalent circumstantial guarantees of trustworthiness~~ is supported by sufficient guarantees of trustworthiness--after considering the totality of circumstances under which it was made and evidence, if any, corroborating the statement; and
- (2) ~~It is offered as evidence of a material fact;~~
- (3) ~~It is more probative on the point for which it is offered than any other evidence that the proponent can obtain through reasonable efforts, and.~~
- (4) ~~Admitting it will best serve the purposes of these rules and the interests of justice.~~

**(b) Notice.** The statement is admissible only if, ~~before the trial or hearing,~~ the proponent gives an adverse party reasonable notice of the intent to offer the statement ~~and its particulars, including the declarant's name and address,~~ --including its substance and the declarant's name--so that the party has a fair opportunity to meet it. The notice must be provided in writing before the trial or

hearing--or in any form during the trial or hearing if the court, for good cause, excuses a lack of earlier notice.

**State Bar Commission:**

*Proposed amendment to Article IV, Section 4.5 of the State Bar of South Dakota Bylaws to increase active member dues by \$100.00, CLE fees by \$25.00, and inactive member dues by \$25.00, to become effective for dues and fees payable on January 1, 2022. The full proposal follows directly below.*

**Proposed Amendment of Article IV, Section 4.5 of the Appendix to SDCL Chapter 16-17 - The State Bar of South Dakota Bylaws**

- 4.5. **Membership Fees.** The State Bar may annually impose upon the Members approved State Bar dues ("Dues"), CLE Fee, and Client Assistant Fee (collectively "Membership Fees"). Membership Fees will be set to meet the State Bar's financial obligations. The Bar Commission may set the Membership Fees based upon membership type or other criteria. The Executive Director will assess Membership Fees on a calendar-year basis. Members must pay the Membership Fees in advance each January 1<sup>st</sup>.
- a. **Approval.** The Supreme Court must approve Membership Fees proposed by the Bar Commission before the Executive Director may assess them on the Members.
- b. **Active Member Dues.** Active Member Dues are:
- i. **Calendar Year of Admission.** Waived for newly admitted Members the calendar year of admission unless, in a prior year, that Member was a member of another state bar or practiced law in another state or jurisdiction without mandatory bar membership; in either of those cases, the newly admitted Member will pay Dues based on years in practice specified in Paragraph 4.5.b.ii, or 4.5.b.iii, below.
- ii. **2<sup>nd</sup> - 4<sup>th</sup> Calendar Years after Admission Year.** ~~\$190~~\$290, except Members electing Emeritus Status will pay ~~\$100~~\$125.
- iii. **5<sup>th</sup> Calendar Year after Admission Year and Thereafter.** ~~\$315~~\$415, except Members electing

Emeritus Status will pay ~~\$100~~\$125.

- c. **Inactive Member Dues.** Inactive Member Dues are ~~\$100~~\$125.
- d. **Continuing Legal Education.** Each Active Member, except Supreme Court Justices, Circuit Court Judges, Magistrate Judges, and Members electing Emeritus Status, must pay a ~~\$100~~\$125 Continuing Legal Education program fee ("CLE Fee").
- e. **Client Assistance Fund.** The State Bar may charge each Active Member, after the calendar year of admission, a Client Assistance Fund fee of \$25 ("Client Assistance Fee"). The State Bar will hold this fee in a separate Client Assistance Fund. The State Bar will charge the Client Assistance Fee whenever the fund balance is less than \$80,000 and will continue to charge the fee until the Client Assistance Fund balance reaches \$100,000. The State Bar will not charge the Client Assistance Fee when the fund balance is \$100,000 or greater. Federal Judges, Supreme Court Justices, Circuit Court Judges, and Magistrate Judges will be exempt from the Client Assistance Fee. The Bar Commission may use the Client Assistance Fund to pay premiums on a group insurance policy should the Commission determine that the purchase of such coverage would be an appropriate use of the fund.
- f. **Failure to Pay.** The Bar Commission may suspend any Member who does not pay the Membership Fees when due, and upon suspension, that Member will not be in good standing with the State Bar. A suspended Member may, at any time within five years of the suspension date, be reinstated upon payment of all delinquent and current Membership Fees ("Delinquent Fees") together with any penalties imposed by the Bar Commission. Penalties imposed by the Bar Commission may not exceed double the Delinquent Fees amount ("Delinquency Penalty"). After five years, a Member may only be reinstated as specified in Paragraph 4.3.

**Unified Judicial System Court Reporter Committee:**

*Resolution for the State Bar of South Dakota to support the efforts of the UJS Court Reporter Committee to continue its mission of recruiting and retaining qualified court*

*reporters for the betterment of the administration of justice in South Dakota. The full text of the resolution follows directly below.*

**RESOLUTION OF THE STATE BAR OF SOUTH DAKOTA**

**WHEREAS**, the State Bar of South Dakota is created for, among other things, the betterment of the administration of justice in South Dakota, and directed under SDCL 16-17-2 "to furnish a legal entity through which the considered judgment of its members on matters affecting the judicial system of the state may be ascertained and made available to the courts and the Legislature";

**WHEREAS**, the State Bar of South Dakota acknowledges that the judiciary serves a substantial and important role in our democratic way of life, including the resolution of civil and criminal disputes, which improves commerce and economic opportunities for our citizens, preserves order and ensures justice;

**WHEREAS**, in 2007 the UJS Court Reporter Committee was appointed by former Chief Justice David Gilbertson with its mission to explore innovative ways to provide court reporting services and recruit and retain qualified court reporters and that since its inception this ongoing committee, in executing its mission, is dedicated to the quality and integrity of the court record and to using court reporters to produce this record;

**WHEREAS**, the Committee continues to support official and freelance court reporters and the importance of court reporting positions in the Unified Judicial System versus electronic reporting methods;

**WHEREAS**, the number of official and freelance court reporters continues to decline in South Dakota and nationwide;

**WHEREAS**, continuing a strong and highly qualified pool of court reporters is crucial for the betterment of the administration of justice in South Dakota;

**BASED UPON THE ABOVE AND FOREGOING, IT IS HEREBY**

**RESOLVED** that the State Bar of South Dakota supports the efforts of the UJS Court Reporter Committee to continue its mission of

recruiting and retaining qualified court reporters for the betterment of the administration of justice in South Dakota.

THIS RESOLUTION was approved by the membership of the South Dakota State Bar at its annual meeting on June 18, 2021.

Dated this \_\_\_\_ day of June, 2021.

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President, State Bar of South Dakota

THE RESOLUTIONS, PROPOSED LEGISLATION AND PROPOSED RULES LISTED ABOVE WILL BE VOTED ON BY THE MEMBERSHIP ON JUNE 18, 2021 AT THE STATE BAR'S ANNUAL BUSINESS MEETING. YOU MAY ALSO VIEW EACH OF THE PROPOSALS LISTED ABOVE BY LOGGING INTO THE STATE BAR WEBSITE AT [www.statebarofsouthdakota.com](http://www.statebarofsouthdakota.com) AND CLICKING ON THE "2021 PROPOSALS" LINK UNDER THE "LATEST NEWS" HEADING OR BY VISITING <http://www.statebarofsouthdakota.com/page/proposals>.

# ALPS/LAW SCHOOL GOLF TOURNAMENT

**8 am**     **Prairie Green**

**Noon**     **Elmwood**

**FORMAT:** Four-person scramble. 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/partners, 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—8:00 am at Prairie Green and noon at Elmwood. Teams may select which time they tee off. Participants who are not attending Thursday morning meetings are urged to reserve the 8am start time. Checks should be made payable to the ALPS/USD Foundation Golf Tournament, or you can click *reserve your spot* below to pay online. **Please submit your tournament registration form and entry fee by June 3, 2021.** After June 3, 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.

 **Reserve  
Your Spot**  
and pay online

**OR EMAIL**

Kylee, Nicole or Tracie  
at the State Bar

**OR CALL**

**605-224-7554**

Be sure to have your team members names when you sign up.

Thursday, June 17<sup>th</sup>, 2021



## BOARD OF BAR COMMISSIONERS

Minutes, March 18, 2021

Meeting Held by ZOOM

President Terry Westergaard called the meeting to order at 9:00 a.m. on Thursday, March 18, 2021. Present were: President Westergaard, President Elect Bill Garry, Commissioners Aasen, Christensen, Dougherty, Ginsbach, Hruska, Kempema, Pickar, Pilcher, Roby, Skjoldal, Trefz, and Wurgler. Also present were Secretary-Treasurer Andrew Fergel, Assistant Director Nicole Ogan, Access to Justice, Inc. Co-Coordinator Denise Langley, and Strategic Plan Coordinator Beth Overmoe.

