

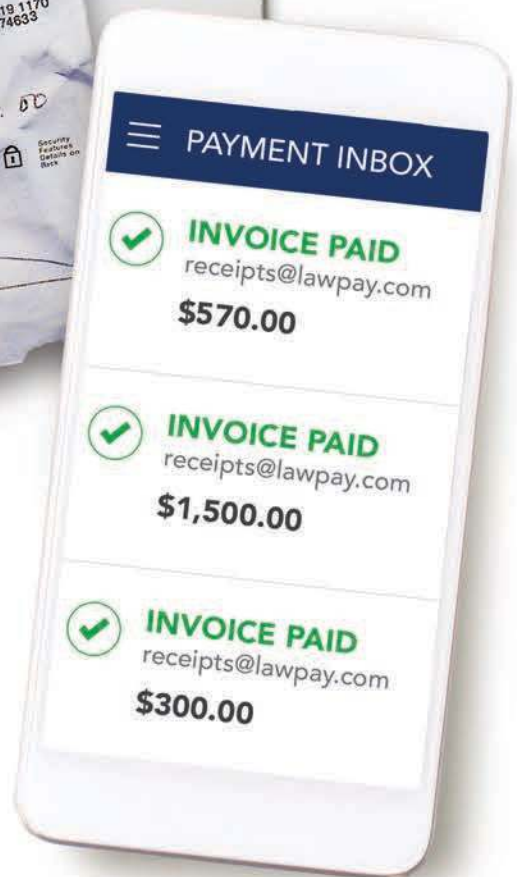
# State Bar of South Dakota

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# State Bar of South Dakota

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## President's Corner

Steven K. Huff

Our November edition pays tribute to the fine legal service organizations that serve our citizens and legal communities alike: East River Legal Services (ERLS), Access to Justice, Inc. (A2J), and Dakota Plains Legal Services (DPLS). Each of these organizations have distinct missions, differing eligibility requirements and deserve our collective admiration and support.

As a matter of full disclosure, my involvement with legal service organizations started early in my South Dakota legal career. When I moved to Yankton in September 1999, my partner and friend, Celia Miner, made sure when she stepped down from many years of service that I would agree to take her place and be devoted to ERLS. I sat on its board for many years before serving the last five as its president before stepping down to be the State Bar president.

At the time I began my board service, I did not know much about these organizations, their interactions or how important they were to citizens and our legal communities. Not only do they provide critical representation to those who cannot afford private practice attorneys, they serve clients typically in the most difficult of circumstances: domestic abuse; child custody and support disputes; evictions and loss of housing; veterans; elderly and those most financially vulnerable. This also lessens the burden for judges, attorneys, clerks and court administration who would otherwise be on the other side of a pro se dispute, which typically take longer to adjudicate or resolve.

Prior to explaining what services each organization provides, and where they are located, it is important to distinguish what services and representations these organizations do and do not provide. Generally, these organizations do NOT provide the following kinds of representation: criminal; immigration; personal

injury; malpractice; workers' compensation; traffic violations; or probate related services.

DPLS operates in multiple locations (Rapid City, Mission, Pine Ridge, Eagle Butte, Ft. Yates, Ft. Thompson, Sisseton and Sioux Falls) in or near reservations located in South and North Dakota. DPLS has a mission to "to promote equal access to justice and improve the lives of our low-income clients through quality legal assistance." DPLS provides legal representation, advocacy, conflict resolution, and community education options to meet the legal needs of Native American and non-Native clients and community. This includes Indian law, family law, health law, housing law, and income maintenance law. DPLS has an especially proud history of effective advocacy addressing the unique needs of Native American clients. Thomas Mortland is the DPLS executive director.

A2J mission is to provide equal access to justice for all citizens of South Dakota. Generally, A2J provides legal services to individuals living at or below 125% of the federal poverty guidelines; survivors of domestic violence, sexual assault, human trafficking or stalking living at or below 150% of the federal poverty guidelines; and individuals with disabilities, the elderly and veterans who live at or below 200% of the federal poverty guidelines.

