



State Bar of South Dakota

NEWSLETTER

MARCH 2021

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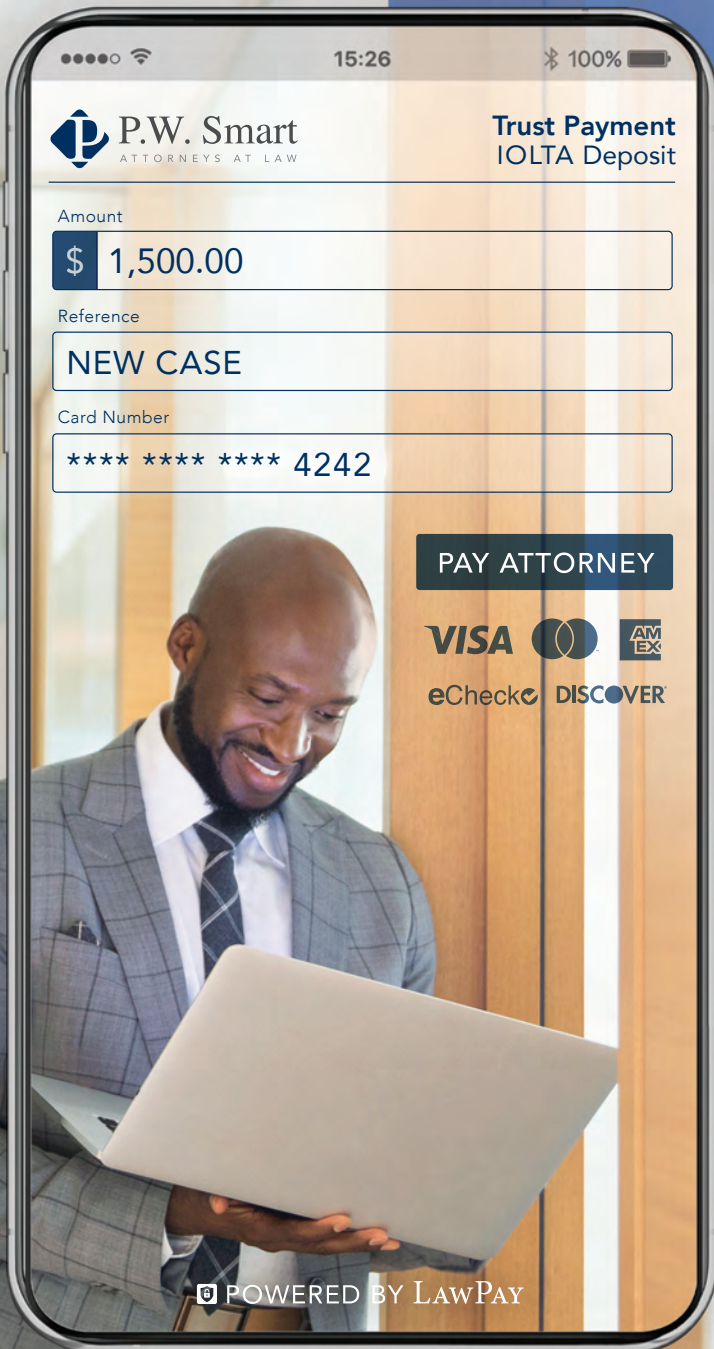
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State Bar of South Dakota



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State Bar of South Dakota

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PRESIDENT'S CORNER

Terry G. Westergaard

The last time the State Bar of South Dakota raised bar dues was in 2007. Prior to that the Bar had raised dues approximately every ten years. We are at the point that annual dues need to be raised. The State Bar is operated efficiently with a very small staff, and the dues are well below what is charged in the surrounding states. This is evident when considering the continuing legal education fees imposed by other unified bar associations. Other states charge fees for each CLE attended, but the fees for CLE in South Dakota are included in our membership dues.

The Bar Commission passed the following proposal at our last meeting:

- 0-4 years in practice - \$415 (\$290 bar dues plus \$125 CLE fee)
Dues waived for newly admitted members subject to the bylaws.
- 5 years or more in practice - \$540 (\$415 bar dues plus \$125 CLE fee)
- Inactive - \$125 including CLE

The proposal is to increase bar dues by \$100 and CLE fees by \$25. The Bar Commission has worked hard on this issue. The commission realizes that the COVID-19 pandemic has had a significant impact on our members but also is aware of our obligation to maintain a fiscally viable bar association. Over the last several years the Bar Commission has cut expenses in an effort to avoid a fee increase. Cutting expenses is no longer an option.

The proposal will be presented as a resolution to the membership at the annual meeting in June. If the resolution is approved it will be presented to the Supreme Court at its Rules Hearing. If the Supreme

Court approves, the increase will be effective for calendar year 2022. We will continue to provide information on the proposal in the coming months.

I want our members to get to know our outstanding bar staff so a few months ago I began highlighting the staff. This month I highlight the staff member who keeps a close eye on the State Bar budget along with her other responsibilities which include planning events, managing office operations, and being the go to person for computer and network issues. Nicole Ogan is the Assistant Executive Director, but like all staff at the State Bar, she does whatever needs to be done.

Nicole has worked for the State Bar for ten years. Here is my conversation with Nicole.

TERRY: Thanks for taking some time to answer a few of my questions, Nicole. First, why did you apply for a position with the State Bar and what keeps you here?

Nicole: I saw the ad for Kelly's position in the Capitol Journal and asked a couple of people what they thought about it. Kay Tieszen told me I would just love working for the Bar and with the staff, she assured me that it would be a good move. A former coworker, Alice Wright also knew DeeAnn and encouraged me to just go for it. I had been doing training for HR and finance systems at the universities, so it was sort of a career change.

I felt at home with DeeAnn, Tom, Larry and Anita right away when I started for the Bar. They all welcomed me and my family with open arms. I had a one-year-old and a four-year-old at the time and working in such a family friendly/flexible



environment was just what I needed. Many of our members have watched my kids grow up and have always been so kind to them! I feel so blessed!



I know lawyers get a bad rap, but I love working for the attorneys in South Dakota and just love serving our members. I'm proud of the level of service we are able to provide with such a small staff and enjoy working with our members to reach important goals.

Things have changed a lot over the last ten years and I'm excited to see what the future holds!



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

Nicole: As a family we try to spend as much time as we can camping in the spring and fall, and

love heading out to the Black Hills whenever we can. We love to watch football, play fantasy football, and try to catch a game in Minneapolis every year. My husband and I are also in a bowling league, although it's more social than competition. Otherwise, we



hang out with our kids when they let us, and I do a ton of reading and listen to audiobooks and podcasts when I can't be sitting around with a book.



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

Nicole: I'm a total introvert. I've always been shy, and I grew up in a very small town where most kids lived in the country. I'm sure I would have been an introvert anyway but that definitely conditions you. Luckily, I married a pretty extroverted guy who does his best to keep me from being a total shut in. I will admit to not leaving the house for days this last year.



TERRY: What is something you are looking forward to in 2021?

Nicole: Travel! Bar staff luckily didn't have to take time off for COVID, and we didn't take vacation time either. We were very happy to be able to continue working as usual, but I think everyone is ready for some time off now!

We have trips planned to Yellowstone/Grant Teton and Arches in Utah later this spring. I'm hoping to go to Florida, which was a trip that was supposed to happen last April. We are also excited to get to visit my family in Montana and my husband's grandma after she gets her second vaccination, soon!

TERRY: You've talked a bit about some of your favorite things, how about your favorites for this list?

MOVIE: Any of the Harry Potter's

BAND/MUSICIAN: I'm very eclectic... whatever my husband has in my iTunes

VACATION SPOT: Indian Rocks Beach in FL, or Glacier NP in MT

HOLIDAY: Christmas

COLOR: Red

ICE CREAM FLAVOR: Strawberry

MEAL: My brother-in-law makes a mean cheesecake
RESTAURANT IN PIERRE: La Minestra
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?

Nicole: I love all the coffees. I'm not sure I've found one yet that isn't acceptable.

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STATE BAR OF SOUTH DAKOTA
YOUNG LAWYER SECTION



by: *Caroline A. Srska*
YLS President

Last weekend, I made my favorite recipe: maple glazed salmon, which called for it to be broiled in the oven. I have made this recipe about one hundred times, so it came as a shock to me that when I opened the oven, the stoneware on which the salmon was cooking had exploded. After the initial shock, I snapped a picture and shared my disaster on Facebook. When I received a call from Bob Morris the following day, I immediately knew he was calling to tease me about my culinary catastrophe (I was right). Bob even twisted the knife a little deeper when he bragged about the great salmon he had the night before when out to dinner! He also offered to order me Uber Eats to get through the weekend.

Our conversation evolved into talking about the practice of law and the importance of collegiality among our fellow bar members. That conversation reminded me of an experience I had with an opposing counsel a while back.

I was fairly new at the Attorney General's Office, and had only practiced law for about a year. I was assigned an appeal where an experienced defense attorney represented the Appellant, and I represented the State as Appellee. This appeal had some tough issues, and was subsequently scheduled for oral argument.

After preparing with the help of my coworkers, the day came to present our argument. This was the first time I had met my opposing counsel in person, and remembered how kind and respectful he was. We presented our arguments, and afterwards we went back to our respective offices and towns. Later that day, I received a call from Bob Morris, who told me he ran into my opposing counsel at the gas station leaving

Pierre, and wanted to relay the compliment he gave me. This event impacted me two-fold. First, how nice it was that the opposing counsel went out of his way to compliment me to a fellow attorney, and second that Bob relayed that information to me because he thought that it was important, as a new lawyer, that I hear it.

There have been several times in my practice where I have dealt with tough and stressful issues, and it's easy to get frustrated and upset (I've been guilty of that from time to time). It's been my experience, however, that the most successful and well-respected attorneys are those, that while zealously advocating for their client, make an effort to be collegial to opposing counsel. And much like my salmon, even in explosive cases, there is always room for kindness. This experience has taught me that a kind gesture can make all the difference to a new attorney, and I hope I can pay it forward. And that is what makes the South Dakota bar so unique.

Your 2020-2021 Board of Directors are:

- President – Carrie Srska (Sioux Falls)
- Vice-President – Ole Oleson (Rapid City)
- Secretary/Treasurer – Anthony Sutton (Sioux Falls)
- 1st Circuit Representative – Rachel Mairose (Plankinton)
- 2nd Circuit Representative – Tyler Coverdale (Sioux Falls)
- 3rd Circuit Representative – Tony Teesdale (Brookings)
- 4th Circuit Representative – Mariah Bloom (Spearfish)
- 5th Circuit Representative – Jenny Jorgenson (Webster)
- 6th Circuit Representative – Chelsea Wenzel (Pierre)
- 7th Circuit Representative – Kelsey Weber (Rapid City)
- At Large Representative – Arman Zeljkovic (Rapid City)
- Law Student Representative – Lexi Baca (Vermillion)

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
- * Scott C. Moses

Platinum Fellows - \$10,000

(cumulative, including pledges & testamentary gifts)

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

Gold Fellows - \$5,000

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



Fellows of the South Dakota Bar Foundation

Presidential Fellows - \$10,000

- * John P. Blackburn
- * Richard D. Casey
- * Hon. Michael Day
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- * Hon. David R. Gienapp
- * Patrick G. Goetzinger
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- * Terry L. Hofer
- * 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. Westergard

Fellows - \$500 (per year)

- * Hon. John Bastian
- * Mary Jane Cleary
- * Andrew L. Fergel
- * Craig A. Kennedy
- * Hon. Judith K. Meierhenry
- * Hon. Bobbi Rank
- * 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
Knudsen School of Law

In 1901 Senator Thomas Sterling and Ambassador Bartlett Tripp had a profound vision for South Dakota's future. They saw that South Dakota needed a law school to develop the leaders that would help the state grow. They recognized that individuals learned in the law have unique preparation to step into positions of leadership in commerce, government, and law practice. They also recognized the reality that these individuals would not simply appear but would need to be cultivated purposefully for the benefit of South Dakota's future.