Minutes of February 18, 2021 Bar Commission Meeting: Commissioner Wurgler made a motion to approve the minutes of the February 18, 2021 Bar Commission meeting. The motion was seconded by Commissioner Aasen. Motion passed.

Executive Director's Report: Executive Director Fergel gave a wrap up report on the 2021 Legislative Session and the items he and staff have been working on since the February 18, 2021 Bar Commission meeting.

Annual Business Meeting Procedure: The Commission discussed the upcoming Annual Bar Convention and Business Meeting which will held in person this year at the Sioux Falls Convention Center. Executive Director Fergel asked the Commission how voting should be conducted at the Annual Business Meeting to be held on Friday, June 18<sup>th</sup> and whether members will be required to be present in person to vote? A motion was made by Commissioner Dougherty to allow both members present in person and members appearing remotely via an electronic platform to vote at the Annual Business Meeting. The motion was seconded by Commissioner Hruska. After discussion, the motion passed.

State Bar Website and Member Management System: Executive Director Fergel informed the Commission that Bar Staff has been exploring and researching new service providers for the State Bar's website and member management system and that Staff may be making a recommendation and request in this area to the Commission soon.

There being no other business before the Commission, President Westergaard adjourned the meeting.

Respectfully submitted,

Andrew L. Fergel  
Secretary-Treasurer

# JOIN THE SBSB PUBLIC SECTOR SECTION

State Bar members are welcome to join the Public Sector Section ! Just email

**Elizabeth.Overmoe@sdbar.net**

to be added to this growing group of public service leaders! Questions?  
Contact any officer or board member.

Current Membership Roster:

**OFFICERS**

**PRESIDENT: MATTHEW ROBY**

**VICE-PRESIDENT: STACY HEGGE**

**SECRETARY-TREASURER: TRACEY DOLLISON- DECKER**

**BOD: CARLA CUSHMAN**

**BOD: MARK VARGO**

**BOD: RICHARD WILLIAMS**

**BOD: JOHN RICHTER**

**MEMBERS:**

**SUSAN ANDERSON**

**ELLIE BAILEY**

**MALLORI BARNETT**

**DEBORAH BIRGEN**

**STEVEN BLAIR**

**MEGAN BORCHERT**

**DANIEL BROWN**

**KAREN CREMER**

**DREW DEGROOT**

**KRISTEN EDWARDS**

**HOLLY FARRIS**

**GRANT FLYNN**

**VINCENT FOLEY**

**NEIL FULTON**

**ANITA FUOSS**

**MARGARET GILLESPIE**

**DUSTY GINSBACH**

**DANIEL HAGGAR**

**ANN HOLZHAUSER**

**DAVID HOSMER**

**JOHN HUGHES**

**AMANDA KIPPLEY**

**QUINCY KJERSTAD**

**YVETTE LAFRENTZ**

**CHRISTOPHER LEON**

**RYAN LOKER**

**FRANK MARNELL**

**LISA MARSO**

**ASHLEY MCDONALD**

**SABRINA MEIERHENRY**

**ANN MINES-BAILEY**

**MICHAEL NADOLSKI**

**TAMARA NASH**

**KARI NORDSTROM**

**WADE NYBERG**

**DAVID PFEIFLE**

**LARA ROETZEL**

**RYAN SAGE**

**CARRIE SANDERSON**

**GREGORY SATTIZAHN**

**CAROLINE SRSTKA**

**SUZANNE STARR**

**JASON SUTTON**

**SHARLA SVENNES**

**SARAH THORNE**

**JEFFERY TRONVOLD**

**BRIAN UNDERDAHL**

**LYNNE VALENTI**

**RONALD WAGER**

**STEPHEN WESOLICK**

**CATHERINE WILLIAMSON**



# *In Memoriam*



**Mark A. Keenan**  
**August 3, 1962 ~**  
**May 8, 2021**

Mark passed away Saturday, May 8, 2021 at Faith Regional Health Services in Norfolk.

Mark was born August 3, 1962 in Sioux Falls, South Dakota to Vincent and Phyllis (Larson)

Keenan. He graduated from Washington High School in Sioux Falls in 1980. Mark received his Bachelors in Political Science and History from South Dakota State University in Brookings, South Dakota in 1984. Finally, he earned his Juris Doctorate degree from the University of South Dakota School of Law in Vermillion, South Dakota in 1987.

Mark married Debra Hassel at the First Lutheran Church in Sioux Falls on December 22, 1980. Following Mark's graduation, he began his law career with Jewell, Gatz, Collins Law Firm in Norfolk, Nebraska. He then joined the firm of Moyer, Moyer, Egley, Fullner

and Warnemunde in 1991. In April 2008, he began his private practice, Keenan Law Office, in Madison, Nebraska until his passing.

Mark loved to fish, play golf and attend the races. Early on, he frequently attended Huset's Speedway in Brandon, SD. Most recently, he enjoyed spending his weekends at Eagle Raceway near Lincoln, NE where his favorite race car driver and friend, Clint Homan, raced.

Grateful for having shared his life are his wife, Deb Keenan, Norfolk, NE; sons Jared Keenan of Lincoln, NE and Jeremy Keenan of Lincoln, NE; daughters Joslyn Keenan of Lincoln, NE and Jennifer Keenan of Omaha, NE; brothers Michael (Jeanene) Keenan of Kansas City, MO and Paul (Donna) Keenan of Boca Raton, FL; sister Kathy Keenan, Coral Springs, FL; father Vince (Nancy) Keenan, Sioux Falls, SD and granddaughter, Jadyne Keenan of Lincoln, NE. He was preceded in death by his mother Phyllis.

Deb and her family would like to give a special thanks to Dr. Timothy Davy, Dr. Chris Price and Dr. Rabih Fahed for their compassionate care and support throughout his illness, along with the countless nurses involved in his care.

## ATTORNEYS - OATH OF ATTORNEY

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

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

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

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

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

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

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

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

# BOARD OF BAR COMMISSIONERS

Minutes, April 30, 2021

Hotel on Phillips, Parlour Room

Sioux Falls, South Dakota

President Terry Westergaard called the meeting to order at 8:30 a.m. Central Time on Thursday, April 30, 2021. Present at the meeting were President Westergaard, President Elect Garry, and Commissioners Aasen, Dougherty, Ginsbach (via Zoom), Hruska, Kempema (via Zoom), Pickar, Pilcher, Roby, Skjoldal, Trefz, and Wurgler. Also present were Executive Director/Secretary-Treasurer Andrew Fergel, Assistant Director Nicole Ogan and Access to Justice Co-Coordinator Denise Langley. In addition, present during all or part of the meeting were Lisa Marso, Sander Morehead, Michael Sharp (via Zoom), Dave Larson (via Zoom), Jeff Larson (via Zoom), Tim Thomas (via Zoom), Craig Evenson (via Zoom), Bobbi Thury, Matthew Murphy (via Zoom) and Justice Mark E. Salter.

Minutes of March 18, 2021 Meeting by Teleconference: Commissioner Pickar moved to approve the minutes of the March 18, 2021 meeting held by teleconference. Commissioner Aasen seconded the motion. Motion passed.

Young Lawyers Section Report: YLS President Carrie Srstka submitted a written report to the Bar Commission which was included in the Commission's meeting materials.

Lawyers Assistance Program Update: Lawyers Assistance Program Director Rebecca Porter submitted a written report to the Commission which was included in the Commission's meeting materials.

Strategic Plan: Fergel informed the Commission that the Strategic Planning Committee would be holding a virtual retreat on Friday, May 21, 2021 to conduct a strategic planning session on member benefits.

Financial Report: Fergel presented a financial report to the Commission that included information about fund balances in all the operational accounts for the State Bar of South Dakota.

Supplement to FY 2020-2021 State Bar General Fund Budget: Fergel informed the Commission that as the Bar moves to a new website and member management system there will be up front costs that need to be covered along with duplication of service costs during the 120-day implementation period. He then requested that the Commission supplement the AMS/CMS budget line of the general fund budget by \$6,500.00. He informed the Commission that the upfront costs being requested now would be recovered with contract savings with the new provider in the coming fiscal

year. Thereafter, a motion was made by Commissioner Aasen to supplement the FY 2020-2021 State Bar General Fund Budget Line by \$6,500.00. The motion was seconded by Commissioner Wurgler. Motion passed.

Preliminary Budget for Fiscal Year 2021-2022: Following the financial report, Secretary-Treasurer Fergel and Assistant Director Nicole Ogan presented a proposed FY 2021-2022 budget for the State Bar of South Dakota and answered questions from the Commission about the budget proposal. No action was taken on the proposed budget as the FY 2021-2022 budget will be finalized by the Commission at its July 2021 board meeting.