Your State Bar and A2J also developed a modest means (reduced fee) program. This program broadens access to legal services by reducing attorney's fees for eligible clients who do not qualify for A2J pro bono legal services. Attorneys participating in this program agree to accept Modest Means cases at the reduced rate of \$95/hour (same as the current state court appointed fee rate) and each retainer requested is capped at \$650 each.

SD Free Legal Answers ([sd.freelegalanswers.org](http://sd.freelegalanswers.org)) is a free service for low income South Dakota residents where users may post a civil legal question to a secure website and a licensed South Dakota attorney will answer it. Access to Justice, Inc., with assistance from the State Bar of South Dakota, manages SD Free Legal Answers. The website is part of the American Bar Association's Free Legal Answers project.

6Licensed South Dakota attorneys may volunteer for the SD Free Legal Answers program at [sd.freelegalanswers.org](http://sd.freelegalanswers.org). The attorneys volunteering for the program answer civil legal questions anonymously without any expectation of long-term representation. Denise Langley coordinates the A2J program from your state bar office in Pierre, South Dakota.

ERLS' mission is "to better the lives of the over 46,000 people living in poverty in Eastern South Dakota and its thirty-three (33) county service territory." ERLS offers free legal services to our communities' veterans, elderly over 60, disabled, victims of violence, and those facing financial insecurity and prioritizes victims of domestic violence; family law including protection orders, child custody, divorce; Section 8 housing and eviction cases, particularly cases involving disabled individuals, children and seniors. Brent Thompson is the executive director of ERLS located in Sioux Falls, South Dakota.

Recently, all three of these legal service organizations worked together to obtain and fund legal services software so that clients could apply online and would use the same metrics for case adjudication. This improvement in data and efficiencies is a tremendous benefit to all, so we can learn what areas need more staff and attorney focus as well as financial resources. This also improves data production for all service organizations that apply for public and private grants and other sources of funding. Learn more about this collaborative effort or refer individuals to apply online at <http://www.sdlawhelp.org/>.

Any service or assistance you can provide to these organizations would be tremendously appreciated. From monetary donations to volunteering to take on referrals, to serving on the board of directors or helping with special projects of each organization, all would be of great benefit to those who work there as well as those who are in need of services.

For those who have and do provide such service, financial donation or just put in good words to those involved in these programs, I want to thank you for your efforts to date and let you know over the last few years all three organizations have made substantial

improvements, served more clients and have become more financially viable. They cannot do this without your continued support. This also underscores our Attorney's Oath, which is set out in SDCL § 16-16-18, as it applies to indigent legal services. As a South Dakota lawyer, we solemnly swear, or affirm, that we 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." If you have suggestions on how to make things work better or expand resources or services, please do not hesitate to contact me, Andy Fergel at the State Bar, or any of the legal services leaders identified above. To learn more about each program, please visit each of their respective websites.

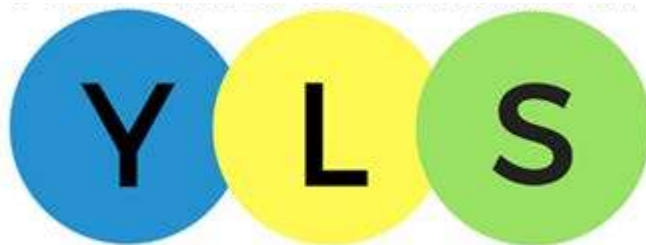


Visit each program to learn more!

- Access to Justice, Inc.
- × Dakota Plains Legal Services ×
- East River Legal Services



STATE BAR OF SOUTH DAKOTA  
YOUNG LAWYERS SECTION



by: Nathan Chicoine  
YLS President

The annual Nuts & Bolts CLE and the Statewide Swearing-In Ceremony were again successful. Congrats to our new lawyers, and thank you to everyone who came to learn, support, and connect.