It is particularly important to talk about the vision of Senator Sterling and Ambassador Tripp. Their vision reminds us that we must look beyond ourselves and beyond our own time in order to build the best future for our profession and community. Their vision, and the generations of lawyer leaders it has produced, has shaped South Dakota and the law well beyond what they could accomplish within their lifetimes alone. As we enter the 120th year of the Law School's existence, I am excited to announce a new initiative to sustain the spirit and vision of 1901.

The 1901 Fund is a new, permanent scholarship endowment. Thanks to the vision and generosity of its founding investors, the 1901 Fund exists to fund scholarships without restrictions on eligibility or purpose; it can meet the evolving needs of students over time. Through the creativity of the USD Foundation, the 1901 Fund is structured to accept individual contributions in any amount to grow the principal and the impact of the fund. In other words, everyone can make a permanent investment in future generations of lawyer leaders for South Dakota. Collectively, our individual actions are magnified in their effect. Just like Senator Sterling and Ambassador Tripp founded the Law School to shape lawyers for a variety of settings, the 1901 Fund allows us to work together, each in our own way and means, to shape the future of our profession. Each investment advances our ability to

recruit students who will excel in their profession, serve their communities, and lead.

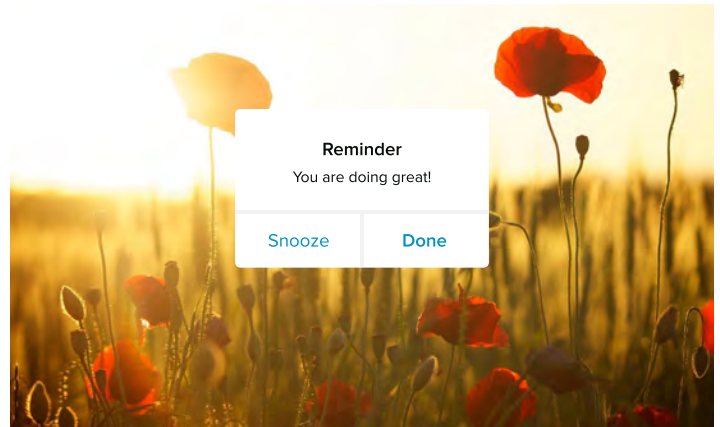
The Law School was created in 1901 as a resource for South Dakota. It exists to teach the law, build leaders, and to be a home for debate on the most important questions of law and policy. This mission requires exceptional people; the Law School has consistently been the destination for many of the best and brightest young lawyers in South Dakota and beyond. Our focus on exceptional students produces exceptional lawyers. Connecting exceptional young lawyers at the Law School is invaluable. Having lawyers begin their legal careers here cements their inclination to build their careers here. Relationships formed at the Law School become the foundation of work together in the bench, bar, and business communities for generations to come. Connection within a community of excellence, service, and leadership shows current students that they have the opportunity and obligation to follow the footsteps of the exceptional jurists, brilliant litigators and transactional attorneys, business innovators, and political leaders who preceded them. All that starts with getting great students in the front door.

Potential law students increasingly base their law school selection on cost. Whether merit or need based, scholarships are often the deciding factor in getting exceptional law students to enroll or not. My goal for the Law School and for the profession in South Dakota is not to lose a single student based on the cost of attending law school and to sustain that goal for generations to come. That may seem audacious, but no more so than the vision of building a law school from scratch in 1901 or the visions of the many students who have passed through our doors since then.

For too long sustaining scholarships in perpetuity was not an investment that many of us could envision. The amounts required to establish an endowment were too great for many lawyers and mechanisms for collective action were nonexistent. The 1901 Fund is aimed at solving both problems.

Too often we approach life with a transactional mindset. We simply give and get something today that has limited or no lasting impact. In 1901 Sterling and Tripp showed us the impact of a transformative vision. They challenged us to look at what was important for South Dakota and how our collaborative effort could

make it happen. We continue to have the opportunity to transform South Dakota and the world beyond every day at the Law School. I look forward to talking to many of you more about how the 1901 Fund can be a mechanism to achieve that together.



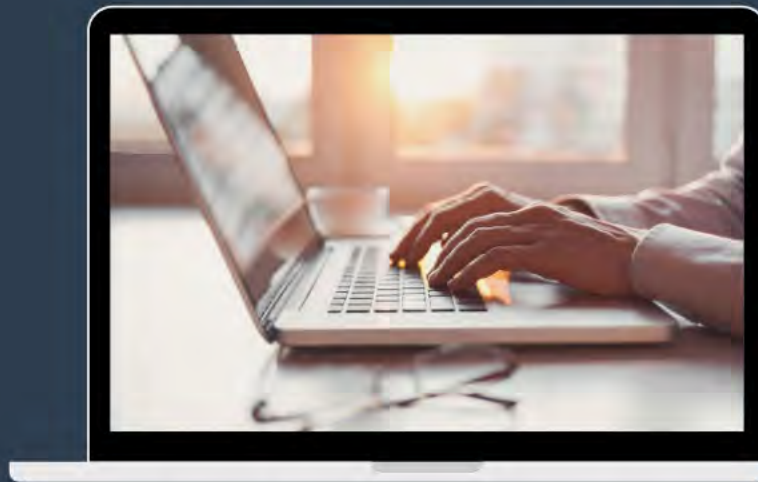
THE STATE BAR OF SOUTH DAKOTA
LAW PRACTICE MANAGEMENT COMMITTEE

PRESENTS:

ZOOM & MEDIATION FOR THE SD LAWYER

MARCH 24, 2021 12:30-1:30PM (CST)

A TOWN HALL



JOIN MIKE MCKNIGHT, LINDA LEA VIKEN, & LON KOURI AS THEY DISCUSS THEIR EXPERIENCE WITH ZOOM MEDIATIONS AND TAKE QUESTIONS FROM THOSE IN ATTENDANCE.

EVENT MODERATED BY MITCH PETERSON.





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.

RON FRAUENSHUH
MARILYN TREFZ
MARIAH BLOOM
KIRSTEN AASEN

AND MUCH THANKS TO:

DENISE LANGLEY
JOSEPH HOGUE
LINDA LEA VIKEN
KYLE KRAUSE
BETH BALOUN
MARWIN SMITH
KELLY COLLINSWORTH
ELIZABETH OVERMOE
TOM SIMMONS
STEVE HUFF
BRANDY RHEAD



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Are you interested in becoming a legal superhero and member of the A2J Justice Squad?

**PLEASE SEND A MESSAGE TO DENISE LANGLEY AT:
ACCESS.TO.JUSTICE@SDBAR.NET**



A2J

HERO



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

ANNOUNCEMENTS

Rodney D. Anderson Law Offices, LLC
is pleased to announce that

Dale L. Strasser

formerly of Freeman, SD has joined the firm as a
Senior Attorney.

Rodney D. Anderson Law Offices, LLC
206 South Broadway, Suite 404
Rochester, MN 55904

Telephone: (507) 529-2200
Facsimile: (507) 288-3156

strasser.dale@rdalaw.net

www.rdalaw.net

Crary Huff Law Firm, P.C.
is pleased to announce that

Ryan C. Ross

has joined the firm effective March 1, 2021.

Crary Huff Law Firm, P.C.
329 Pierce Street, Suite 200
Sioux City, IA 51101

Telephone: (712) 277-4561

rross@craryhuff.com

www.craryhuff.com

O'Leary Law Office
is pleased to announce that

Michael D. O'Leary

has joined the firm as an associate attorney.

O'Leary Law Office
3500 S. Phillips Ave., Ste 120
Sioux Falls, SD 57105

Telephone: (605) 334-4506

mike@olearylawoffice.com

www.olearylawoffice.com

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

Kate Bartell Nowak

has become associated with the firm.

Legacy Law Firm, P.C.
P7404 S. Bitterroot Place
Sioux Falls, SD 57108

Telephone: (605) 275-5665

kate@legacylawfirmnpc.com

www.LegacyLawFirmPC.com

Lloyd Companies
is pleased to announce that

Daniel J. Doyle

has joined the company as General Counsel.

Lloyd Companies
101 S. Reid Street, Suite 201
Sioux Falls, SD 57103

Telephone: (605) 275-3170

Daniel.Doyle@Lloydcompanies.com

Farrell, Farrell & Ginsbach
is pleased to announce that

William R. Hustead

has been made partner effective January 1, 202.

Farrell, Farrell & Ginsbach
441 N. River Street
Hot Springs, SD 57747

Telephone: (605)745-5161
Facsimile: (605)745-3154

whusteadlaw@gmail.com

Volesky Law
is pleased to announce

Tucker Volesky

has acquired the goodwill of the law practice of E. Steeves Smith, P.C. and will now expand to the Mitchell offices formerly occupied by the Tinan & Smith law firm.

Volesky Law
356 Dakota Ave S
Huron, SD 57350
Telephone: (605) 325-2126

Volesky Law
305 North Kimball
Mitchell, SD 57301
Telephone: (605) 996-5542

Gehling Osborn Law Firm, PLC
is pleased to announce that

Kecia Van't Hof

has joined the firm as an associate attorney.

Gehling Osborn Law Firm, PLC
600 4th Street, Suite 900
Sioux City, Iowa 51101

Telephone: (605) 226-4611

Kecia@golawfirm.com

www.golawfirm.com



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**JOIN US.
March 19-20, 2021**

Dear South Dakota Bar Member:

The University of South Dakota School of Law Veterans Legal Education Group is holding a two-day drop-in legal clinic for veterans on the east side of the state. On March 19, 2021, VLEG will be in Sioux Falls, SD at the DAV (1519 West 51st Street). The time of the clinic will be from 9:00AM to 3:00PM. We hope to reach nearly 30 veterans on this day.

We will host a second legal clinic on March 20, 2021, in Brookings, SD at the VFW (520 Main Avenue). The time of the clinic will be from 9:00AM to 3:00PM.

Law students will be in attendance and will assist in completing intakes with the veterans prior to the veterans sitting down with an attorney.

WE ARE CURRENTLY IN NEED OF VOLUNTEER ATTORNEYS ON BOTH DAYS.

We are requiring all students, attorney's and client wear a mask at all times during this clinic due to COVID. VLEG will provide a mask for anyone that does not have one. We will also be providing hand sanitizer for everyone to use. Lastly, we will put in place a plexiglass partition between each client and student/attorney.

If you would like to volunteer or have questions about the clinics, please reach out to Tye Dybedahl at Tye.dybedahl@coyotes.usd.edu

We continue to appreciate all of the support from the State Bar of South Dakota Veterans Committee, Young Lawyers Section, and our volunteer attorneys. This project would not be possible without you.

**Sincerely,
Levi Mitchell
President, Veterans Legal Education Group**

USD SCHOOL OF LAW VETERANS LEGAL EDUCATION GROUP

volunteer

Free Drop-In Legal Clinic



UNIVERSITY OF
SOUTH DAKOTA



State Bar of *South Dakota*

JOIN US ON:

- **March 19, 2021 from 9am-3pm at the DAV- Sioux Falls Chapter.**
In-Person and Zoom options available. 1519 W 51st Street, Sioux Falls, SD
- **March 20, 2021 from 9am-3pm at the VFW-Brookings.**
520 Main Avenue, Brookings, SD

To reserve an hour time slot, please contact the University of South Dakota Knudson School of Law Veterans Legal Education Group via phone or email.

Phone: 605-658-3530

Email: vleg@usd.edu

Join the Veterans Legal Education Group and the South Dakota Low Income Taxpayer Clinic for a FREE LEGAL CLINIC. Legal professionals, along with student attorneys, will be on site to address and support the Military community and their families with any legal questions and needs.

Assistance will be provided for military issues, tax issues, family law, criminal law, civil matters, etc. Wills and trusts can be created and executed on site.

FREE FOR ALL SERVICE MEMBERS, THEIR FAMILIES, AND VETERANS!