Final Report of the Supreme Court Commission on Sexual Harassment in the Legal Profession: Justice Mark E. Salter appeared at the Bar Commission meeting and gave the Board a summary of the work of the of the Supreme Court Commission on Sexual Harassment in the Legal Profession. After his presentation, Justice Salter listened to comments made by members of the Bar Commission and answered several questions. Thereafter, Justice Salter asked the Bar Commission to publish the final report of the Supreme Court Commission on Sexual Harassment in the Legal Profession. A motion was made by Commissioner Trefz to publish the report in the State Bar Newsletter and on the Bar's website. The motion was seconded by Commissioner Aasen. Motion passed.

Proposed Remote Witnessing Legislation: Bobbi Thury appeared before the Commission to present the Elder Law Committee's proposal for legislation that would provide for remote witnessing of five varieties of legal instruments associated with estate planning: wills, living wills, healthcare powers of attorney, anatomical gifts/refusals, and pre-need cremation authorizations. Ms. Thury explained that the proposal was supported by a majority of the Elder Law Committee members but that there were members that abstained and some that opposed the proposal. Michael Sharp, a member of the Elder Law Committee, also appeared at the Commission meeting to emphasize that the vote of the Elder Law Committee was not unanimous and to explain his reasons for opposing the proposal. After a question-and-answer session, a motion was made by Commissioner Skjoldal to not present the remote witnessing legislative proposal at the upcoming annual meeting. The motion was seconded by Commissioner Dougherty. The motion failed. Thereafter, a motion was made by Commissioner Pilcher to present the remote witnessing legislative proposal to Bar membership for consideration at the annual meeting on June 18<sup>th</sup>. The motion was seconded by Commissioner Roby. Motion passed.

Standard Method for Domestication Under the Uniform Liability Company Act: Tim Thomas appeared at the Commission meeting, via Zoom, on behalf of the Business Law Committee, and presented proposed legislation to repeal SDCL §§ 47-34A-1010 through 47-34A-1016, of Article 10 of the Uniform Limited Liability

Company Act, to eliminate duplication and conflict with the domestication statutes in Article 9 of the Uniform Limited Liability Company Act. After Mr. Thomas's presentation, a motion was made by Commissioner Dougherty to present the legislative proposal to the Bar membership for its consideration at the annual business meeting of the State Bar on June 18<sup>th</sup>. The motion was seconded by Commissioner Skjoldal. Motion passed.

Uniform Easement Relocation Act: Craig Evenson appeared before the Commission, via Zoom, to ask the Commission to consider presenting the Act to the Bar membership at the upcoming annual meeting in June. After the presentation, Mr. Evenson answered several questions posed by the Commission. After the question-and-answer session, Commissioner Pilcher made a motion to table the matter. The motion was seconded by Commissioner Hruska. Motion passed.

Amendment to Rule of Professional Conduct 1.2: At its January 2021 meeting, the Bar Commission requested that the Ethics Committee propose an amendment or amendments to Rule 1.2, for the Bar Commission's consideration, that would allow a lawyer to provide legal services to a marijuana business or other business permitted by South Dakota law that may conflict with federal law. Pursuant to that request, Sander Morehead, Chair of the Ethic Committee, appeared at the April 2021 meeting to present four options to the Commission for consideration. Mr. Morehead indicated the Ethics Committee's preferred option was option number four as set out in a letter provided to the Commission in advance of the meeting. After Mr. Morehead's presentation, Commissioner Wurgler made a motion to select the Ethics Committee's preferred option and present the proposed rule change to the Bar membership for consideration at the annual business meeting on June 18<sup>th</sup>. Commissioner Skjoldal seconded the motion. Motion passed.

Amendment to SDCL 19-19-404(b): On behalf of the Evidence Committee, Jeff Larson appeared before the Commission, via Zoom, and presented a proposal to amend SDCL 19-19-404(b) through the Supreme Court's rulemaking process. After the presentation, a motion was made by President Elect Garry to present the proposed rule amendment to the Bar membership for consideration at the June 18<sup>th</sup> annual business meeting. The motion was seconded by Commissioner Skjoldal. Motion passed.

Amendment to SDCL 19-19-807: On behalf of the Evidence Committee, Matthew Murphy appeared before the Commission, via Zoom, and presented a proposal to amend SDCL 19-19-807 through the Supreme Court's rulemaking process. After the presentation, a motion was made by Commissioner Aasen to present the proposed rule amendment to the Bar membership for consideration at the June 18<sup>th</sup> annual business meeting. The motion was seconded by Commissioner Pickar. Motion passed.

Locations for Bar Conventions in 2024 and 2025: A brief discussion was held about where to hold the 2024 and 2025 Bar Conventions. No official action was taken by the Commission. However, it was the consensus of the group to seek input from membership, during this year's convention in Sioux Falls, about where the 2024 and 2025 Bar Conventions should be held.

Association Health Care Plan: Fergel informed the Commission that to continue to explore the feasibility of establishing a State Bar Association Healthcare Plan for use by members, their employees, and families, the Bar will need to survey membership to see if there is interest in such a plan. To collect the needed information to measure interest and assess feasibility, Dan Maguire, has asked the bar to send a census to eligible members via email. Fergel requested authorization from the Commission to do so. Thereafter, a motion was made by Commissioner Trefz to authorize Fergel to send the census to the Bar members. The motion was seconded by Commissioner Aasen. Motion passed.

Ratify Prior Action taken by Electronic Means: On April 14, 2021, a motion was made by Commissioner Wurgler to allow the Executive Director to accept a contract proposal by Growth Zone to provide a new website and member management system to the State Bar of South Dakota and to provide the Bar's current provider with written notice of termination concerning the Bar's current service agreement. The motion was made by electronic means and seconded by Commissioner Aasen in the same manner. A vote on the motion was held by email and the motion was declared passed by President Westergaard on April 15<sup>th</sup>. To ratify the prior action taken by the Commission, a motion was made by President Elect Garry to ratify the action taken by electronic means on April 14<sup>th</sup> and 15<sup>th</sup> 2021, as described above. The motion was seconded by Commissioner Pickar. Motion passed.

Executive Director Evaluation: President Westergaard informed the Commission that he had sent an evaluation form, via email, to each individual Commission member to facilitate an evaluation of Executive Director Fergel. Westergaard asked each member to complete an evaluation of Fergel using the form provided and then return it to him.