As we strive to connect young lawyers to the rest of the bar and to the public, I have been seeking input from friends and colleagues on the issues that particularly affect young lawyers. A classmate and good friend of mine shared her thoughts:

We know the mental toll that practicing law, in any of its forms, can take. We are continually confronted (with good reason) by articles and ads encouraging attorneys to seek help for substance abuse, mental health, and depression. One cause of stress that doesn't get nearly enough attention is the personal financial health of attorneys.

As young lawyers we have a unique opportunity to develop good habits early. But no matter where you are at in your career, it's never too late to make drastic changes to your personal finances. You can have some vague idea how you are doing, but numbers don't lie. Start by doing these two simple exercises now. Your future self will thank you.

### 1. Track Your Net Worth Each Month

Create a spreadsheet on any free software of your choice (e.g., Excel or Numbers). Create your asset categories (checking account, savings account,

retirement account, brokerage account, etc.) and liability categories (student loans, mortgage, credit cards, etc.). On the last day of each month, at the end of the business day, copy and paste each balance into your spreadsheet. This is your personal snapshot of your financial state. If you're fresh out of law school, you're likely in negative net worth territory.

Knowing your net worth is the most essential tool in getting the broad picture of where your earned money is going, and your overall financial health. Start this exercise in November and continue the habit for the rest of your life. Once you get your first spreadsheet organized, this process only takes less than 10 minutes each month. Soon you will master tracking your net worth, and you will have the uncontrollable urge to want to know more about your personal finances. At that time, my friend and fellow young lawyer, you should move on to step two.

### 2. Track Your Spending Each Month

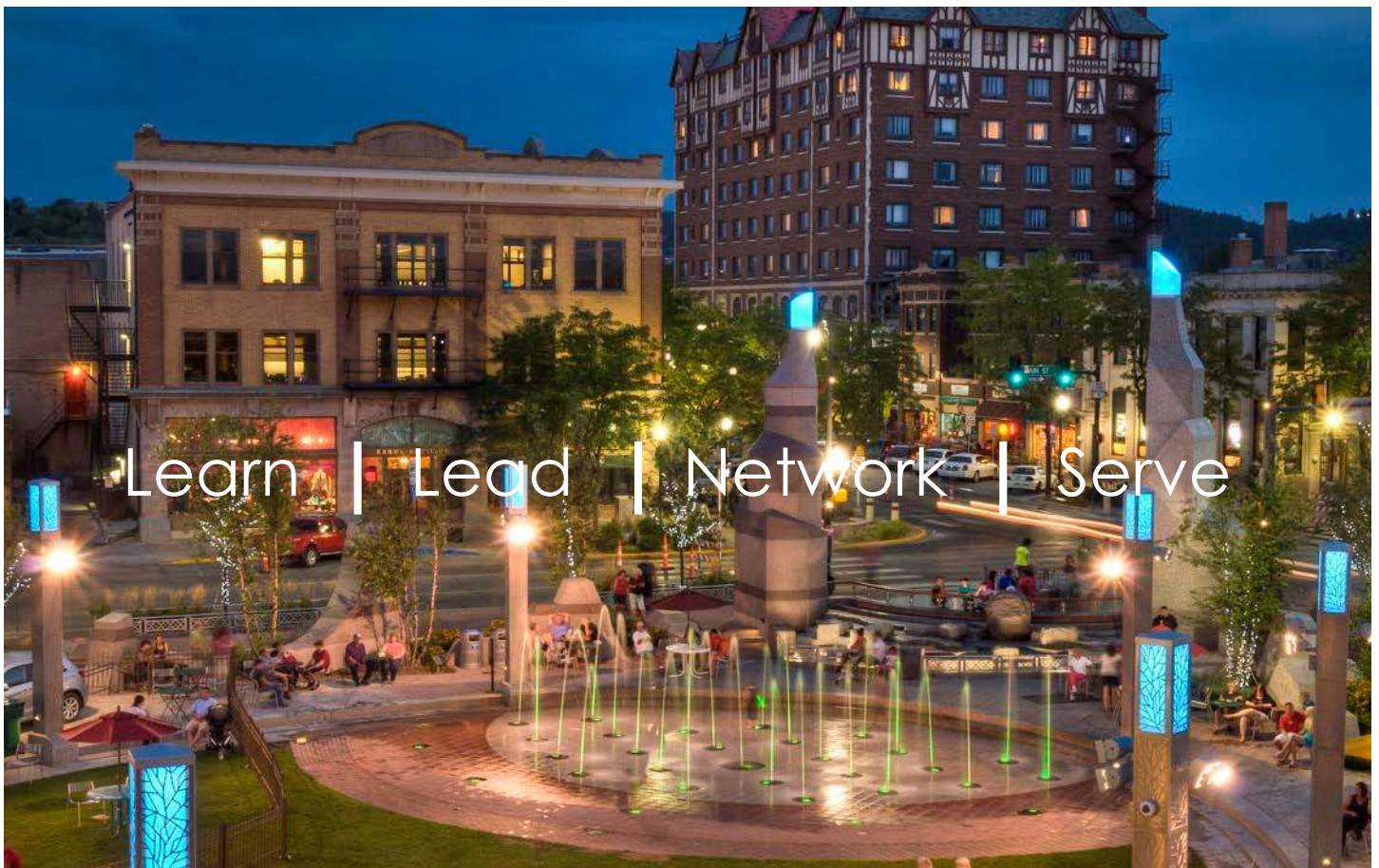
If you hate budgets as much as I do, I have the alternative you've been searching for. Create a new tab on your net worth spreadsheet. Input spending categories in the first column (groceries, entertainment, mortgage payment, insurance, cell phone, utilities, clothes/dry cleaning, restaurants, charitable donations, etc.). Don't get mired down in the details, you can always break apart categories in the future. At the end of each month,