EVENT CONTACT:

USD Law Veterans Legal Education Group

Phone: 605-658-3530

Email: VLEG@usd.edu

SUPPORTED BY:

State Bar of South Dakota Veterans
Committee and Young Lawyers Section

Social Distancing guidelines will be followed and masks are required at all clinics. Masks and hand sanitizer will be available upon request.



State Bar of South Dakota

President
Terry G. Westergaard
PO Box 2670
Rapid City, SD 57709
(605) 343-1040
twestergaard@bangsmccullen.com

President Elect
William C. Garry
200 East 10th St., Ste. 200
Sioux Falls, SD 57104
(605) 336-0828
bgarry@cadlaw.com

Executive Director & Sec/Treas
Andrew L. Fergel
111 W. Capitol Ave. #1
Pierre, SD 57501
(605) 224-7554
andrew.fergel@sdbar.net

Board of Bar Commissioners

Kirsten K. Aasen	Eric J. Pickar
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Timothy Dougherty	Matthew T. Roby
Dusty Ginsbach	N. Drew Skjoldal
Edward S. Hruska III	Marilyn Trefz
Stacy M. Johnson	Joshua Wurgler
Brent K. Kempema	

Dear State Bar of South Dakota Members:

As President-Elect, it is my privilege to fill vacancies on State Bar Standing and Special Committees for the 2020-2021 Association year. To assist our Appointments Committee with this important process, please complete the following survey to indicate your desire to *join or retain* your appointment to our State Bar Committees.

This survey also provides you the opportunity to join Sections of the Bar. State Bar Sections are self-governing and do not require presidential appointment but indicating your desire to join the Sections through this survey provides us with the information we need in order to add you to the Section's community on the State Bar website and notify Section leadership of your affiliation with the Section.

Requests for appointment should be made electronically, beginning on **March 1, 2021** at:

<https://www.surveymonkey.com/r/9675XXQ>

Requests must be received by **April 15, 2021** for consideration. In addition to your request, we hope that you will encourage any other interested members to fill out the electronic application.

Thank you in advance for your assistance. Although there are a limited number of vacancies to fill, I will give each application thorough consideration. If you would like to discuss this process or application process, please feel free to contact Elizabeth Overmoe at (605) 929-5980, or elizabeth.overmoe@sdbar.net.

The Appointments Committee and I look forward to hearing from you and thank you for your assistance in this important process for our State Bar.

Sincerely,

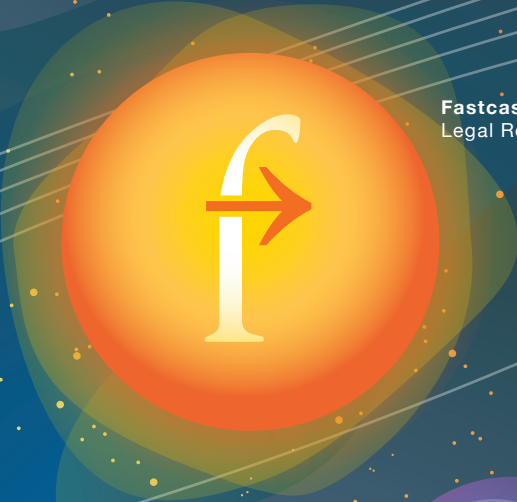
Bill Garry
President-Elect
State Bar of South Dakota

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Fastcase is one of the planet's most innovative legal research services, and it's available free to Dakotadisc subscribers.

LEARN MORE AT

www.statebarofsouthdakota.com

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Each year, the American Bar Association Standing Committee on Pro Bono and Public Service recognizes volunteers in each state for their efforts in assisting low-income individuals with legal questions through ABA Free Legal Answers. Since the launch of the South Dakota program in 2016, Scott Moses was an active and consistent volunteer. In 2019, State Bar President Reed Rasmussen recognized Scott for his commitment to service through the President's Pro Bono Award. At that time, Scott had answered almost 400 questions on the website. A year later, that number was over 500. Scott provided this statement in receipt of the award, "My participation in the SD Free Legal Answers website is my way of giving back to those who have so little. With computer technology it takes such little time for a practicing attorney to answer questions for clients. That is the greatest benefit of the website - helping those who feel they have nothing or have lost hope to finding an answer. I help them find the answer." We miss Scott and are truly honored to receive this recognition of his work with the ABA Free Legal Answers program.
- Terry Westergaard, State Bar of South Dakota President



**Standing Committee on
Pro Bono and Public Service**
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February 8, 2021

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Dear Judge Moses,

On behalf of the ABA Standing Committee on Pro Bono and Public Service, it is my honor to acknowledge your sincere dedication to pro bono service through participation in ABA Free Legal Answers. The Committee presents this annual recognition to individual attorneys, law firms, corporate law departments and other organizations that have provided extraordinary pro bono services through ABA Free Legal Answers.

Our 2020 recipient individual attorneys each answered 50 or more civil legal questions and our firm/organization recipients collectively answered 75 or more questions in the 2020 calendar year. The attached certificate is in recognition of the 214 civil legal questions you answered as an ABA Free Legal Answers 2020 Pro Bono Leader. Please also feel free to utilize the attached logo and hyperlink to ABAFreeLegalAnswers.org.

Through your exceptional pro bono service, you are helping to ensure that tens of thousands of low-income individuals across this country are receiving the legal help they deserve. This [2020 ABA Free Legal Answers Summary Report](#) highlights the impact that volunteers like you have made since launch of the portal.

The Project is pleased to acknowledge you as an ABA Free Legal Answers 2020 Pro Bono Leader on ABAFreeLegalAnswers.org under the "Volunteer Recognition" link and on Ambar.org/fla under "2020 ABA Free Legal Answers Pro Bono Leaders" as follows:

Hon. Scott C. Moses — Rapid City, SD

If you would like to edit this information or prefer not to be publicly acknowledged, please contact Tali Albuquerk at Tali.Albuquerk@americanbar.org.

We sincerely appreciate your ongoing participation with ABA Free Legal Answers and, more importantly, your commitment to providing pro bono legal services to those in need—now more than ever.

Sincerely,

David F. Bienvenu
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*On behalf of the Committee by
David F. Bienvenu, Chair*



this 8th day of February, 2021



Inside and Outside



C o u n s e l

The Life of an Inside Attorney

By Nicole Tupman
Assistant General Counsel
Midcontinent Communications

Resources, Dakota Homestead Title Insurance, and various city attorney offices. Our collective job duties vary widely among the industries we serve. Indeed, our work duties can fluctuate greatly from day to day, and

Do you ever wonder what an in-house or “inside” attorney does? Do we really drink coffee and eat pastries all day, maybe while making impossible demands on our outside counsel? I know that I wondered what inside counsel did prior to joining Midco three years ago. Some days I still wonder what inside counsel do after I’ve spent a day in back-to-back meetings advising various departments but not producing any written work.

To provide a glimpse into the lives of inside attorneys and share some broader insights into how we contribute to the Bar, members of the In-House Counsel Committee and the Business Law Committee will be working together on a series of articles in the Bar Newsletter. After this introductory article, I will facilitate question and answer articles between an inside attorney and an outside attorney. In addition to explaining what inside attorneys do, the articles will provide practical tips for inside and outside counsel to work together more effectively and efficiently.

I expect that the articles and discussions will be varied since the In-House Counsel Committee members hail from a wide variety of organizations. Some of us work with the usual big company suspects, including Avera, Sanford, Monument Health, Black Hills Energy, Raven Industries, Daktronics, Missouri River Energy Services, SDNCommunications, Midco, Veterans Administration, and our banking and trust organizations, including First Bank & Trust, MetaBank, and National Security Bank. Others of us represent smaller companies such as Agtegra Cooperative, Dakota Layers, LLP, South Dakota Community Foundation, Computer Forensic

even hour to hour.

Although inside attorneys may have diverse duties depending on the industry, there are similarities among us as well. For example, we all have an intimate relationship with our client. We know how the sausage is made. We understand and work with the political dynamics and personalities that exist internally. We know how to tailor our advice to various personalities to achieve our goals. If needed, we know how to maneuver around obstacles to ensure that our client meets its business and legal objectives. This intimate relationship can make the inside practice incredibly rewarding, even if we sometimes long for a solitary office in a law firm distant from our client.

Inside counsel are also business advisors. Many of us lead projects, collaborate with business leaders on projects and strategic goals, and provide business advice. An ever-increasing number of my meetings pertain to business questions and strategic goals. There are days when I propose the business idea, identify the legal questions, advise myself as to the legality of the business proposal, and then provide the business and legal advice to my client for discussion. While I initially felt squeamish about being my own client, I now realize the efficiencies to a business when an attorney can flex into the business area.

In addition to the business advice we provide, inside counsel often have a more general practice or a different practice from what they may have had prior to going in-house. One of our committee members, for example, had a general transactional practice prior

to going inside, and now she works on credit card program agreements. For me, inside counsel is a general practice. As Assistant General Counsel at Midco, my job touches upon almost every subject taught in law school. I negotiate and draft a wide variety of vendor, customer, and real estate contracts, litigate smaller cases and oversee litigation of larger cases, protect our intellectual property rights, complete due diligence, draft merger and acquisition agreements, advocate for our needs before state and federal regulatory agencies, collaborate on employment matters, support regulatory compliance, and the list continues. My practice is a true general practice. When needed, my company relies on outside counsel for specific advice, such as employment advice, complex regulatory telecommunications issues, patent litigation, and assistance in negotiating complex financial agreements.

A more general practice often means a more scheduled day as various business leaders request advice. Many inside attorneys were previously outside attorneys at private firms. In going inside, we traded our pursuit of billable hours for hours of meetings every day. Between 8 and 5, my day belongs to my client to set meetings and call for advice. It is not unusual for me to have 4-6+ hours of meetings scheduled in a day.

A tightly scheduled day means that inside counsel often need outside counsel to assist in larger projects. This is certainly true at Midco where we have a small legal department but a large multi-state footprint. Sometimes I will work an issue inside and then hand it off to outside counsel when the demands on my time become too much, as frequently happens in litigation if I do not secure a quick resolution outside of court. I view outside counsel as my partners in providing legal advice to my client. I work collaboratively with outside counsel to find solutions, and, when the bill comes, I explain to our finance department the value that outside counsel provided beyond the bill. For example, I have explained how many hours of my time were saved because outside counsel led on a matter and the internal legal or business work I accomplished instead or that outside counsel represented us in a state where I am not licensed. By treating outside counsel as partners and broadcasting that partnership internally, I have helped reassure my client that the additional expense benefits the company.

The tight schedules also mean that pro bono service looks

different for inside attorneys. The insurance situation for inside counsel further compounds our ability to engage in traditional pro bono work. Many inside attorneys either have narrowly defined malpractice insurance or no longer maintain separate malpractice insurance and, instead, are insured through the company's insurance, such as an errors and omissions policy. The limitation or lack of malpractice insurance limits the ability of inside counsel to provide pro bono legal services unless the pro bono program is offered through the State Bar, which provides malpractice insurance at State Bar-sponsored pro bono programs. Instead of working on pro bono legal matters, inside counsel may help clients to be socially responsible and a good corporate citizen. We work on diversity, inclusion, and equity matters, and environmental responsibility, among other corporate responsibility opportunities.

I think some inside attorneys, however, would appreciate the opportunity to work on more pro bono matters, potentially with outside counsel. My first law firm in the Twin Cities paired a firm attorney with an inside attorney from a client and worked on landlord-tenant cases. The opportunity presented me, as a new associate, to try some cases and argue motions while getting to know inside counsel at one of the firm's clients. If you are interested in discussing such a partnership, please contact me at nicole.tupman@midco.com.