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

Respectfully submitted,

Andrew L. Fergel  
Executive Director/Secretary-Treasurer

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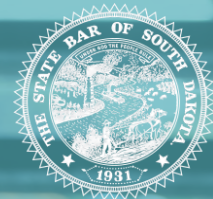
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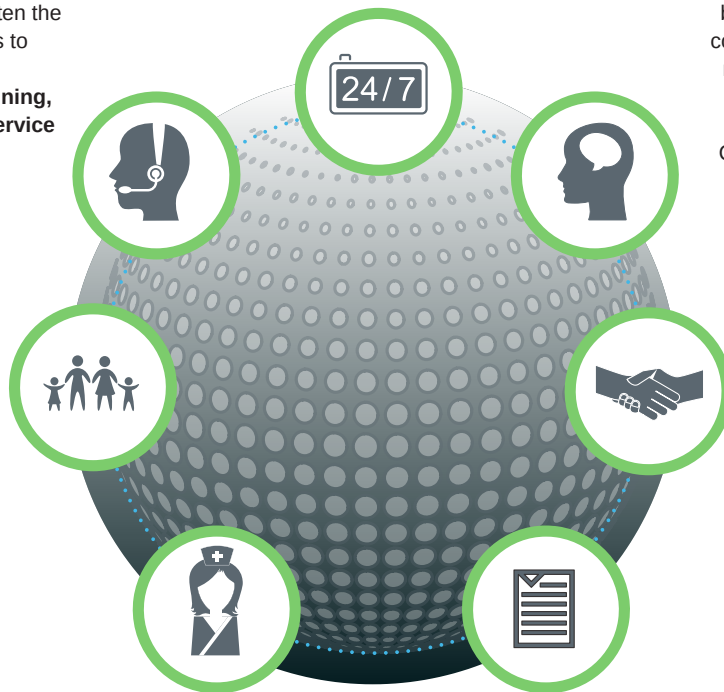
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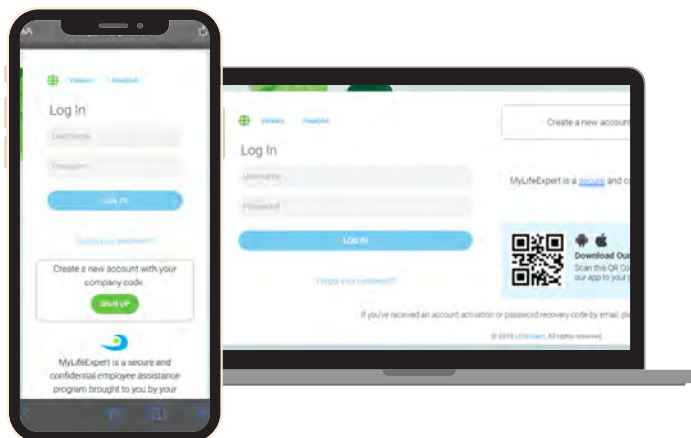
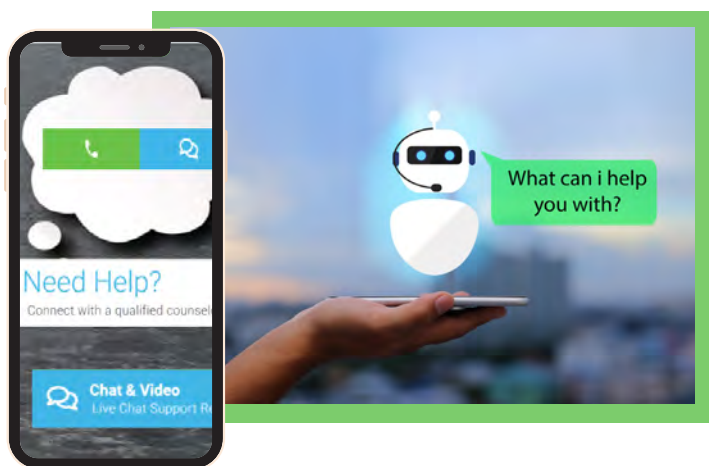
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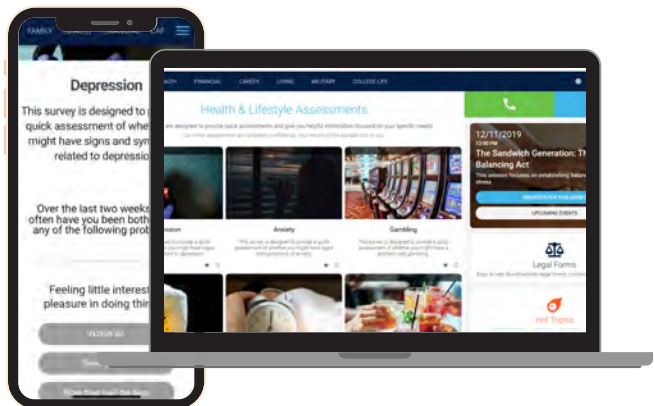
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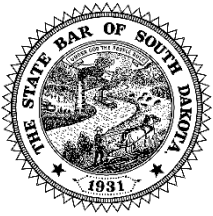


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Lindsay Hills, Watertown  
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Kristen Kochejian, Redfield  
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Emily Maurice, Sioux Falls  
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Chris McClure, Sioux Falls  
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Kari Nordstrom, Rapid City

Kylie Riggins, Rapid City  
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Marilyn Trefz, Vermillion  
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Sharese Whitesell, Dakota Dunes  
Kellen Willert, Belle Fourche  
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Jennifer Clites, Brookings  
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Michael Diedrich, Rapid City  
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Hon. Steven Jensen, Vermillion  
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Hon. Janine Kern, Rapid City  
Hon. Heidi Linngren, Rapid City  
David Lust, Rapid City  
*Ashley McDonald, Spearfish*  
Hon. Carmen Means, Watertown  
Ann Mines-Bailey, Pierre  
Thomas Nicholson, Sioux Falls  
Stephanie Pochop, Gregory  
Hon. James Power, Sioux Falls  
Brian Radke, Sioux Falls  
Greg Sattizahn, Pierre  
Hon. Patrick Smith, Mitchell  
Hon. Robert Spears, Watertown  
Hon. Marya Tellinghuisen, Rapid City  
Roy Wise, Aberdeen  
Joshua Zellmer, Sioux Falls

### **LABOR & EMPLOYMENT LAW**

*Mallori Barnett, Pierre*  
Susan Anderson, Custer  
Jean Bender, Sioux Falls  
A. Stevenson Bogue, Omaha, NE  
Sarah Bouwman, Sioux Falls  
Tyler Coverdale, Sioux Falls  
Kimberly Dorsett, Aberdeen  
Jennifer Frank, Rapid City  
Shannon George-Larson, Sisseton  
Michael Hickey, Rapid City  
Sarah Baron Houy, Sioux Falls  
Dennis Maloney, Aberdeen  
Lisa Marso, Sioux Falls  
*Gerald McCabe, Claremont*  
*Ashley McDonald, Spearfish*  
Kassie Shiffermiller, Rapid City  
Nichole Mohning, Sioux Falls  
**Amber Mulder, CH, Sioux Falls**  
Cheri Raymond, Sioux Falls

Meghan Roche, Sioux Falls  
Beth Roesler, Sioux Falls  
Tim Shattuck, Sioux Falls  
James Shekleton, Pierre

### **LAW SCHOOL**

Douglas Barnett, Sioux Falls  
Thomas Frieberg, Beresford  
Robert Hayes, Sioux Falls  
Hon. Douglas Hoffman, Sioux Falls  
Hon. Steven Jensen, Vermillion  
Jeff Larson, Sioux Falls  
Sarah Richardson Larson, Sioux Falls  
Anna Limoges, Sioux Falls  
**Marshall Lovrien, CH, Aberdeen**  
Donald McCarty, Brookings  
Bob Morris, Belle Fourche  
Matt Murphy, Sioux Falls  
Tamara Nash, Sioux Falls  
Hon. Margo Northrup, Pierre  
Hon. Craig Pfeifle, Rapid City  
Reed Rasmussen, Aberdeen  
Pamela Reiter, Sioux Falls  
Hon. Susan Sabers, Sioux Falls  
Clint Sargent, Sioux Falls  
*Greg Sattizahn, Pierre*  
Eric Schulte, Sioux Falls  
Sarah Theophilus, Sioux Falls  
Paul Tschetter, Sioux Falls  
Mark Vargo, Rapid City  
Terry Westergaard, Rapid City

### **LAWYERS ASSISTANCE**

Thomas Clayton, Sioux Falls  
Ryan Darling, Pierre  
Henry Evans, Sioux Falls  
Dan Fritz, Sioux Falls  
Gregg Greenfield, Sioux Falls  
Nicole Griese, Sioux Falls  
Scott Hoy, Sioux Falls  
Cesar Juarez, Sioux Falls  
Lon Kouri, Sioux Falls  
Renae Kruse, Sioux Falls  
Sonia Larson, Sioux Falls  
Robert Lewis, Rapid City  
Mark Marshall, Rapid City  
Michael McKnight, Sioux Falls  
Samantha Merrill, Vermillion  
Patricia Meyers, Rapid City  
Tamara Nash, Sioux Falls  
**Stephanie Pochop, CH, Gregory**  
Rebecca Porter, Rapid City  
Vincent Purtell, Sioux Falls  
Michelle Randall, Sioux Falls  
Matthew Roby, Watertown

Robbie Rohl, Rapid City  
*Barry Sackett, Sioux Falls*  
*Mrg Simon, Sioux Falls*

### **LEGAL SERVICES**

Reece Almond, AAL CH, Sioux Falls  
Chris Christiansen, AAL CH, Rapid City  
Kelly Collinsworth, Vermillion  
Kimberly Dorsett, Aberdeen  
Andrew Fergel, Pierre  
*William Garry, Sioux Falls*  
Wendy Hess, Vermillion  
**Sarah Baron Houy, CH, Sioux Falls**  
Steven Huff, Yankton  
*Taneeza Islam, Sioux Falls*  
Denise Langley, Pierre  
Cassandra McKeown, Vermillion  
Annemarie Michaels, Rosebud  
Tom Mortland, Mission  
Reed Rasmussen, Aberdeen  
Brandy Rhead, Rapid City  
Robert Riter, Pierre  
Jeff Shultz, Sioux Falls  
Mike Srstka, AAL Vice-CH, Sioux Falls  
Brent Thompson, Sioux Falls  
Marilyn Trefz, Vermillion  
Kellen Willert, AAL Vice-CH, Belle Fourche