total all your spending in each category. If you use a debit or credit card for purchases, the process can be largely automated by using free services such as Personal Capital or Mint. Logging into these services allows you to see your daily account balances in one place and gives you the option for automatically categorizing spending transactions.

If you've ever asked yourself, "But where did all my money go?!" these two exercises will answer your question. Tracking your net worth and spending each month allows us to reflect on the things we purchase (and why). Never forget that

the important things in life truly are free, and that no job or amount of money is worth sacrificing your mental and physical health for. Eliminate the spending that brings no real joy or purpose to your life, and save the difference.

These are valuable suggestions from my friend. I encourage you to implement them and reduce the financial stress in your life. You'll be a healthy and happier person and a better lawyer.



# Fellows of the South Dakota Bar Foundation

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

*Thank you!*

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## Fellows of the South Dakota Bar Foundation

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

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### 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.

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



## YOUNG LAWYERS SECTION STATE BAR OF SOUTH DAKOTA

October 29, 2019

### FOR IMMEDIATE RELEASE

State Bar of South Dakota  
University of South Dakota School of Law

### STATEWIDE SWEARING-IN CEREMONY HELD IN PIERRE, SOUTH DAKOTA

Chief Justice David E. Gilbertson presided over the Statewide Swearing-In Ceremony, which was held in the Capitol Rotunda in Pierre, South Dakota on Friday, October 18, 2019. The Chief also administered the Oath of Attorney to eleven (11) new admits. In attendance were other esteemed members of the South Dakota State Bar, the judiciary, and the friends and families of the new admittees. Chief Justice Gilbertson, State Bar President Steve Huff, and Young Lawyers President Nathan Chicoine each welcomed the new admits and offered several pieces of advice.

The Young Lawyers Board would like to thank everyone whom took part in the celebration of this special event. The Board would further extend the Class of 2019 well wishes as they embark on their journey of the practice of law.



Chief Justice Gilbertson administers the Oath of Attorney to the Class of 2019

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

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

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

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



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

**I**t has been an exciting fall so far at the Law School. We have had three rounds of on campus interviews resulting in a lot of great student placements. The Supreme Court held the October term of court here and students got to see three days of fascinating arguments. Along with that, we had a luncheon to announce the endowment of a scholarship in memory of Justice Steven Zinter which brought together his family, friends, and almost all the living Justices of the South Dakota Supreme Court.