Inside counsel share many similarities in our work to our diverse companies. I am excited for this article series so that various members of the In-House Counsel and Business Law Committees can share their diverse experiences. The first article will be a conversation between Joe Wiltse at Ballard Spahr LLP and me next month. I hope you find these articles insightful and potentially helpful in your practice. Please contact me if you would like a specific question addressed or if you are interested in an in-house practice. I chair the In-House Counsel Committee, and many of our Committee members would be more than willing to share their experiences or provide mentorship.



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An article series by the Law Practice Management Committee dedicated to bringing current information and trends in the industry to South Dakota Lawyers.

“I am not a cat.” With hopes that 2021 could not possibly be as strange as 2020, we were nonetheless confronted with the viral video of an attorney denying his feline appearance over a Zoom court appearance. It demonstrated a couple of things: first, Zoom and digital appearances are widespread and well-known enough to turn what would have been a fairly standard blunder into a meme that many could relate to, and second, that these sorts of things are here to stay.

Although the attorney whose video went viral had a great sense of humor at his blunder and suffered no major consequences to the technical difficulties, it does make us think that perhaps we should brush up on some good Zoom practices

and techniques. With that said, here are some do’s and don’ts to remember for your upcoming Zoom events:

DO:

- **Test your equipment before using a video conference meeting** – When last March/April brought us to a realization that many of us may be working from home or distance working, we probably all had the same response: where’s that webcam/headset/mic/etc.? Everyone has that old laptop sitting at their house that never really gets used, but isn’t ever thrown away—that’s got a webcam, right? Then we get busy with life and neglect to test this equipment prior to our actual need for it. Mics are crackly, webcams are scratched or blurry, or sometimes the hardware is simply incompatible with the software we’re using. Do yourself a favor—test your equipment so you have no unpleasant surprises when you actually need to rely on the equipment.
- **Wear headphones to get better sound quality** – many webcams have mics built in and many monitors have a soundbar or speakers included, but some people didn’t follow the first tip and are using mics too far away or speak quietly or away from the mic. In those circumstances, it’s hard to hear, which makes it difficult for everyone involved to contribute to the discussion. For that reason, consider a headset. A mic right at the level of your voice box to pick up clear audio without interference, as well as headphones so you maximize your ability to comprehend even with dodgy audio.
- **Be attentive to your audio/video status** – How many video calls have you been on where you can hear keys clicking, phones ringing, background noise, or a toddler yelling, “I’M HUNGRY!” in the background? The answer is almost certainly, too many. Although it is very difficult to prevent any and all interruptions, a great way to ensure you are minimizing them is to ensure that your mic and camera are off when you’re not speaking. The interface of your platform often will display some visual indication when the mic is picking up and transmitting audio. In other scenarios, you can ensure that your video is on to demonstrate your attentiveness and participation.
- **Use Gallery Mode to see all participants of a meeting** – sometimes the nature of the meeting will require cameras to remain on for all participants. In these scenarios, Gallery Mode is beneficial to see all parties, rather than only the individual speaking. It’s also helpful in all circumstances to ensure that your video is on or not, depending on your needs.

- **Dress appropriately and fully for a meeting** – although it's tempting to rock the dress shirt, tie, jacket, and some comfy running shorts, you never know when circumstances might require you to stand up or move on camera. You probably don't want the entire meeting to question your commitment (or fashion choices). The safest bet is to simply dress fully for the meeting, and as though the meeting was going to be handled in person. Additionally, dressing the part can actually boost performance and minimize fatigue associated with deviating from your normal routine.
- **Ensure your video and environment are appropriate** – First step is to ensure your settings, to include filters and backgrounds – are set up properly before you even connect. Also, ensure your background is neutral and appropriate. Although you probably wish you were in Bora Bora, your client probably would appreciate a background indicating you are present, attentive, and professional. Finally, pay attention to your lighting. Depending on your environment, you may struggle with glare from poor backlighting or simply a dim overall video. In those scenarios, you may consider rearranging your environment to be more conducive to video calls or purchasing lighting to assist in video quality. Basic circle cameras that mount behind your camera can be purchased relatively cheaply from Amazon.

DON'T:

- **Use wireless for any meeting where you require connection stability, such as a court appearance** – video, particularly HD video is bandwidth intensive. Audio, although not as bandwidth intensive, is nonetheless dependent on a stable connection. Wireless networks rely on additional hardware that can be outdated and/or fail. They also do not give as strong a connection as a wired, ethernet connection. If you require network stability, opt for the ethernet connection—unless you want to risk inadvertently looking like the attorney who hung up on the Zoom hearing when denied her request.
- **Look at yourself in the camera** – Your location on the screen is likely to be in a different location from the actual camera. For that reason, it will appear as though you are looking somewhere else, rather than at your audience. If so, the lack of eye contact will both take away from the point you are trying to make, as well as your commitment to the meeting. Look directly at the lens of your camera.
- **Eat during the meeting** – Although working from home may have its perks with a full kitchen merely steps away, remember that many of your professional meetings will be digital versions of the meetings you have at your office or appearances you would have in a courtroom. You would know when appropriate to eat during those, and the same rule will apply for Zoom meetings. Unless clearly appropriate, be sure to avoid eating during the meeting.

With March upon us, we at a year of adapting to a surging prevalence of distance meetings and court appearances. Follow these tips and add another tool to your toolbox.

Authored By: Anthony Teesdale. Anthony is an Associate Attorney at Ribstein & Hogan Law Firm in Brookings, SD. He serves as co-chair of the Law Practice Management committee and as a board member for the Young Lawyers Section. He is also a member of the Board of Directors for East River Legal Services. You can follow Anthony through the State Bar of South Dakota [here](#).

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Why A Lawyer Should Never Try to Shoot from the Hip

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

As a kid, I always thought any Hollywood cowboy who could shoot from the hip and kill the villain was one tough hombre that no one in their right mind would ever want to mess with. I viewed those cowboys as heroes and would often pretend I was one of them when playing in the woods behind my childhood home. That was short-lived, however. As I got older, I came to realize there was a little movie magic behind those epic shootouts and my adulation of such heroes eventually waned.

As an adult, I still admire someone who has worked hard to learn to accurately shoot from the hip. I have no idea why, but it's a skill I find impressive. Perhaps this is why I've been wondering about the origin of the idiom "shoot from the hip" of late. I've come to learn that the phrase originated during the heydays of the American cowboy of the old West. Obviously, it alludes to shooting a gun from the hip; but what I wasn't aware of is this. The shot also occurs without ever taking the gun out of the holster. Of course, while this made firing quicker, the shot was not as accurate. It is with this context in mind that the current use of the idiom to refer to a decision that is reached and implemented without stopping to consider the possible consequences of the decision makes sense.

I wanted to share this because I have been cautioning lawyers to never shoot from the hip for years, and yet many still do. Some almost on a daily basis. I think one of the reasons why is due to the time demands of the legal profession. It is just too easy for lawyers to find themselves in situations where they feel compelled to take that quick shot, if you will. Take the shot, problem solved, move on to the next task. The problem is that taking that quick shot without regard to the accuracy of the shot is asking for trouble.

Perhaps a few examples are in order. Consider dabbling. It's a malpractice problem we continue to see. Time and again, lawyers will take on a matter that is outside of the areas of practice they routinely practice in and they may

decide to do so for any number of reasons. It might be an inability to say no to a good client. It might be the legal ask is viewed as a simple matter. Heck, it could even be out of a desire to make sure that revenue keeps coming in. Regardless, a decision to take a quick shot is made without stopping to think through the potential consequences. At a minimum, these lawyers often don't know what they don't know and therein lies one problem. Look at it this way. Even if that shot from the hip by happenstance ends up being close to the target, that is often still not good enough. Close doesn't cut it in the world of legal malpractice.

Blown deadlines can be another example of where unintended consequences arise when lawyers decide to take that quick shot. In follow-up to a remark I made during a recent CLE, a lawyer shared that his partner always used to say the following. If you think you know a filing deadline that is written in a statute or rule and rely on your recollection instead of looking it up, you have committed malpractice even if you were right. I couldn't agree more. Again, even if it was a close call, it's still a miss.

Other examples might include responding to an email too quickly or agreeing to take a matter on before giving any thought to whether you can actually meet the client's needs or work effectively with this new client. It could be giving legal advice in a vacuum because you didn't take the time to gather all the information you would need to know if your advice would actually be accurate. Regardless, I do understand why sometimes we all feel like it might be worth shooting from the hip, be it in our personal or professional lives. I will readily admit that I've done it more than a few times in my life. Time crunches happen; and when they do, I try to stop, take a breath, and ask myself this. If I take that quick shot from the hip, is close enough an acceptable outcome or will I have only solved the problem for the short term and potentially created a bigger problem in the end? It's a question all of us legal hombres need to keep in mind because, particularly in the practice of law, accuracy matters, bigtime.

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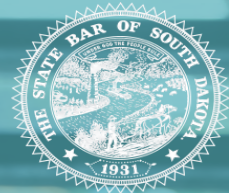
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BOARD OF BAR COMMISSIONERS

Minutes, January 29, 2021

Hotel on Phillips

Sioux Falls, South Dakota

President Terry Westergaard called the meeting to order at 8:30 a.m. Central Time on Friday, January 29, 2021. Present were: President Westergaard, President Elect Bill Garry (via Zoom), Commissioners Aasen (via Zoom), Christensen (via Zoom), Dougherty, Ginsbach (via Zoom), Johnson (via Zoom), Kempema (via Zoom), Pickar (via Zoom), Pilcher, Roby, Skjoldal, Trefz, and Wurgler. Also present were Secretary-Treasurer Andrew Fergel, Assistant Director Nicole Ogan, Strategic Plan Coordinator Beth Overmoe, Access to Justice Co-Coordinator Denise Langley (via Zoom), Lawyers Assistance Program Director Rebecca Porter (via Zoom), and Tamara Nash.

Minutes of December 17, 2020 Bar Commission Meeting: Commissioner Johnson made a motion to approve the minutes of the December 17, 2020 Bar Commission meeting. The motion was seconded by President Elect Garry. Motion passed.

Strategic Plan Update: Strategic Plan Coordinator Elizabeth Overmoe presented the State Bar of South Dakota 2019-2022 Strategic Plan that included recent additions to the plan document that resulted from the annual strategic plan retreat. In addition, Ms. Overmoe answered questions by Commissioners about the plan.

Lawyers Assistance Program Update: Rebecca Porter provided a report to the Commission concerning her work as the LAP Director. Ms. Porter's report included statistics for oversight of peer-to-peer services of Lawyers Concerned for Lawyers and information about her interaction with UJS members, the USD Knudson School of Law, and South Dakota Bar members to provide educational information about the services available through the Lawyers Assistance Program. Ms. Porter's oral report to the Commission was supplemented with a detailed written report. Ms. Porter reported that since November of 2020 through January 26, 2021, calls to the LAP Director and Lawyers Concerned for Lawyers volunteers for peer-to-peer services totaled 178.

Report by Tamara Nash: Tamara Nash provided an update to the Commission about her involvement with the ABA Young Lawyers Division and her current campaign for Secretary of the ABA Young Lawyers Division. Tamara reported that she launched her campaign for Secretary of the ABA YLD in August 2020 and that she currently has one opponent from the state of Illinois. The slate of candidates becomes final at the 2021 ABA Midyear meeting in February of 2021. Tamara's campaign will end with the election at the YLD Annual Assembly in August of 2021. If Tamara is successful in her campaign for YLD Secretary she will automatically ascend to chair of the YLD after serving as chair elect. For additional information about Tamara's campaign for YLD Secretary, visit her campaign website – www.tamaraforyld.com.

Financial Report: Executive Director Fergel presented a financial report to the Commission that included information on current fund balances in all the operational accounts for the State Bar of South Dakota, SD CLE, Inc., and Access to Justice, Inc. The report also included a review of the current balance in the Client Assistance Fund.