### **NATURAL RESOURCES & ENVIRONMENTAL LAW**

Ashley Anson, Wessington Springs  
Deb Birgen, Sioux Falls  
Steven Blair, Pierre  
Elliott Bloom, Rapid City  
Brian Donahoe, Sioux Falls  
Kristen Edwards, Pierre  
Bruce Ellison, Rapid City  
David Ganje, Sun City, AZ  
Dusty Ginsbach, Buffalo  
Thomas Graslie, Rapid City  
**Dwight Gubbrud, CH, Belle Fourche**  
Jason Harris, Sioux Falls  
*Sean Kammer, Vermillion*  
Brett Koenecke, Pierre  
Jessica Larson, Rapid City  
Max Main, Belle Fourche  
Spencer Mosness, Rapid City  
Wade Nyberg, Rapid City  
Erika Olson, Rapid City  
Jess Pekarski, Rapid City  
Hunter Roberts, Pierre  
David Stoos, Sioux Falls  
William Taylor, Sioux Falls  
Timothy Thomas, Rapid City  
Kellen Willert, Belle Fourche

**NREL continued...**

Richard Williams, Rapid City  
Tracy Ann Zephier, Eagle Butte  
Doug Abraham, Pierre

**NEGLIGENCE AND TORT LAW**

Douglas Abraham, Pierre  
Steven Beardsley, Rapid City  
Michael Bornitz, Sioux Falls  
John Burke, Rapid City  
*Lisa Carrico, Watertown*  
Renee Christensen, Sioux Falls  
Eric DeNure, Sioux Falls  
*John Dorsey, Rapid City*  
Shannon Falon, Sioux Falls  
Zach Flood, Mitchell  
Alicia Garcia, Rapid City  
**Elizabeth Hertz, CH, Sioux Falls**  
John Hinrichs, Sioux Falls  
Kathy Hoskins, Sioux Falls  
Jeffrey Hurd, Rapid City  
*Sean Kammer, Vermillion*  
Kim Lanham, Sioux Falls  
Jolene Nasser, Sioux Falls  
R. Alan Peterson, Sioux Falls  
Vince Purtell, Sioux Falls  
Robbie Rohl, Rapid City  
Michael Sharp, Folsom, CA  
Roger Sudbeck, Sioux Falls  
Heidi Thoennes, Sioux Falls  
Michael Tobin, Sioux Falls  
Thomas Tonner, Aberdeen  
Robert Trzynka, Sioux Falls  
Bram Weidenaar, Sioux Falls  
Mark Welter, Sioux Falls  
Mindy Werder, Watertown

**PATTERN JURY INSTRUCTIONS - CIVIL**

Hon. John Bastian, Belle Fourche  
Gregory Bernard, Rapid City  
Michael Bornitz, Sioux Falls  
John Burke, Rapid City  
Jeffery Collins, Rapid City  
Brian Donahoe, Sioux Falls  
Deliah Druley, Sioux Falls  
William Fuller, Sioux Falls  
Hon. Cheryl Gering, Yankton  
Hon. Douglas Hoffman, Sioux Falls  
John Hughes, Sioux Falls  
Jeffrey Hurd, Rapid City  
**Barbara Lewis, Co-CH, Rapid City**  
Anna Limoges, Sioux Falls  
Ann Mines-Bailey, Pierre  
Steven Morgans, Sioux Falls  
*George Nelson, Rapid City*

Dean Nasser, Sioux Falls  
Steven Oberg, Rapid City  
**Sara Show, Co-CH, Sioux Falls**  
Hon. Richard Sommers, Aberdeen  
Philip Stiles, Rapid City  
Roger Sudbeck, Sioux Falls  
Nancy Turbak Berry, Watertown  
*Shane Vogt, Sioux Falls*

**PATTERN JURY INSTRUCTIONS - CRIMINAL**

Jason Adams, Sioux Falls  
*Hon. Tara Adamski*  
Kirk Albertson, Pierre  
*Kylie Beck, Sioux Falls*  
Hon. Tami Bern, Yankton  
Paul Cremer, Pierre  
Amanda Eden, Canton  
Koln Fink, Sioux Falls  
Erin Handke, Pierre  
Stacy Hegge, Pierre  
Mark Hodges, Sioux Falls  
Seth Klentz, Beresford  
Stephanie Kroeze, Rapid City  
**Constance Larson, Co-CH, Sioux Falls**  
**Jennifer Mammenga, Co-CH, Sioux Falls**  
Cullen McNeece, Pierre  
Alexa Moeller, Vermillion  
Lindsey Quasney, Sioux Falls  
Lindsey Riter-Rapp, Pierre  
Jason Rumpca, Pierre  
Heather Sazama, Rapid City  
Janki Sharma, Rapid City  
Olivia Siglin, Rapid City  
Hon. Richard Sommers, Aberdeen  
Carrie Srtska, Sioux Falls  
Jeffery Tronvold, Pierre  
*Chelsea Wenzel, Pierre*  
Eric Whitcher, Rapid City

**PRACTICE RULES REVISION**

Gregory Bernard, Rapid City  
**John Burke, CH, Rapid City**  
Melanie Carpenter, Sioux Falls  
Delia Druley, Sioux Falls  
Aaron Eiesland, Rapid City  
Gregory Erlandson, Rapid City  
Shannon Falon, Sioux Falls  
Gregory Grajczyk, Milbank  
Jeffrey Hurd, Rapid City  
Meghann Joyce, Sioux Falls  
Ann Mines-Bailey, Pierre  
Sander Morehead, Sioux Falls  
Kristopher Reed, Aberdeen

Tim Shattuck, Sioux Falls  
Jay Schultz, Rapid City  
Hon. John Sogn, Sioux Falls  
Roger Sudbeck, Sioux Falls  
Jason Sutton, Sioux Falls  
Gary Thimsen, Sioux Falls  
*Sharese Whitesell, Dakota Dunes*  
**Ex-Officio:**  
Shirley Jameson-Fergel, Pierre

**PROJECT RURAL PRACTICE**

Ashley Anson, White Lake  
Margaret Bad Warrior, Dupree  
Amy Bartling, Gregory  
Chris Beesley, Custer  
Ryan Cwach, Bloomfield, NE  
*Kristian Ellendorf, Howard*  
Jennifer English, Salem  
Dennis Evenson, Clear Lake  
Thomas Frieberg, Beresford  
Hon. David Gilbertson, Pierre  
Dusty Ginsbach, Buffalo  
**Patrick Goetzinger, Co-CH, Rapid City**  
Thomas Graslie, Rapid City  
*Hannah Haksgaard, Vermillion*  
*Austin Hoffman, Eureka*  
*William Husted, Hot Springs*  
*Amy Jo Janssen, Kennebec*  
*Derrick Johnson, Scotland*  
*Dylan Kirchmeier, Sisseton*  
Kristen Kochejian, Redfield  
*Kirby Krogman, White River*  
*Rachel Mairose, Plankinton*  
*Cody Miller, Madison*  
**Bob Morris, Co-CH, Belle Fourche**  
Chad Nelson, Milbank  
Rachelle Norberg, Burke  
*Zach Pahlke, Winner*  
Shane Penfield, Lemmon  
Bob Pesall, Flandreau  
Scott Peterson, Valentine, NE  
*Victor Rapkoch, Britton*  
*Jackson Schwandt, Milbank*  
Suzanne Starr, Pierre  
Kelsea Sutton, Burke  
Sarah Thorne, Pierre  
*Stephanie Trask, Phillip*  
Amanda Work, Winner  
*Kathy Zenner, Beresford*

### **SOLO AND SMALL FIRM**

Ashley Anson, White Lake  
Corey Bruning, Flandreau  
Erika Campbell, Northfield, MN  
James Craig, Sioux Falls  
Jennifer English, Salem  
Vincent Foley, Watertown  
John Frederickson, Deadwood  
Gregory Grajczyk, Milbank  
Thomas Graslie, Rapid City  
Nicole Griese, Sioux Falls

### **Katie Johnson, Co-CH, Beresford**

Richard Johnson, Sioux Falls  
Thomas Keller, Sioux Falls  
Kristen Kochejian, Redfield  
Scott Kuck, Aberdeen  
David Larson, Chamberlain  
Cheryl Laurenz Bogue, Dupree  
Chris McClure, Sioux Falls  
Bob Morris, Belle Fourche  
*George Nelson, Rapid City*  
Rachelle Norberg, Burke  
Langu Okall, Sioux Falls  
Michael Ortner, Hot Springs

### **N. Bob Pesall, Co-CH, Flandreau**

Glen Petersen, Tyler MN  
Greg Protsch, Howard  
Richard Rahn, Sioux Falls  
*Mallory Schulte, Yankton*  
Danny Smeins, Britton  
Sandy Steffen, Gregory  
John Stekly, Platte  
Marilyn Trefz, Vermillion  
*Shane Vogt, Sioux Falls*  
Lisa Von Wald, Selby