Classes are in full swing; students and faculty are running at a high pace. Our competition teams (moot court, trial team, and alternative dispute resolution) are headed to competitions. Law Review held its Wine Review in Rapid City and honored Linda Lea Viken in a wonderful event. We have had a series of great speakers on a variety of topics. There is always something happening so please come home and visit us.

For this month's column, I wanted to introduce you to a few members of the Class of 2022. I've included their names, undergraduate institution, and hometown. It is a tremendous group. One of the most interesting aspects of the class is why they chose USD as individuals. Everyone has a slightly different reason for choosing the Law School, but taken together, I think these stories tell you a lot about the strengths of USD School of Law as an institution.

**Samantha J. Merrill (Chadron State College; Oral, SD)**

The most common piece of advice I received

regarding law school was to go to school where you want to practice. When it came time to submit my applications, I applied to four schools around the Midwest, knowing I wanted to practice in the area, and was accepted to all four. Eventually, what made me choose USD was not their competitive scholarships, variety of classes, quality of the JD and joint degree programs, the town itself, or even the new dean, but rather the values and culture that is, in my experience, unique to South Dakota, those being kindness, humility, and dedication. I looked for these things as I toured the four law schools I was accepted to, knowing that surrounding myself with humble high achievers would allow me to perform to the best of my ability, but three out of the four schools did not show those characteristics. USD ended up being the only one. My tour of USD, in essence, made my decision to attend, not only because I was immediately comfortable on campus, but my South Dakota values shown through the staff, faculty, and student body. That is what made USD the right law school for me.

**Elaine Yellow Horse (Oglala Lakota College; Wounded Knee, SD)**

I chose USD in part because I am from South Dakota. I grew up in Wounded Knee on the Pine Ridge Indian Reservation. This is where I want to practice law. From a practical standpoint, it makes sense. I also found that I felt welcome and supported here throughout the admissions process. Before I entertained the idea of coming to law school, I completed a degree in Lakota Studies with an emphasis in Tribal Law. I ended up working as a prosecutor for my tribe because the attorney general for my tribe at the time made calls to students on a list of graduates with the qualifications I had to see if we were interested. After accepting her invitation, I had to be voted in by tribal council. In my tenure there, I worked on everything from involuntary commitments/guardianships to bench trials, juvenile criminal matters, arraignments, and more. I started thinking seriously about law school during those four years. I learned so much through that experience, but it was not a substitute for formal

study. I know that I will have a bigger impact with a law degree. I am looking forward to being involved in Native American Law Students Association and supporting younger students from my community who are here at USD and eventually to returning to serve my community in a legal capacity.

**Clint Fischer (South Dakota State University; Volga, SD)**

Having grown up in a rural setting, my interests have revolved around agriculture for as long as I can remember. I graduated from South Dakota State University in 2009 with a degree in Agricultural Business and worked in the agricultural retail sector for ten years thereafter. I found my career stagnant and searched for a new way to serve South Dakota farmers and ranchers.

The complexity, scope, and economic scale of the region's farms and ranches is sometimes lost on those not directly involved with production agriculture. These businesses are impacted by an array of factors such as weather, markets, environmental regulation, insurance, and lack of consumer knowledge. I recognized the need for legal representation who is willing and able to advocate for South Dakota farmers and ranchers.

USD School of Law's reputation, its professors and faculty, and its past graduates convinced me USD was the right choice for my career goals. My agricultural background combined with the solid law education provided by USD will allow me to serve South Dakota agriculture producers and businesses while creating a legacy for my growing family.

**Renee Gallagher (University of South Dakota; Pierre, SD)**

I chose to attend The University of South Dakota Law School because, after considering other options, it was the best program for me. Now that I have started, I cannot picture myself anywhere else.