Budget Supplement for Professional Liability Insurance: After the financial report, Executive Director Fergel asked the Commission to increase the professional liability general fund budget line of the State Bar's FY 2020-2021 budget by \$600.00. Fergel explained the supplement was necessary due to an increase in full-time Bar staff. Thereafter, a motion was made by Commissioner Pickar to increase the professional liability budget line of the State Bar's budget for FY 20-21 by \$600.00. The motion was seconded by President Elect Garry. Motion passed.

Paycheck Protection Program: The Commission was given an overview of the documents required of a 501(c)(6) organization to apply for a Paycheck Protection Program loan. A discussion was held about the program and the eligibility of unified Bars for PPP loan funds; however, no action was taken by the Commission.

Bar Dues – Discussion About Options for Increase: A discussion was held about whether the Bar should proceed with an increase in dues this fiscal year to become effective for dues payable for the 2022 calendar year. After discussion, the Commission asked Bar staff to provide an option or options for a phased in dues increase that could be considered as an alternative to a traditional increase at the March 2021 Bar Commission meeting.

Midyear Committee and Section Reports: Elizabeth Overmoe highlighted several items contained in the combined midyear report of the committees and sections. Ms. Overmoe provided the combined report to the Commission on the Commission's community page. The combined 54-page report details what has happened with the committees and sections since the last annual meeting, what plans the committees and sections have for programming during the remainder of this fiscal year, suggestions for CLE programming in 2021, and items for which the committees and section are seeking Bar Commission assistance or approval.

Ethics Committee Opinions Concerning Amendment A and Potential Rule Change: The Commission discussed Ethics Opinion 2020-07 and Ethics Opinion 2021-01 recently issued by the State Bar's Ethics Committee and whether an amendment to Rule 1.2(d) should be pursued by the Bar. After discussion, a motion was made by Commissioner Dougherty to request the Ethics Committee to propose an amendment or amendments to Rule 1.2(d), 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. The motion was seconded by Commissioner Trefz. Motion passed.

2021 Legislative Session: Executive Director Fergel provided a brief report on how the 2021 Legislative Session is progressing with an update on the status of the Bills the Bar is supporting.

Compensation Committee Update: Commissioner Aasen reported that the Committee is continuing the process of collecting compensation data and aims to have a report and recommendation concerning staff compensation to the Commission by its March 2021 meeting.

Membership Benefits and Sponsorships Committee Update: Commissioner Pickar updated the Commission concerning the potential to provide purchasing benefits for Bar members through National Purchasing Partners. A brief discussion was had about the program. After discussion, it was the consensus of the Commission to collect additional information about the program before taking any official action.

Unused Vacation Leave: Executive Director Fergel reported that due to the COVID-19 pandemic some State Bar staff were unable to use accumulated vacation leave in FY 19-20 before the beginning of this fiscal year. Since those employees were unable to use the leave in FY 19-20, they would exceed the maximum amount of leave allowed to be carried over pursuant to Bar policy. Thereafter, Fergel asked the Commission to allow the employees that would otherwise lose vacation leave accumulated in FY 19-20 to carry it over and use it on or before July 31, 2022. Any vacation leave not used by July 31, 2022, in excess of the maximum vacation leave that may be accumulated by policy would be lost at that time. Thereafter, Commissioner Kempema made a motion to allow use of the lost vacation leave as requested by the Executive Director. The motion was seconded by Commissioner Pickar. Motion passed.

Approve Filing Form 990 and Form 990-T for State Bar of South Dakota: After review, a motion was made by Commissioner Dougherty to approve for filing the State Bar of South Dakota's Form 990 and 990-T for the taxable year ended July 31, 2020, together with all associated forms as prepared by Palmer, Currier & Hoffert, LLP. Motion was seconded by Commissioner Johnson. Motion passed.

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

Respectfully submitted,

Andrew L. Fergel
Secretary-Treasurer

In Memoriam



Richard Arthur Duncan
May 29, 1933 -
January 27, 2021

Richard Arthur Duncan, 87, of Custer, SD, passed away January 27, 2021, at his residence. Richard was born on May 29, 1933, in Boone,

Iowa, to Charles and Vera (Glidden) Tellier.

After graduating high school in West Des Moines, Richard served for three years in the Marine Corps. He then married Mary Rew and four children were born to this union. Richard graduated from law school at USD and then moved to Pierre, SD, for the many years of his career. He worked for the Attorney General and was States Attorney for several years before going into private practice. He then spent a number of years as SD State Banking Director. He served as chairman of the board of Capital University during the founding years and was involved with the Capital Area Counseling Center.

Richard's true passion during his many years in Pierre was sailing with his wife Grace whom he wed in 1977, and was never happier than sailing on Lake Oahe, rail down, going to weather.

They retired to the Black Hills in 2004, and after Grace passed away, he found new love at the Custer Senior Center and married Roberta Kesselring.



Howard W. Paulson
October 20, 1936 -
February 11, 2021

Howard W. Paulson, longtime Sioux Falls attorney, died Thursday, February 11, 2021, at Sanford USD Medical Center. He was 84.

Howard was born October 20, 1936, in Volga, South Dakota, to Hans and Petra (Olson) Paulson. He

grew up and attended school there, graduating with the Volga High School class of 1954. Howard then attended SDSC graduating with a bachelor's degree in history in 1958. Howard remained an ardent supporter of the Jackrabbits his whole life.

While student teaching at Watertown High School, Howard met Lou Ann Tesch who was working at the school. They were married at St. Martin's Lutheran Church of Watertown on June 10, 1962. In their early married years, Howard and Lou Ann moved to Sioux Falls where Howard began teaching at Washington High School. After a year in Colorado where Howard earned a master's degree in history from the University of Colorado in Boulder, the couple returned to Sioux Falls and to teaching. In 1967 Howard began teaching history at Sioux Falls College. Howard was honorably discharged as a Captain from the Army Reserve in 1969.

In 1974 Howard returned to school, this time to earn a law degree, and began practicing with the Sioux Falls firm, Christopherson, Bailin and Anderson in 1978. Howard diligently worked in the areas of estate planning and estate administration, where his clients often became friends.

Howard had a friendly nature and never met a stranger. He liked visiting with people and finding commonalities between himself and others. He served with many organizations and clubs including the Sioux Falls Area Community Foundation, Siouxland Lions, Norse Glee Club and Sons of Norway. Howard was a longtime devoted member of First Lutheran Church.

Howard was the son of Norwegian immigrants and was proud of his Norwegian heritage. From 1985 to 2009 Howard served the Norwegian government as Consul for the State of South Dakota. This began a long relationship with his parents' homeland where he met more relatives than he could ever have imagined. This relationship brought him great joy and satisfaction.

Howard is survived by his wife of 58 years, Lou Ann, four children, Ruth Mendyk and her husband, Stephen; Beth Monson; Wayne and his wife, Michelle; and Michael and his wife, Veronica; and nine grandchildren, Katherine and Caroline, Paul and Adam, Andrew and Jonah, and Anders, Berit and

Henrik. Howard is predeceased by his parents; his sister, Betty Wood; and his son-in-law Todd Monson.

In lieu of flowers please consider a donation to First Lutheran Church Media Ministry, Sioux Falls Area Community Foundation or SDSU Foundation.

LAY STILL FOR 5 MINS



BE MINDFUL



CLOSE YOUR EYES



STRETCH

**HOW TO
RECHARGE
YOUR
BATTERIES**



BREATHE SLOWLY
& FULLY



LIGHT CANDLES



DRINK WATER



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SERVICES INCLUDE: Entertainment & Dining, Travel & Tourism, Household Errands, Service Professionals

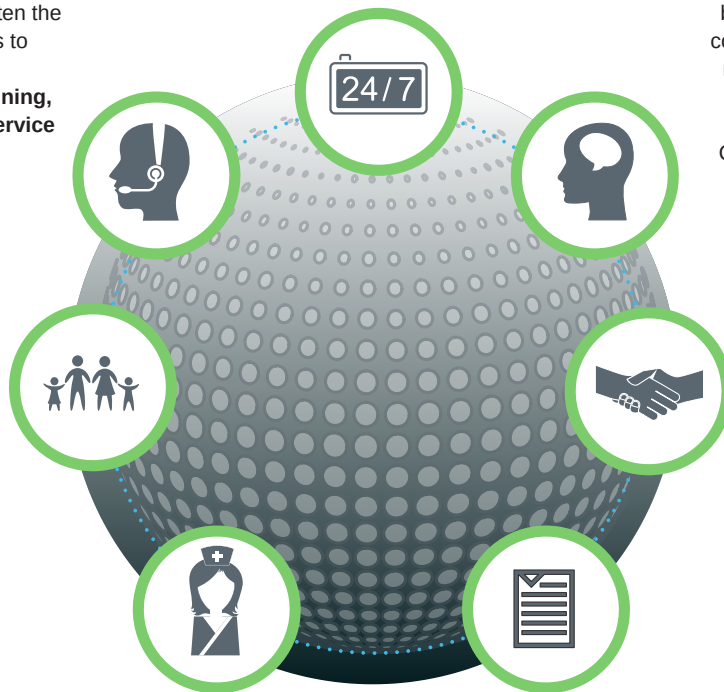
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WE HELP WITH: Family Conflict, Couples/Relationships, Substance Abuse, Anxiety, Depression

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We help employees and their household members achieve their personal and professional goals by providing coaching that meets needs in many of life's domains. A coach works actively to help individuals assess their current situation then develop goals to meet their stated expectations. A coach is an accountability partner and helps individuals overcome obstacles to achieve goals. **COACHES HELP WITH:** Life Transitions, Work/Life Balance, Goal Setting, Improving Relationships, & More.



WORK/LIFE RESOURCES

Navigating the practical challenges of life, while handling the demands of your job can be stressful. Work/Life resources and referral services are designed to provide knowledgeable consultation and customized guidance to assist with gaining resolution to everyday hurdles.

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WE HELP WITH: Insurance Navigation, Doctor Referrals, Specialist Referrals, Care Transition, Discharge Planning, Adult Care Coach

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Legal and Financial resources and referrals are available to connect employees with experienced, vetted professionals in their topical area of legal and financial needs.

RESOURCES INCLUDE: Divorce/Custody, Bankruptcy, Budgeting, Estate Planning/Wills, Personal Injury/Malpractice, Major Life Event Planning

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FOR YOU AND YOUR HOUSEHOLD MEMBERS

Your participation with your EAP is voluntary and strictly confidential. We do not report back to your employer about the things you discuss in private counseling conversations.