### **STRATEGIC PLAN**

#### **Richard Casey, Co-CH, Sioux Falls**

Andrew Fergel, Pierre  
Hon. Francy Foral, Sturgis  
Thomas Frieberg, Beresford  
Neil Fulton, Vermillion  
Patrick Goetzinger, Rapid City  
Taneeza Islam, Sioux Falls  
Hon. Janine Kern, Rapid City  
Samuel Kerr, Rapid City  
*Emily Maurice, Sioux Falls*  
Melissa Neville, Aberdeen  
Elizabeth Overmoe, Sioux Falls  
Seth Pearman, Flandreau  
Alison Ramsdell, Sioux Falls  
Pamela Reiter, Sioux Falls  
Kirsten Taggart, Coleman  
Rodrick Tobin, Aberdeen  
Terry Westergaard, Rapid City

### **Jennifer Williams, Co-CH, Rapid City**

Colleen Zea, Sioux Falls

### **VETERANS COMMITTEE**

Kirk Albertson, Pierre  
Kathryn Cahoy, Sioux Falls  
Justin Clarke, Sioux Falls  
Craig Evenson, Clear Lake  
Bruce Ford, Watertown  
Dusty Ginsbach, Buffalo  
Edward Hruska, Pierre  
Darrell Jesse, Dakota Dunes  
Amanda Kippley, Sioux Falls  
Seth Klentz, Sioux Falls  
Gregory Litton, Rapid City  
Karla MacArthur-Harris, Rapid City  
Donald McCarty, Brookings  
Bob Morris, Belle Fourche  
David Natvig, Kimball  
Jonathan Olson, Sioux Falls  
Philip Peterson, Beresford  
Jason Ravensborg, Pierre  
Alice Rokahr, Sioux Falls  
Tracye Sherrill, Sioux Falls  
Melissa Sommers, Sioux Falls  
Hon. Robert Spears, Watertown  
Hon. Greg Stoltenburg, Brookings  
James Sword, Hot Springs  
John Taylor, Sioux Falls  
**Sarah Theophilus, Co-CH, Sioux Falls**  
**Gary Thimsen, Co-CH, Sioux Falls**  
Kellen Willert, Belle Fourche

### **WEBSITE REVIEW COMMITTEE**

Diana Boni, Okaton  
Nathan Chicoine, Rapid City  
Samuel Kerr, Rapid City  
**Colleen Zea, CH, Sioux Falls**

### **WOMEN IN LAW**

Robin Aden, Sioux Falls  
Ellie Bailey, Pierre  
Deb Birgen, Sioux Falls  
Diana Boni, Okaton  
Sarah Bouwman, Sioux Falls  
Mary Burd, Sioux Falls  
*Karen Cremer, Pierre*  
Hon. Natalie Damgaard, Sioux Falls  
*Tracey Dollison-Decker, Rapid City*  
Delia Druley, Sioux Falls  
*Shaun Eastman, Eden*  
Abbie Everist, Sioux Falls  
Anita Fuoss, Murdo  
Nicole Griese, Sioux Falls  
Roxanne Hammond, Pierre

Stacy Hegge, Pierre  
Laura Hensley, Sioux Falls  
Wendy Hess, Vermillion  
Lindsey Hills, Watertown  
Ann Hoffman, Sioux Falls  
Jenipher Jones, Denver, CO  
*Amanda LaCroix, Pierre*  
Karla MacArthur-Harris, Rapid City  
*Anna Maher, Vermillion*  
*Wendy McGowan, Rapid City*  
*Mae Meierhenry, Sioux Falls*  
Jana Miner, Pierre  
*Paige Peterson, Pierre*  
Erica Ramsey, Sioux Falls  
*Cheri Raymond, Sioux Falls*  
Kristi Vetri, O'Fallon, IL  
Linda Lea Viken, Rapid City  
Kelsey Weber, Rapid City  
**Kiira Weber, CH, Sioux Falls**  
Ashlee Wendt, Sioux Falls  
Amanda Work, Winner  
Rosa Yaeger, Pierre

### **WORKERS COMPENSATION**

#### **Jami Bishop, CH, Sioux Falls**

*John Dorsey, Rapid City*  
Kristi Holm, Sioux Falls  
Julie Johnson, Mina  
Margo Julius, Rapid City  
Charles Larson, Sioux Falls  
James Leach, Rapid City  
Brad Lee, Rapid City  
Rebecca Mann, Rapid City  
James Marsh, Tripp  
John McCoy, Rapid City  
Amber Mulder, Pierre  
Jolene Nasser, Sioux Falls  
R. Alan Peterson, Sioux Falls  
Catherine Sabers, Rapid City  
Tracye Sherrill, Sioux Falls  
Jeff Shultz, Sioux Falls  
Michael Simpson, Rapid City  
Justin Smith, Sioux Falls  
Bram Weidenaar, Sioux Falls  
Jennifer Wosje, Sioux Falls

Last Update: 5/27/2021



## **PUBLIC NOTICE**

### **REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE**

The current appointment of Magistrate Judge Donna Bucher is due to expire on September 18, 2021. Magistrate Judge Bucher serves in the First Judicial Circuit.

The duties of a magistrate judge include conducting preliminary hearings in all criminal cases, acting as committing magistrate for all purposes and conducting misdemeanor trials. Magistrate judges may also perform marriages, receive depositions, decide temporary protection orders and hear civil cases within their jurisdictional limit.

Pursuant to UJS policy members of the bar and the public are invited to comment as to whether Magistrate Judge Donna Bucher should be reappointed to another four-year term. Written comments should be directed to:

Chief Justice Steven R. Jensen  
Supreme Court  
500 East Capitol  
Pierre, SD 57501

**Comments must be received by June 20, 2021.**

## **PUBLIC NOTICE**

### **REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE**

The current appointment of Magistrate Judge Patrick McCann is due to expire on October 5, 2021. Magistrate Judge McCann serves in the Third Judicial Circuit.

The duties of a magistrate judge include conducting preliminary hearings in all criminal cases, acting as committing magistrate for all purposes and conducting misdemeanor trials. Magistrate judges may also perform marriages, receive depositions, decide temporary protection orders and hear civil cases within their jurisdictional limit.

Pursuant to UJS policy members of the bar and the public are invited to comment as to whether Magistrate Judge Patrick McCann should be reappointed to another four-year term. Written comments should be directed to:

Chief Justice Steven R. Jensen  
Supreme Court  
500 East Capitol  
Pierre, SD 57501

**Comments must be received by July 7, 2021.**

## **PUBLIC NOTICE**

### **REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE**

The current appointment of Magistrate Judge Kasey Sorensen is due to expire on October 30, 2021. Magistrate Judge Kasey Sorensen serves in the First Judicial Circuit.

The duties of a magistrate judge include conducting preliminary hearings in all criminal cases, acting as committing magistrate for all purposes and conducting misdemeanor trials. Magistrate judges may also perform marriages, receive depositions, decide temporary protection orders and hear civil cases within their jurisdictional limit.

Pursuant to UJS policy members of the bar and the public are invited to comment as to whether Magistrate Judge Kasey Sorensen should be reappointed to another four-year term. Written comments should be directed to:

Chief Justice Steven R. Jensen  
Supreme Court  
500 East Capitol  
Pierre, SD 57501

**Comments must be received by August 1, 2021.**

# Career Center

STATE BAR OF SOUTH DAKOTA CLASSIFIEDS

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)



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

**QUALIFICATIONS:** Applicants must have a JD degree and be licensed to practice law in South Dakota; must be a motivated self-starter and be prepared to assume immediate 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 July 15, 2021**, to the following:

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

*Employment Opportunity:*

## South Dakota Code Counsel

South Dakota Legislative Research Council, Pierre, South Dakota

The Legislative Research Council (LRC), the nonpartisan research and support staff to the South Dakota Legislature, is accepting applications for the position of Code Counsel. The Code Counsel position was created in 1970 when the Revisor of Statutes was transferred from the Supreme Court to the Legislative Branch. The Code Counsel is appointed by the Executive Board of the LRC, in the same manner as the LRC Director, and serves as a key member of the LRC's senior staff team.