As an undergraduate at USD, I was a Law Honors Scholar. This program afforded me the opportunity to attend law school without taking the LSAT, provided I maintained my status in the Honors Program with a 3.5 or higher GPA. Without the additional stress of studying for the LSAT, I was able to complete my thesis during my final year which enabled me to graduate from college in three years. The USD Honors Program partners with the Law School permitting students to take a course in the Law School. I took an Antitrust course taught by Professor Horton, who also served as chair of my thesis committee. Having a Law School Professor advising and challenging me through the thesis process was a valuable experience.

I believe my familiarity with the school and knowing other law students enables me to have an increased confidence and calmness as I begin the three-year journey to complete law school. I am happy with my decision to attend Law School at USD; and as always, GO YOTES.

**Samantha Bot (Northern State University; Aberdeen, SD)**

I chose USD because it felt like home from the day I first toured here. After graduating from Northern State University and loving the small school atmosphere, it was important to me that my law school share many of the same characteristics. USD Law does just that. The small class sizes, scholarship opportunities, and surrounding community were exactly what I was looking for. The faculty members and other students at USD care to know not only my name but my personal interests and goals. Additionally, with such an extensive and supportive alumni network, USD Law offers opportunities that can't be facilitated in a classroom alone. In the short time I've spent at USD so far, attitudes of comradery and community have been far greater than I had even expected. I look forward to continuing my education and preparing for my career at USD Law.

**Zach Schmidt (Saint Cloud State University; Sioux Falls, SD)**

My name is Zach Schmidt, and I am a proud member of the USD School of Law class of 2022. I was five years into an agricultural banking career when I decided to pursue a legal education. Initially, I approached the decision as any good banker would; I built a spreadsheet outlining the financial consequences of my options. To little surprise, the spreadsheet confirmed my predisposition that USD Law is a great value. More subjectively, I had several reasons to choose USD: I wanted to go to the university in my home state, learn alongside talented classmates under a proven faculty, and eventually share an alma mater with many excellent attorneys. So often, subjective and objective tests don't seem to align when faced with important decisions. I expected the decision to be more difficult given the sheer number of options. But to my relief, my spreadsheet and gut pointed me to the same school, and I confidently declared that I

would be going home to The University of South Dakota School of Law.

**Neil Fulton (Miller, SD)**

I picked USD School of Law because of students like these. We have 80 more members of the Class of 2022 with stories that are just as interesting and futures that are just as bright. They are finding a real opportunity to stay home in South Dakota and build their futures. Talented students are choosing the Law School from outside South Dakota too. The same is true in the Classes of 2020 and 2021.

These students are building a fantastic community here at the Law School and we are fortunate to have them. Everyone here is so excited to have a hand in shaping them professionally and sending them out to be your newest colleagues. They are ready to continue the tradition of excellence, service, and leadership for USD School of Law.



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# ABA YOUNG LAWYERS DIVISION

THE YOUNG LAWYERS DIVISION IS THE ABA'S HOME FOR THE NEW ATTORNEY, GIVING MEMBERS TOOLS TO NAVIGATE THE EARLY YEARS OF A CAREER, OPPORTUNITIES TO NETWORK, AND RESOURCES TO GROW SKILL SETS.

## 2019 ABA YLD Fall Conference Report

This year, the 2019 ABA Fall Conference was held in New Orleans, Louisiana. The meeting brought together hundreds of members of the Young Lawyers Division's (YLD) members. During the meeting, the YLD hosted its own programming, networking events, and governance. Below is a summary of the events attended by South Dakota young lawyer Tamara Nash.

### **Tamara P. Nash**

Tamara serves within the Division in several capacities. She serves as the Diversity and Inclusion Director. She was also appointed to serve on LORALAB (the YLD's long-range planning board). Due to her various roles within the YLD, Tamara holds a seat on Council and Cabinet.