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Feeling Connected & Supported 24/7/365

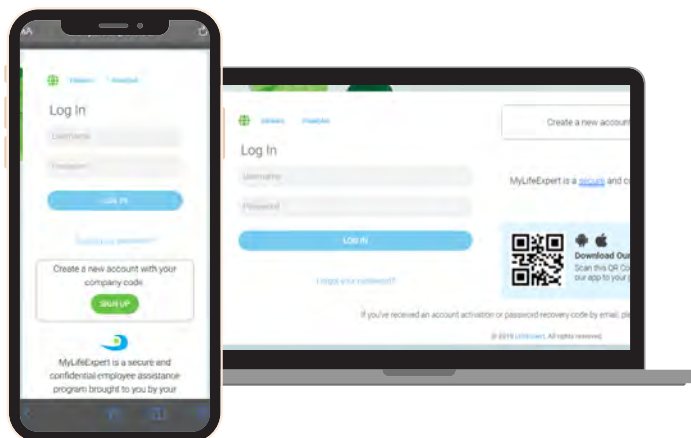
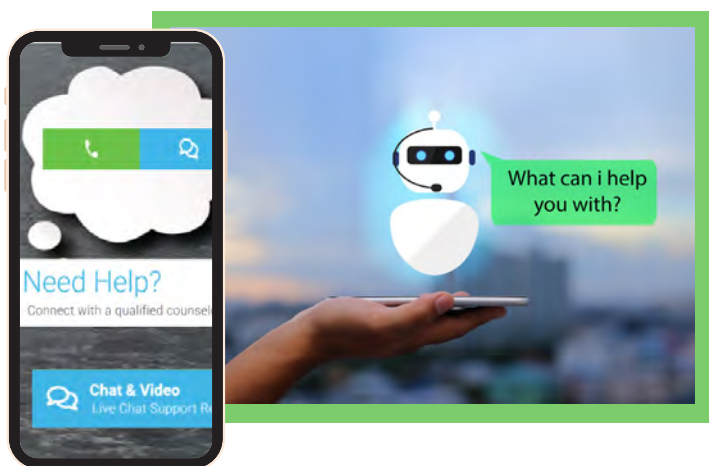
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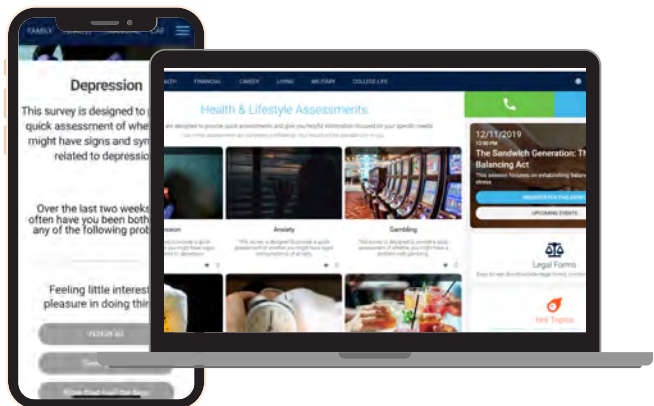
WORK & LIFE RESOURCES:

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IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT) RULE 21-02
SDCL 15-6-26(b))

A hearing was held on February 17, 2021, at Pierre, South Dakota, relating to the amendment of SDCL 15-6-26(b) and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-6-26(b) be and it is hereby amended to read in its entirety as follows:

SDCL 15-6-26(b). Scope of discovery. Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows:

(1) In general. Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

The frequency or extent of use of the discovery methods set forth in § 15-6-26(a) shall be limited by the court if it determines that:

(A) (i) the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive;

(ii) the party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought; or

(iii) discovery is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy limitations on the party's resources, and the importance of the issues at stake in the litigation.

The court may act upon its own initiative after reasonable notice or pursuant to a motion under § 15-6-26(c).

RULE 21-02

(2) Insurance agreements. A party may obtain discovery of the existence and contents of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment. Information concerning the insurance agreement is not by reason of disclosure admissible in evidence at trial. For purposes of this paragraph, an application for insurance shall not be treated as part of an insurance agreement.

(3) Trial preparation: materials. Subject to the provisions of subdivision (4) of this section, a party may obtain discovery of documents and tangible things otherwise discoverable under subdivision (1) of this section and prepared in anticipation of litigation or for trial by or for another party or by or for that other party's representative (including such other party's attorney, consultant, surety, indemnitor, insurer, or agent) only upon a showing that the party seeking discovery has substantial need of the materials in the preparation of the party's case and that the party is unable without undue hardship to obtain the substantial equivalent of the materials by other means. In ordering discovery of such materials when the required showing has been made, the court shall protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation.

A party may obtain without the required showing a statement concerning the action or its subject matter previously made by that party. Upon request, a person not a party may obtain without the required showing a statement concerning the action or its subject matter previously made by that person. If the request is refused, the person may move for a court order. The provisions of subdivision 15-6-37(a)(4) apply to award of expenses incurred in relation to the motion. For purposes of this paragraph, a statement previously made is (A) a written statement signed or otherwise adopted or approved by the person making it, or (B) a stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

(4) Trial preparation: experts. Discovery of facts known and opinions held by experts, otherwise discoverable under the provisions of subdivision (1) of this rule and acquired or developed in anticipation of litigation or for trial may be obtained only as follows:

(A) (i) A party may through interrogatories require any other party to identify each person whom the other party expects to call as an expert witness at trial, to state the subject

RULE 21-02

matter on which the expert is expected to testify, and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. A party may also take the testimony of each such expert witness by deposition upon oral examination.

(ii) Upon motion, the court may order further discovery by other means, subject to such restrictions as to scope and such provisions, pursuant to subdivision (4)(C) of this section, concerning fees and expenses as the court may deem appropriate.

(B) Trial-preparation for draft reports or disclosures. Subdivision 15-6-26(b)(3) protects drafts of any report prepared by any witness who is retained or specially employed to provide expert testimony in the case or one whose duties as the party's employee regularly involves giving expert testimony, regardless of the form in which the draft is recorded.

(C) Trial preparation protection for communication between a party's attorney and expert witnesses. Subdivision 15-6-26(b)(3) protects communications between the party's attorney and any witness who is retained or specially employed to provide expert testimony in the case or one whose duties as the party's employee regularly involve giving expert testimony, regardless of the form of the communications, except to the extent that the communications:

(i) Relate to compensation for the expert's study or testimony;

(ii) Identify facts or data that the party's attorney provided and that the expert considered in forming the opinion to be expressed; or

(iii) Identify assumptions that the party's attorney provided and that the expert relied on in forming the opinions to be expressed.

(D) A party may discover facts known or opinions held by an expert who has been retained or specially employed by another party in anticipation of litigation or preparation for trial and who is not expected to be called as a witness at trial, only as provided in § 15-6-35(b) or upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means.

(E) Unless manifest injustice would result, (i) the court shall require that the party seeking discovery pay the expert a reasonable fee for time spent in responding to discovery under subdivisions (4)(A)(ii) and (4)(B) of this section; and (ii) with respect to discovery obtained under subdivision (4)(A)(ii) of this section the court may require, and with respect to discovery obtained under subdivision (4)(B)

RULE 21-02

of this section the court shall require, the party seeking discovery to pay the other party a fair portion of the fees and expenses reasonably incurred by the latter party in obtaining facts and opinions from the expert.

(5) Claims of privilege or protection of trial preparation materials. When a party withholds information otherwise discoverable under these rules by claiming that it is privileged or subject to protection as trial preparation material, the party shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.

IT IS FURTHER ORDERED that this rule shall become effective immediately.

DATED at Pierre, South Dakota, this 23rd day of February, 2021.

BY THE COURT:



Steven R. Jensen, Chief Justice

ATTEST:



Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

FEB 23 2021


Clerk

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT) RULE 21-03
SDCL 15-6-45(a))

A hearing was held on February 17, 2021, at Pierre, South Dakota, relating to the amendment of SDCL 15-6-45(a) and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-6-45(a) be and it is hereby amended to read in its entirety as follows:

SDCL 15-6-45(a). Subpoena for attendance of witnesses and for production of documentary evidence--Form--Issuance.
Clerks of courts, judges, magistrates, notaries public, referees, and any other public officer or agency so empowered by § 1-26-19.1 or otherwise authorized by law in any matter pending before them, upon application of any person having a cause or any matter pending in court or before such agency, officer or tribunal, may issue a subpoena for a witness or witnesses, or for the production of books, papers, documents or tangible things designated therein pursuant to the provisions of § 15-6-45(b).

Any attorney of record who has been duly admitted to practice in this state and is in good standing upon the active list of attorneys of the State Bar of South Dakota may issue a subpoena for a witness or witnesses, and for production, inspection and copying of records and exhibits, in any action or proceeding, or collateral hearing, civil or criminal, in which ~~he~~ the attorney is the attorney of record for any party. When an attorney issues a subpoena, ~~he~~ the attorney must ~~forthwith~~ contemporaneously transmit a copy thereof to the clerk of the court, or to the secretary or other filing officer of the board or tribunal in which the matter is pending, for filing. Such officer shall file such copy as one of the public records of the action or proceeding.

A subpoena shall state the name of the court, or tribunal, the title of the action or proceeding, and shall command each person to whom it is directed to attend and give testimony at a time and place therein specified. It shall state the name of the person or party for whom the testimony of the witness is required. The seal of the court or officer, or

Rule 21-03

tribunal, shall be affixed to the original and all copies, if issued by a court or officer having a seal. If the subpoena is issued by an attorney, it shall be issued in the name of the presiding officer of the court, or tribunal in which the matter is pending and shall be attested and signed by the attorney, designating the party for whom ~~he~~ the attorney is attorney of record.

IT IS FURTHER ORDERED that this rule shall become effective immediately.

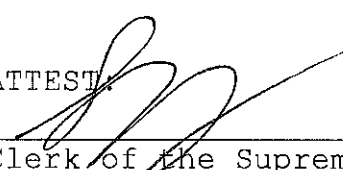
DATED at Pierre, South Dakota, this 23rd day of February, 2021.

BY THE COURT:



Steven R. Jensen, Chief Justice

ATTEST



Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

FEB 23 2021


Clerk

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT) RULE 21-04
SDCL 15-6-56(c))

A hearing was held on February 17, 2021, at Pierre, South Dakota, relating to the amendment of SDCL 15-6-56(c) and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-6-56(c) be and it is hereby amended to read in its entirety as follows:

SDCL 15-6-56(c). Motion for summary judgment and proceedings thereon. Unless different periods are fixed or permitted by order of the court, The the motion and supporting brief, statement of undisputed material facts, and any affidavits, shall be served not later than twenty-eight calendar days before the time specified for the hearing; and any response or reply thereto, including any response to the movant's statement of undisputed material facts, shall be served not later than fourteen calendar days before the hearing; and a reply brief or affidavit may be served by the movant not later than seven calendar days before the hearing. The time computation rules of SDCL 15-6-6(a) requiring the exclusion of intermediate Saturdays, Sundays, and legal holidays shall not apply to the seven-calendar-day reply period. shall be served within the dates set forth in § 15-6-6(d).

(1) A party moving for summary judgment shall attach to the motion a separate, short, and concise statement of the material facts as to which the moving party contends there is no genuine issue to be tried. Each material fact in this required statement must be presented in a separate numbered statement and with appropriate citation to the record in the case.

(2) A party opposing a motion for summary judgment shall include a separate, short, and concise statement of the material facts as to which the opposing party contends a genuine issue exists to be tried. The opposing party must respond to each numbered paragraph in the moving party's statement with a separately numbered response and appropriate citations to the record.

Rule 21-04

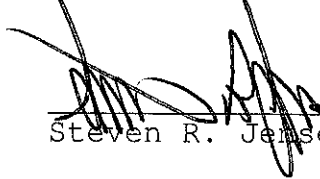
(3) All material facts set forth in the statement that the moving party is required to serve shall be admitted unless controverted by the statement required to be served by the opposing party.

The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

IT IS FURTHER ORDERED that this rule shall become effective July 1, 2021.

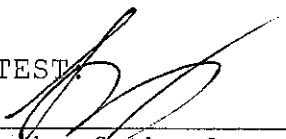
DATED at Pierre, South Dakota, this 23rd day of February, 2021.

BY THE COURT:



Steven R. Jensen, Chief Justice

ATTEST



Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

FEB 23 2021



Clerk

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT)
SDCL 15-15A-9)

RULE 21-05

A hearing was held on February 17, 2021, at Pierre, South Dakota, relating to the amendment of SDCL 15-15A-9 and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-15A-9 be and it is hereby amended to read in its entirety as follows:

SDCL 15-15A-9. Filing confidential numbers, financial documents, and name of child victim in court record.

(1) Social security numbers, employer or taxpayer identification numbers, and financial or medical account numbers of an individual where required to be filed with the court shall be submitted on a separate Confidential Information Form, appended to these rules, and filed with the pleading or other document required to be filed. The Confidential Information Form is not accessible to the public.

(2) Financial documents named in subdivision 15-15A-8(2) that are required to be filed with the court shall be submitted as a confidential document and designated as such to the clerk upon filing. The Confidential Financial Documents Information Form appended to these rules shall be attached to financial documents being filed with the court. The Confidential Financial Documents Information Form is not accessible to the public. The confidential financial documents will not be publicly accessible, even if admitted as a trial or hearing exhibit, unless the court permits access pursuant to § 15-15A-10. The court may, on its own motion, protect financial documents that have been submitted without the Confidential Financial Documents Information Form.