**Duties and Responsibilities:** Significant duties and responsibilities of the Code Counsel include the following: 1) Provides staff support to the South Dakota Code Commission; 2) Edits South Dakota Codified Laws, including catchlines, assigning statute numbers, resolving conflicts between statutes, and writing Code Commission notes to explain how conflicts are resolved and how nonstatutory material may affect the Code; 3) Works with a team of editorial professionals at the publisher of South Dakota Codified Laws (Thomson West) to edit and publish the Code; 4) Edits Session Laws by establishing the subject index for bills, assigning chapter numbers, and preparing the Session Laws for publication; 5) Administers, as delegated by the LRC Director, the statutory administrative rules review function, which entails coordinating with other LRC staff and executive branch personnel on the review and editing of administrative rules for legality, clarity, style, and form, and coordinating with LRC support staff on the publication of the *South Dakota Register* and the Administrative Rules of South Dakota; 6) Takes primary responsibility for review and editing of all administrative rules filed during the legislative session; 7) Serves as principal legal counsel to the LRC Director; and 8) Functions as a legislative attorney as time permits, providing staff support to legislative committees, drafting legislation, researching legal and general questions, and advising on legislative processes.

**Minimum Qualifications:** 1) ) A law degree from an accredited postsecondary institution; and 2) Admitted to the practice of law in the State of South Dakota.

**Preferred Qualifications:** 1) Substantial general legal practice experience in South Dakota or substantial varied legal practice experience in federal, state, or local government work in South Dakota; 2) Specific experience serving as an in-house counsel for a private entity or a government, assisting in a policymaking role; and 3) Specific experience in drafting and organizing statutes, administrative rules, or ordinances.

**Salary Range:** The FY 2022 Code Counsel salary range is \$96,136 to \$144,204.

**Application Process:** This position will remain open until June 4, 2021. Applications (consisting of a letter of interest, resume, and up to 5 references) should be submitted via hard copy or e-mail to:

Reed Holwegner, Director  
South Dakota Legislative Research Council  
500 East Capitol Avenue, Pierre, SD 57501  
E-Mail: [Legis.Resume@sdlegislature.gov](mailto:Legis.Resume@sdlegislature.gov) | Phone: 605-773-3251



## City Attorney - Sturgis

The City of Sturgis provides municipal services (police, fire, ambulance, sanitary sewer, garbage, streets, parks and recreation) to the approximately 7,000 residents of our community. We also host a vibrant events season, which includes the annual Sturgis Motorcycle Rally. We are a growing community nestled at the foot of the Black Hills along the I-90 corridor between Rapid City and Spearfish.

The City Attorney, under Council direction and in coordination with general City administration, provides legal advice, counsel, research, and representation for the City and its staff. The City Attorney reviews municipal contracts (including sponsorship agreements), assists in contract negotiations, and drafts ordinances and resolutions.

This exempt, full-time position is eligible for all City benefits including South Dakota Retirement. The salary range is \$80,000-\$90,000 DOQE.

Interested applicants must submit a City employment application, resume, letter of interest, and list of professional references.

Vacancy announcement: April 28, 2021

Position is open until filled.

For more information on this opportunity, please contact Lisa Katzenstein at (605) 347-4422, ext 221 or [lk Katzenstein@sturgisgov.com](mailto:lk Katzenstein@sturgisgov.com)

For more information on our community: [www.sturgis-sd.gov](http://www.sturgis-sd.gov) <https://www.facebook.com/cityofsturgis>

## Staff Attorney - Mission

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

**QUALIFICATIONS/RESPONSIBILITIES:** Applicants must have a JD degree and be licensed to practice, or by reciprocity be able to obtain a license to practice, in South Dakota, or be qualified to take the next South Dakota Bar Exam; must be a bright, motivated, self-

starter; must have the tenacity to assume immediate practice responsibilities, including handling a significant caseload touching on many different areas of law with regular appearances in court; and must demonstrate an interest in poverty law and working with Native American and low income clients.

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

**CLOSING DATE:** Open until filled.

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

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

## Attorney - Watertown

Austin, Strait, Benson & Thole, LLP is seeking an Associate Attorney. Austin Law is a partnership of lawyers engaged in the general practice of law in Watertown, South Dakota. Experience or interest in primary practice areas or estate planning and probate, as well as business and corporate, family law, criminal law, civil litigation and more.

We are looking for an ambitious young professional who works well with others and is ready to assume responsibility as the firm grows.

Compensation is combination of a base salary and the potential for quarterly bonuses. Paid health insurance, sick leave, 401(k) and other benefits are a part of our package. Send resumes to: [amanda@austinlawsd.com](mailto:amanda@austinlawsd.com).

All inquiries will remain confidential.

## Attorney - Rapid City

Credit Collections Bureau is seeking to expand by adding an attorney to join their Rapid City, SD branch. Credit Collections Bureau has been a successful Midwest collection agency for over 30 years, with locations in 3 states. You can join this successful team and continue to provide their clients with excellent results on their accounts receivable needs, while maintaining compliance with applicable laws and regulations.

Requirements include:

- The ideal candidate will have 0-3 years' experience.
- Must be licensed in South Dakota or seeking licensure during the July 2021 Bar Exam.
- Ability and desire to obtain licensure in other states.
- Making court appearances and participate in hearings.
- Ability to conduct legal research and summarize findings concisely.
- Drafting civil litigation pleadings and defend the same.
- Participate in both civil litigation and business and transaction law. A rare opportunity to do both!
- Desire to become an expert in healthcare collections, as well as applicable laws and regulations
- Willingness to take direction from Senior Counsel.
- Must be a team player who is organized and can professionally interact with all staff.

Benefits include: 40-hour work week, competitive salary, and benefits package, matching 401(k), health, dental and vision insurance, and generous PTO package. To apply, please submit a resume and cover letter by email to [meganbrandriet@cabinet.com](mailto:meganbrandriet@cabinet.com)

## Attorney

Seeking SOUTH DAKOTA LICENSED ATTORNEY—REMOTE, SUPPLEMENTARY WORK (a few projects a month, work from home, work from anywhere).

The work involves various types of debt relief services offered through law firms. Most of the work involves, reviewing files, reviewing approving, modifying or rejecting submissions, making recommendations if particular types of debt programs are suitable for particular consumers. From time to time, there may be negotiations by telephone and/or in writing with certain creditors and lenders as well as telephone consultations

with consumers. There may also be the opportunity for other types or related legal work.

If a lawyer is newly-admitted or does not have experience, training will be provided.

The candidate will provide the services in an -of counsel-capacity to several different law firms. Compensation is competitive.

Please send YOUR RESUME to [ana@akr-consulting.com](mailto:ana@akr-consulting.com) to be considered.

Thank you.

Ana Requierme Esq.  
Recruiter for RBI LLC  
<https://www.debtandstructuredsettlement.com>

## Deputy States Attorney I - Brookings County

General Statement of Duties

Handles the prosecution of Juvenile, Abuse & Neglect, and assists in the prosecution of adult misdemeanor offenses for Brookings County. Assists the States Attorney and Chief Deputy States Attorney as needed with the prosecution of adult felony matters and civil work on behalf of the County. Reports to the States Attorney or his/her designee.

EXAMPLES OF DUTIES:

- Prepare and manage a caseload of predominantly low-level felonies, juvenile violation cases, and juvenile abuse and neglect 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.
- 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.

#### QUALIFICATION FOR APPOINTMENT

##### Required Knowledge, Skills, and Abilities

- Ability to prepare clear, concise, and accurate documents.
- Ability to understand and follow both verbal and written instructions quickly and accurately.
- Ability to communicate effectively both verbally and in writing.
- Ability to establish and maintain effective relationships with employees, other agencies, and the public.
- Ability to maintain confidentiality when handling sensitive information.
- Ability to display efficient use of time and proficient organizational skills with specific attention to detail.
- Extensive knowledge of modern office practices, procedures and equipment including computers, scanner, calculator, fax machine, copy machine, etc.
- Extensive knowledge and skill in the use of computers and computer programs to include Microsoft Word, Access, Excel, PowerPoint, Exchange and the Internet.

##### Education/Experience

- Obtained Juris Doctorate degree and is licensed to practice law in the State of South Dakota, or will be prior to the start date.
- 0-3 years of experience in prosecution, litigation, or criminal law.

#### Deputy State's Attorney - Clay County

The Clay County State's Attorney's Office invites applications for a full-time Deputy State's Attorney to perform professional legal services on behalf of the State of South Dakota, Clay County and county departments in criminal and civil court, as well as administrative proceedings.

This position serves under the general direction of the Clay County State's Attorney. Duties vary but include in the prosecution of criminal cases, juvenile crimes, and juvenile abuse and neglect cases.

Salary range, \$60,000+ DOE

For more information and to apply, go to <http://www.claycountystatesattorney.org/> Clay County is an Equal Opportunity Employer.

#### Trust or Bank Examiner - Sioux Falls

South Dakota Division of Banking

Trust or Bank Examiner (1 open position for each role)

The Division of Banking regulates the state's banking, trust, and financial services industries to assure that our citizens have confidence in our state's financial markets and services. We are seeking an inquisitive individual with analytical and communication skills to join our team of professional Financial Institution Examiners in either Pierre or Sioux Falls.

Examiners at the Division of Banking enjoy: paid training, both on-the-job and offsite formal classroom training; salary increases for successful work performance and completion of training; development of comprehensive financial industry knowledge, along with leadership and communication skills; and opportunities for industry certifications and internal promotions.

As part of a team, examiners: determine the financial condition of state-chartered banks and trust companies; evaluate adequacy of internal control procedures; assess compliance with State and Federal statutes related to banking, trust, licensing, and consumer protection; evaluate loan and investment portfolios to determine quality and suitability; make recommendations on findings; and investigate consumer complaints related to supervised financial institutions.

The ideal candidate will have: a bachelor's degree in banking, finance, accounting, or a related field with an advanced degree preferred; knowledge of accounting and auditing principles and procedures, the organization of banks and other financial institutions, banking work environments, fiduciary principles, consumer protection statutes and regulations, state and federal banking regulations; effective use of Microsoft Office



products and management information systems; the skill to communicate concisely and effectively with co-workers, financial institution personnel, and examiners from other agencies; and the ability to gather, interpret, report, and use financial information.

Please visit the South Dakota Career Space website to apply: <https://sodakprod-lm01.cloud.infor.com:1443/lmg/hr/xmlhttp/shorturl.do?key=DR3>. Include your resume, letter of interest, writing sample, and post-secondary transcripts.

Job ID: 15977

Agency: Department of Labor & Regulation - Division of Banking

Salary: \$47,400 annually

Pay Grade: GZ-H

Closing Date: Open Until Filled

This position is exempt from the Civil Service Act.

### **Administrator - Mission**

Dakota Plains Legal Services is seeking an Administrator to oversee the management of DPLS income, expenditures and financial record keeping. The Administrator will maintain an accounting system which assures accurate allocations to the appropriate funding sources and departments. He or she must ensure that all expenses are consistent with the Legal Services Corporation Act and Regulations, as well as ensure compliance with other grantor requirements and Dakota Plains Legal Services policies. The Administrator will perform other administrative duties as assigned.

#### **Job Requirements**

- a. Minimum of a Bachelor of Science degree in business administration, accounting, management or a related social science field preferred, OR
- b. Minimum of three years' experience in administrative or program management or related job experience, preferably in a law firm with experience in fund balance accounting.
- c. Must be bondable.

#### **Salary**

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

Position open until filled.

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

### **Paralegal - Sioux Falls**

Ver Beek Law, Prof. LLC is seeking an experienced paralegal to assist attorneys by gathering, organizing, and preparing various legal documents and files for court cases. Applicant must possess excellent organization and time management skills, as well as communication skills to communicate with clients, experts, court personnel, attorneys, and other employees on a professional level. Applicant must be self-motivated and adaptive to a fast-paced environment and have an ability to multi-task with accuracy.

Compensation is competitive.

Please apply by emailing a letter of interest, resume and three references to [kelsey@verbeeklaw.com](mailto:kelsey@verbeeklaw.com).

### **Attorney - Holdrege, NE**

Fye Law Office, in Holdrege, Nebraska, seeks an associate attorney to develop and grow a practice. Our office currently handles criminal defense, juvenile law, family law, estate planning, probate, corporation formation, and other matters affecting a rural but growing community. We are a small office by choice, and are looking for an individual who will be an excellent fit in our office and an asset to our community.

#### **Requirements:**

- Licensed to practice law in Nebraska.
- Highly self-motivated.
- Strong work ethic and reliability.
- Superior communication skills.
- Detail oriented.
- Team player.

Interested candidates should send a cover letter, resume, references, and a writing sample to [fyelaw@gmail.com](mailto:fyelaw@gmail.com) or to Fye Law Office, 713 Fourth Avenue, Holdrege, NE 68949.

## Attorney - Wilkin County MN

The Wilkin County Attorney's Office is seeking a full-time County Attorney. Wilkin County is accepting applications for appointment to the unexpired term of Wilkin County Attorney. The appointment will continue through the remainder of the unexpired term ending January 3, 2023. The Wilkin County Attorney prosecutes adult and juvenile criminal violations, serves as legal counsel to the County Board of Commissioners, County officials and duly constituted agencies and commissions. The County Attorney represents the County interests when named in civil litigation, in child and vulnerable adult welfare protection, child support collection, paternity determination and other duties described in MN Statutes Section 388.051. The County Attorney provides city prosecution for all cities in Wilkin County and represents and advises the Breckenridge Housing and Redevelopment and the Wilkin County Soil and Water Conservation District.

Qualified Candidates must meet the following qualifications:

- Juris Doctorate and Admitted to the MN State Bar
- Licensed Attorney with at least two years of experience handling criminal or child protection litigation.

Additional Qualifications:

- Demonstrated leadership skills, strong communication and public relation skills
- The ability to observe and carry out the terms of the attorney's oath
- Understand principles, practices, and procedures of public law as it relates to legal proceedings at the county level

Prior to hire, finalists will be required to pass a background investigation. A standard 12- month probationary period applies.

Salary Information

Pay Grade: 27

Starting Salary Range: \$85,018-\$89,596. Salary Range: \$85,018-\$114,775

How to Apply

Applications can be obtained online at [www.co.wilkin.mn.us](http://www.co.wilkin.mn.us) or in person at 505 S. 8th Street Breckenridge, MN. Deadline to apply is June 10th at 4:30 p.m.

When filling out any employment application materials

for Wilkin County, you must include your entire employment and education history. Failure to do so may render your application incomplete.

Questions regarding this position can be directed to Human Resources Director Stephanie Sandbakken Monday-Friday 8am-4:30pm at 218-643-7177 or [Ssandbakken@co.wilkin.mn.us](mailto:Ssandbakken@co.wilkin.mn.us).

Wilkin County is an Equal Opportunity Employer

## Attorney - Bismarck, ND

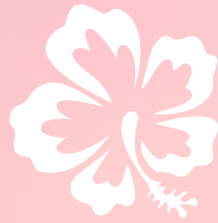
Vogel Law Firm is seeking a Business & Corporate Law attorney for its Bismarck office. Vogel is a full-service law firm with nearly 50 attorneys in Bismarck, Fargo, Grand Forks, Moorhead, and Minneapolis offices. We serve clients in North Dakota, South Dakota, Montana, Minnesota, and beyond. Local and out-of-state applicants welcomed. If you have been thinking about a move back to Bismarck or North Dakota, now is your opportunity.

The ideal candidate will have experience and expertise as a transactional corporate attorney including forming business entities, mergers/acquisitions, regulatory compliance, and reviewing and negotiating various business-related contracts. This is a partnership track opportunity in a growing office that offers a collaborative, team-based approach to practicing law. The position requires at least five years of relevant experience; however, Vogel will also consider training a new or recent graduate who shows both a demonstrated interest in business/corporate law and living and practicing in Bismarck. Vogel provides its attorneys with substantive mentorship, client interaction, as well as marketing and client development assistance.

If you have excellent writing skills, strong academic credentials, and integrity, please visit [www.vogellaw.com](http://www.vogellaw.com) to learn more about us. Your application must include a cover letter, resume, and writing sample directed by email to:

Rebecca Blanshan  
Recruiting Coordinator  
Vogel Law Firm  
[rblanshan@vogellaw.com](mailto:rblanshan@vogellaw.com)

All applications and inquiries held in strict confidence. An Equal Opportunity and Affirmative Action Employer



**June 2021**

# Upcoming Events

JUNE 14-15 | DISCIPLINARY BOARD MEETING | CLUB HOUSE, SIOUX FALLS

JUNE 16-18 | ANNUAL MEETING | SIOUX FALLS CONVENTION CENTER & SHERATON HOTEL

JULY 15 | TRIAL TECHNIQUES CLE PART ONE | LAW FOR LUNCH WEBINAR

JULY 22-23 | BAR COMMISSION MEETING | PIERRE

JULY 27-28 | BAR EXAM | PIERRE

AUGUST 19 | TRIAL TECHNIQUES CLE PART TWO | LAW FOR LUNCH WEBINAR

SEPTEMBER 17 | ESTATE PLANNING CLE | LOCATION TBA, SIOUX FALLS

OCTOBER 22 | NUTS AND BOLTS CLE | PIERRE

OCTOBER 22 | STATEWIDE SWEARING IN CEREMONY | CAPITOL ROTUNDA, PIERRE