(3) Names of any ~~minor~~ child under eighteen years of age alleged to be the victim of a crime in any adult criminal proceeding shall appear as initials only. The names shall be provided on a separate Confidential Information Form.

RULE 21-05

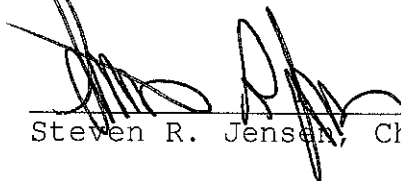
(4) Court records in which a child under eighteen years of age is identified as the petitioner or respondent in a protection order proceeding shall be treated as confidential and excluded from public access.

(45) Parties with cases filed prior to the effective date of this rule, or the court on its own, may, by motion, protect the privacy of confidential information as defined in § 15-15A-8. Parties filing this motion will submit a completed Confidential Information Form or Confidential Financial Documents Information Form as appropriate.

IT IS FURTHER ORDERED that this rule shall become effective July 1, 2021.

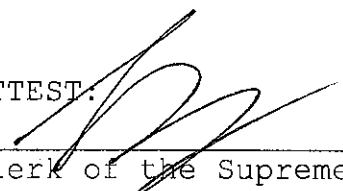
DATED at Pierre, South Dakota, this 23rd day of February, 2021.

BY THE COURT:



Steven R. Jensen, Chief Justice

ATTEST:



Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

FEB 23 2021


Clerk

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

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

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

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

WHEREAS, on June 24, 2020, this Court entered an Amended Order of Suspension and Order of Remand wherein respondent Swier's fixed period of suspension became indefinite until further Order of this Court, SDCL 16-19-35 (2). The matter was remanded to the Disciplinary Board of the State Bar of South Dakota to conduct a full investigation of respondent Swier and the Swier Law Firm to determine if he or members of the Swier Law Firm committed additional violations of this Court's Order of Suspension, and

WHEREAS, on January 14, 2021, the Disciplinary Board filed its report and recommendation, and

#29156, Order

WHEREAS, on January 22, 2021, the Court considered the report and recommendation of the Disciplinary Board, now therefore,

IT IS ORDERED that Scott R. Swier's suspension from the practice of law shall be extended for an additional 60 days following the end of his one-year suspension on March 20, 2021.

IT IS FURTHER ORDERED before respondent may petition for reinstatement, SDCL 16-19-83, he must:

1. Pass the Multistate Professional Responsibility Examination;
2. Successfully complete a law office management course approved by this Court, and;
3. Reimburse the State Bar of South Dakota and the Unified Judicial System expenses allowed under SDCL 16-19-70.2.

Furthermore, Scott R. Swier must submit an affidavit to this Court stating under oath that:

1. He has reviewed the Oath of Attorney and the Rules of Professional Conduct;
2. He fully recognizes that his conduct violated the Rules of Professional Conduct by which he is bound;
3. He pledges to devote every effort in his future practice to fully abide by the Rules of Professional Conduct and Oath of Attorney, and;
4. Upon reinstatement, he will maintain professional malpractice insurance along with proof thereof.

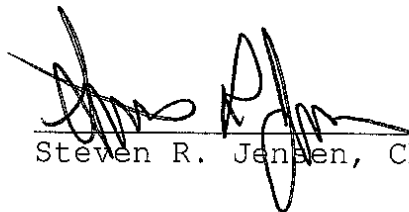
IT IS FURTHER ORDERED respondent Swier shall on or before March 19, 2021, pay to the State Bar of South Dakota, its original

#29156, Order

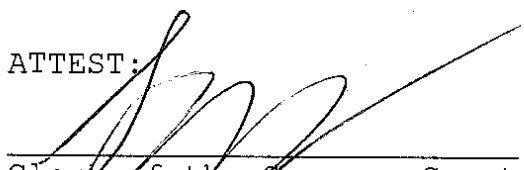
costs filed on February 20, 2020, in the amount of \$8,373.73 and its subsequent costs filed on February 1, 2021, in the amount of \$8,915.58, totaling \$17,289.31 as reimbursement of its itemized costs and expenses allowed under SDCL 16-19-70.2, proof of said payment to be filed with the Clerk of this Court on or before April 19, 2021.

DATED at Pierre, South Dakota, this 17th day of February, 2021.

BY THE COURT:



Steven R. Jensen, Chief Justice

ATTEST: 

Clerk of the Supreme Court
(SEAL)

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

PARTICIPATING: Chief Justice Steven R. Jensen and Justices, Mark E. Salter, Scott P. Myren, Circuit Judge Carmen Means and Retired Justice David Gilbertson.

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

FEB 17 2021


Clerk

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Fellows of the South Dakota Bar Foundation

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

Full Name _____

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I would like to contribute:

in Lump Sum Annually Semi-Annually Quarterly Monthly

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

In Memoriam

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

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

Mail payment to:

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

Or you can email this form to:

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

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

Trail of Governors Announces Statue Unveiling

PIERRE, S.D. –The Trail of Governors Foundation Board will unveil three former governors' statues at 10 a.m. on June 11 at the State Capitol in Pierre.

The three new life-size, bronze statues will portray these governors:

-Charles H. Sheldon, a Pierpont Republican, was the state's 2nd governor. A farmer, he has served in the territorial legislative council prior to being elected governor. Sheldon was a popular orator, representing the Republican party at events across South Dakota following his term as governor. It was in Deadwood where he died from pneumonia while on such a tour.

-Coe I. Crawford, a Huron Republican, was the state's 6th governor. Before serving as governor, he was a teacher and then railroad attorney after earning his law degree. He also served in Dakota Territory's final legislative council, as a state legislator, and as attorney general prior to being elected governor. After leaving the governor's office, Crawford was elected to the U.S. Senate.

-Carl Gunderson, a Mitchell Republican, was the state's 11th governor. Gunderson was a farmer, a state senator, and lieutenant governor before being elected governor. Gunderson received an engineering and surveying degree from the University of South Dakota. He homesteaded in Clay County and also farmed in Aurora County. He is buried at Bluff View Cemetery in Vermillion, on land he originally homesteaded.

Statues of the three governors will be unveiled in a ceremony at the Capitol Rotunda on June 11, 2021. They will join 23 completed statues along the trail. Once placed next summer, only three statues of former governors will remain to complete the trail. Each statue tells a story of not only that governor, but also of the unique time in history during which they served.

The Trail of Governors statues are funded by donations, and donor sponsor opportunities are still available for Govs. Sheldon, Crawford and Gunderson. All donations are tax deductible.

More information is available at www.TrailofGovernors.com.

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.



STATE BAR OF SOUTH DAKOTA CLASSIFIEDS

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

PUBLIC NOTICE

REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE

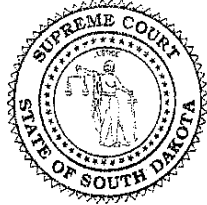
The current appointment of Magistrate Judge Chad Callahan is due to expire on July 9, 2021. Magistrate Judge Callahan serves in the Fourth Judicial Circuit.

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 Chad Callahan 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 April 10, 2021.



Supreme Court

STATE OF SOUTH DAKOTA

Steven R. Jensen
CHIEF JUSTICE

March 1, 2020

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

Re: Vacancy on Board of Bar Examiners

Dear Members:

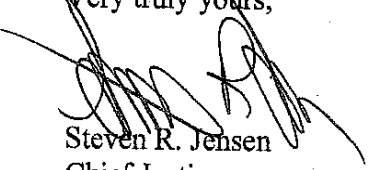
As of March 15, 2021, there will be a vacancy on the Board of Bar Examiners due to the resignation of Larry Von Wald from the Board.

Accordingly, the Court takes this opportunity to announce that any attorney interested in serving as a member of the Board of Bar Examiners is invited to submit a letter of interest and resume to the Court no later than March 31, 2021. The appointee will fill the unexpected term of commission set to expire on December 31, 2022.

Letters and resumes should be directed to:

Chief Justice Steven Jensen
Supreme Court of South Dakota
500 East Capitol Avenue
Pierre, South Dakota 57501

Very truly yours,


Steven R. Jensen
Chief Justice

SJ:lg

**JUDICIAL QUALIFICATIONS COMMISSION
STATE OF SOUTH DAKOTA**

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

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

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

March 1, 2021

Notice of Judicial Vacancy

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

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

The retirement of the Hon. Joni M. Clark will create a vacancy for a Circuit Court Judge position (Position G) in the Second Judicial Circuit. The Judicial Qualifications Commission is now taking applications for this position.

All lawyers and judges interested in applying should obtain the application form at <http://ujs.sd.gov/>, or contact Lori Grode at the State Court Administrator's Office. The application must be returned to the Administrator's Office and must be postmarked no later than **5:00 PM on April 9, 2021**. Applicants should make sure the application submitted is the 2018 revision.

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

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

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

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

**JUDICIAL QUALIFICATIONS COMMISSION
STATE OF SOUTH DAKOTA**

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

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

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

Notice of Judicial Vacancy - EXTENDED

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

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

The retirement of the Hon. Robert A. Mandel will create a vacancy for a Circuit Court Judge position (Position A) in the Seventh Judicial Circuit. **The Judicial Qualifications Commission accepted applications for this vacancy with a previous deadline of February 26, 2021. The Commission has decided to extend the application deadline.**

All lawyers and judges interested in applying should obtain the application form at <http://ujs.sd.gov/>, or contact Lori Grode at the State Court Administrator's Office. The application must be returned to the Administrator's Office and must be postmarked no later than **5:00 PM on April 9, 2021**. The duty station for this position shall be located in Rapid City, SD.

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

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

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

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

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

Requisition #: J21-09

Agency: Unified Judicial System

Salary: \$107,457.23 annually

Closing Date: March 31, 2021

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

Duties may include:

- administering oaths;
- taking acknowledgements;
- issuing warrants of arrest, search and seizure warrants;
- acting as committing magistrate, including setting bond conditions on felonies prior to indictment;
- fixing bond;
- handling initial action on protection orders;
- reading or listening to allegations; determining if action cited is supported by facts (probable cause);
- conducting jury trials on misdemeanors and civil cases within the jurisdictional limit;
- hearing and evaluating evidence;
- trying and determining all cases of misdemeanor and actions or proceedings for violation of any ordinance by law or other police regulation of a political subdivision;
- taking pleas of guilty;
- taking forfeitures of appearance bonds;
- trying civil actions or small claims up to a specific jurisdictional amount;
- participating and assisting with Drug Court, DUI Court or other problem-solving courts;
- taking evidence;
- entering judgments;
- occasional work on weekends and holidays, usually on a rotating basis with all other judges.

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

To qualify for Veterans' Preference, a veteran must have been separated or discharged honorably or under honorable conditions. To be considered for Veterans' Preference, please attach a copy of the DD214, DD214R or NGB22 indicating qualifications per SDCL 33A-2-1.

To Apply: Applicants must complete a letter of interest and personal data questionnaire. The personal data questionnaire can be obtained by accessing the following link <http://ujs.sd.gov/uploads/hr/MagistratePDQ.pdf> or contacting the Human Resources office. If the applicant has completed a circuit court judge judicial application/personal data questionnaire within the last six months, it may be submitted in lieu of the magistrate application, provided it is updated to the date of application. All personal data questionnaires must be submitted by the closing date to:

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

ATTORNEY

Attorney - Sioux Falls

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

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

Associate Attorney - Sioux Falls

Myers Billion, LLP, an AV-Rated firm located in Sioux Falls, SD, is seeking a licensed South Dakota attorney to join its firm as an ASSOCIATE ATTORNEY. The successful applicant must be in good standing with the South Dakota State Bar, a self-starter, and have strong communication, research, and writing abilities. The attorneys of Myers Billion, LLP practice across several areas including litigation, family law, criminal law, estate planning, business transactions, and many more. The successful applicant will have the opportunity to craft their own unique practice in consultation with the partners of Myers Billion, LLP.

Benefits include health insurance, 401K match, professional dues and membership fees, annual CLE tuition, profit sharing and additional incidental benefits.

Please direct a cover letter, resume, and list of references to Joshua D. Zellmer, Myers Billion, LLP, 230 S. Phillips Ave, Suite 300, Sioux Falls, SD 57104 or to jjzellmer@myersbillion.com. All inquiries will be kept strictly confidential.

Attorney - Sioux Falls

Legacy Law Firm, P.C., is currently looking to hire a rock star attorney who has a service-orientated frame of mind even before having morning coffee; someone who enjoys learning something new every day, but can also hammer out routine work that must be done to keep moving matters forward; and someone who is motivated by their desire to do the highest quality of work with the underlying belief that we are put on this planet to help others and not just ourselves. Legacy Law Firm is a boutique law firm focusing in estate planning, elder law and business planning. We have the honor of helping clients who are starting a business or starting a family, taking their business to the next level or protecting assets for the next generation. In short, we help people protect what matters most. We have a fast-paced practice and don't have "slow days." If you are looking to join a team that believes in collaboration, entrepreneurialism, and everyone rowing together in the same direction and at the same speed, and you value integrity, excellence, positivity and stewardship, let's visit! Who should not apply for this position? If you still don't know the difference between "there," "their" and "they're"; you're a problem adopter and not a problem solver; if you like "slow days"; or if you were the student who needed mom or dad to remind you about your homework or projects. The person we hire will be self-reliant. This person will ask questions but will never make excuses. Most importantly, the person we hire will have a "can-do" and positive attitude. Please send a resume and cover letter explaining your interest in our firm, any relevant experience, and what you are looking for in a practice. Please send to felan@legacylawfirmnpc.com. All applications will be received in the strictest of confidence as we understand that rock stars may currently be on tour with another group while looking for a better gig.

Associate Attorney - Sioux Falls

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

All applicants are welcome to apply. Preference will

be given to applicants in the top 1/3 of their class, to those who have prior work experience, and to those currently licensed to practice in South Dakota.

Start Date: Upon hiring.

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

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

Associate Attorney - Rapid City/Black Hills Region

Associate attorney position available for the right candidate to join a small practice in the Rapid City and Black Hills region. Experience or interest in primary practice areas of estate planning, elder law and asset-protection planning, as well as secondary service offerings in business and corporate, family, civil litigation, and more. We are looking for a self-starter, ambitious young professional who works well with others and will be ready to assume responsibility as the firm grows and expands. Equity potential for the right candidate over time. Compensation is a combination of base salary and origination bonuses, starting immediately. Health insurance, paid personal leave, 401(k), and other benefits with investment in your success, are a part of our package. Send resumes to stephen@aspenglegacyplanning.com. All inquiries will remain confidential.

Brookings Co. Deputy States Attorney I - Brookings

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.

Application Process:

Provide cover letter, resume, writing sample (not to exceed 20 pages), and list of three professional references with contact information. All documents should be submitted electronically in one continuous .pdf attachment.

Deputy State's Attorney - Lincoln County

Lincoln County State's Attorney's Office
Lincoln County State's Attorney, Tom Wollman, welcomes applications for a Deputy State's Attorney. The Deputy State's Attorney performs routine professional legal work in the prosecution of civil and criminal crimes, juvenile crimes, and juvenile abuse and neglect cases in Lincoln County. Minimum Qualifications: Graduation from a college of law, attainment of a Juris Doctorate degree from an accredited law school, and admission by the Supreme Court of South Dakota to practice law in the state of South Dakota or be licensed to practice law in any other state and able to take the next available South Dakota bar examination or be a recent or imminent law school graduate, eligible to sit for the next available South Dakota bar examination.

Comparable combination of education and experience may be considered. \$74,588.80 - \$82,326.40 annually.

To view a full listing of qualifications and to apply visit: <http://www.lincolncountysd.org> then click on the Employment tab. Application deadline: March 12th. Contact Human Resources with questions at 605-764-6609. Equal Opportunity Employer.

Attorney - Pierre

Request for Proposal - Attorney Services for DSS - Division of Child Support

The South Dakota Department of Social Services' Division of Child Support (DCS) is soliciting proposals for skilled legal representation across South Dakota. The legal services include representing DCS in civil and/or criminal court proceedings including but not limited to paternity establishment, child support obligation establishment and modification, enforcing child and medical support obligations, and collection of child support payments.

The RFP for this procurement will be published in March 2021. Those interested may obtain a copy of the RFP through the Office of Procurement Management's Mercury Commerce System at <https://www.mercurycommerce.com/app/jumppage/esmsvendorlogin.aspx> or on the Department of Social Services website at <https://dss.sd.gov/keyresources/rfp.aspx> upon publication.

Associate Attorney – Pierre

Moreno, Bachand, Hruska & Scheibe, P.C. is currently accepting applications for an associate attorney. This is a growing firm that practices in general civil litigation, family law, personal injury, probate, estate planning, real estate and governmental matters. We are looking for an attorney who is a self-starter and has strong written and verbal communication skills. This position offers a competitive salary with a generous retirement plan. Visit our website at www.pirlaw.com to learn more about our firm and its long-standing history in the Pierre area.

All applicants are welcome to apply. Please send a cover letter and resume to:

Paul E. Bachand
Moreno, Bachand, Hruska & Scheibe, P.C.
PO Box 1174
Pierre, SD 57501
pbachand@pirlaw.com

Assistant Federal Public Defender - Rapid City

The Federal Public Defender for the Districts of South Dakota and North Dakota seeks an attorney to join our branch office in Rapid City, South Dakota. Our office provides high-quality representation to people charged with federal crimes who cannot afford to hire an attorney. We operate under the authority of the Criminal Justice Act.

Position Description: Assistant Federal Public Defenders zealously and professionally represent clients in a fast-paced, challenging, diverse, and rewarding work environment. Responsibilities include managing a caseload; working with clients; interviewing witnesses and family members; developing release plans; reviewing discovery; preparing pleadings, motions, and briefs; developing litigation strategies; working with experts; advising CJA panel attorneys; and in-court litigation through all stages of a criminal case. Some travel is necessary. Attorneys in our office may not engage in the private practice of law.

Qualifications: Required: (1) graduation from an accredited law school; (2) admission to practice in good standing before the highest court of a state or the District of Columbia; (3) admission to practice in the US District Court for the District of South Dakota by the time of entrance on duty; (4) willingness to become admitted to the South Dakota Bar within a year of beginning employment; and (5) US citizenship or work authorization.

Above all we are looking for applicants with a demonstrated commitment to indigent defense, and an ability to work well in a team environment. We value court experience, creativity, and superior research and writing skills. We are willing to train the right candidate and will consider attorneys who have recently completed judicial clerkships or fellowships.

Salary and Benefits: The salary range is commensurate with experience. The position is full-time with federal benefits, including health and life insurance, retirement, and the Thrift Savings Plan. Salary is payable only by direct deposit. A final offer of employment is subject to funding and a background check.

How to Apply: Apply by emailing a letter of interest, resume, three references, and a recent writing sample in a single pdf document to SDX_JOBS@fd.org. Open until filled; priority consideration given to applications received by March 22, 2021. No phone calls.

The Federal Public Defender for the Districts of South Dakota and North Dakota is an Equal Opportunity Employer. Women and minorities encouraged to apply.

Email: SDX_JOBS@fd.org

Assistant City Attorney - Bismarck, ND

Summary: The City of Bismarck is seeking an Assistant City Attorney in the City Attorney's Office. This position provides legal services to the City of Bismarck, including the prosecution of ordinance violations.

Pay Range: \$65,924.02-\$119,652.10 DOE
Closing Date: February 23, 2021 at Midnight

Description: This position Prepares cases for prosecution in municipal court; reviews legal issues and witnesses. Reviews police reports and makes decisions with regards to criminal charges; reviews motor vehicle accident reports for criminal and non-criminal traffic violations. Prepares cases for jury trial in district court, including motion briefs, discovery, witness selection, expert determinations, and appeals. Coordinates the review of evidence. Conducts legal research. Assists municipal court with legal issues, including arraignments, court trials, ordinances, and criminal rights issues. Works with court clerks on issues related to warrants, restitution, parking matters, etc. Drafts a variety of legal documents. Assists in the drafting of municipal ordinances, amendments, resolutions, procedures, rules, and regulations. Responds to questions from the public regarding city ordinances, rules, regulations and other issues. Answers legal questions from city departments. Makes decisions on property damage claims. Performs related duties.

Qualifications: Graduation from an accredited school of law. Experience sufficient to thoroughly understand the work of subordinate positions to be able to answer questions and resolve problems, usually associated with one to three years' experience. Current

membership or eligible for membership in the State Bar of North Dakota.

If none of the applicants meet the above requirements, the position may be under filled with an Assistant City Attorney 1 (Grade 21), with no years of experience.

Miscellaneous: Must be legally authorized to work in the United States. No sponsorships considered. Subject to pre-employment drug testing and background checks.

For details and to apply online: www.bismarcknd.gov/jobs

For more information: Breann Schauer at 701-355-1337 or email bschauer@bismarcknd.gov

The City of Bismarck is an Equal Opportunity Employer

Attorney - Dickinson, ND

Ebeltoft . Sickler . Lawyers, a growing and progressive regional law firm located in Dickinson, North Dakota, seeks to hire a lawyer to practice in the firm's Business Solutions, Real Estate and Personal Planning practice groups.

The ideal applicant will have a minimum of five years of demonstrated experience in these practice areas. A successful applicant must be licensed to practice, or eligible to become licensed to practice, in North Dakota, and will receive a competitive compensation package that will reward beneficial experience and encourage a long-term relationship with the firm. This is an opportunity for a motivated lawyer to join a successful "AV"® rated firm.

Visit our website at www.ndlaw.com. Please submit your letter of application and resume to:

Ebeltoft . Sickler . Lawyers
Attn: Randall N. Sickler
2272 8th Street West
Dickinson, ND 58601
or to rsickler@ndlaw.com.

All applications will be kept confidential.

LAWCLERK

Law Clerk - Seven Circuit Courts

The South Dakota Supreme Court and seven Circuit Courts are recruiting for 2022-2023 Law Clerk applicants. If you are aware of any law students either in-state or out-of-state that may be interested in a one-year law clerk opening, please have them view the law clerk announcements on line at <https://uj.s.sd.gov/Careers/WorkForUs.aspx>. There are currently law clerk openings in various locations such as Pierre, Sioux Falls, Mitchell, Yankton, Aberdeen, Brookings, Deadwood or Rapid City. The deadline to apply for the clerkships is July 9, 2021. This is a great opportunity to work for the South Dakota Supreme Court or South Dakota Circuit Courts. If you have any questions, please contact the Unified Judicial System Human Resources office at 605-773-4867.

PARALEGAL

Paralegal - Rapid City

We are hiring a Paralegal at Monument Health hospital in Rapid City, SD! In this position you will prepare legal correspondence and other documents regarding litigation and legal matters involving the health system. Drafts and submits business correspondence and documents. Organizes and maintains legal files, and compiles data from legal resources. Organizes and maintains litigation files and pleadings, and compiles data from legal resources. Performs a variety of law-related tasks under the direction of the organization's attorneys. Drafts legal documents and performs administrative tasks such as filing, answering calls and organizing documents, To review the complete job posting and apply please visit the website below. https://monumenthealth.wd1.myworkdayjobs.com/Goldcareers/job/Rapid-City-SD/Paralegal_21_2604

MARCH 2021

March 18 | Immigration CLE | Webinar

March 18 | Bar Commission Meeting | Teleconference

March 24 | Zoom & Mediation For the SD Lawyer | Zoom

April 8 | Disciplinary Board Meeting | Red Rossa, Pierre

June 14 | Disciplinary Board Meeting | Club House, Sioux Falls

June 16-18 | Annual Meeting | Sioux Falls Convention Center & Sheraton Hotel

EVENTS