During this meeting, Tamara attended all governance events as well as programming. Conference highlights for Tamara include:

- **What Do Lawyers Do?** – This conference the What Do Lawyers Do pipeline program was held at Dillard University. Tamara served as the moderator for the What Do Lawyers Do panel.
- **CLE: The Ethics of Innovation**- This program covered the intersection between the need for innovation in the legal industry and the ethical rules and obligations that bind our practice. It explored topics such as the emergence of alternative billing structures (flat fees, subscriptions models, limited scope representations), digital marketing, AI & Robotics, virtual law firms, and technological innovations that aim to improve the practice of law.
- **Men of Color Meet-and-Greet: "Keepin' it Breezy in the Big Easy!"** – During this program, which featured remarks by ABA President Judy Perry-Martinez, attendees engaged in prompted conversations rooted in the three pillars of the Men of Color Project.
- **CLE: Be a Culturally Competent Colleague! Training on Competency Re LGBTQ Clients & Colleagues**- This CLE addressed enhanced ethics & professionalism re LGBTQ clients & colleagues, by educating attendees on how to identify and appropriately use "LGBTQ 101" terminology.

**Thank you to the SD Young Lawyers Section and State Bar of South Dakota for your continued support as we learn and grow through our involvement in the ABA YLD!**

If you have interest in becoming involved in the ABA YLD or the State Bar Young Lawyers Section, please feel free to contact the Section President Nate Chicoine ([nathan@demjen.com](mailto:nathan@demjen.com)).

*The conferences for the 2019-2020 bar year are:*

ABA Midyear Meeting; February 13-15, 2020 (Austin, TX)  
YLD Spring Conference; April 30-May 2, 2020 (Nashville, TN)  
ABA Annual Meeting; August 30-August 1, 2020 (Chicago, IL)

# EXTENDED LAW FOR LUNCH

## TOPICS

- GENERAL TAX UPDATE
- IRS RESOLUTIONS
- TAX PLANNING FOR ESTATES & TRUSTS

## Tax Update



CASEY PETERSON



December 5, 2019  
11:30 - 1:30 pm,  
CST



Jennie  
Steinmetz,  
CPA

**CLICK HERE TO  
REGISTER!**





# From Legal Settlements to Financial Strategies

## Life Altering Circumstances

- A unique partnership to strategize

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First Vice President  
Senior Portfolio Manager  
Financial Advisor  
NMLS # 1507454

Morgan Stanley Smith Barney LLC ("Morgan Stanley"), its affiliates and Morgan Stanley Financial Advisors or Private Wealth Advisors do not provide tax or legal advice. Clients should consult their tax advisor for matters involving taxation and tax planning and their attorney for matters involving trust and estate planning and other legal matters.  
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# SOUTH DAKOTA BAR FOUNDATION

222 East Capitol Avenue  
Pierre, South Dakota 57501  
605-224-7554

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Members of the State Bar of South Dakota:

As the holiday season approaches, I write on behalf of the South Dakota Bar Foundation to thank all of you that have generously made monetary gifts to the Foundation. I also write to ask that you remember the South Dakota Bar Foundation in your holiday plans. While shopping for gifts and gathering with loved ones, please consider setting aside part of your budget to support the work of the Foundation with a tax-deductible charitable donation.

By offering an effective means for the legal community to come together to engage in law related philanthropy, the South Dakota Bar Foundation strengthens the profession by providing lawyers the opportunity to give back in a way that is uniquely important and rewarding for us as lawyers.

Just as the State Bar of South Dakota brings lawyers together to address issues that are common to the profession, the South Dakota Bar Foundation complements those efforts by giving the legal community an effective means to focus on charitable initiatives that lawyers are uniquely positioned to take a leadership role in addressing. In that spirit, the South Dakota Bar Foundation works in close partnership with the State Bar to improve the profession, the justice system and the community.

Over the past several years, the generosity of many State Bar members has enabled the South Dakota Bar Foundation to assist in ensuring equal access to justice, promoting pro bono work in the legal community, improving public understanding of the law and the justice system, ensuring that the legal profession remains open to people from all walks of life, and helping lawyers who are experiencing difficulties. The work the South Dakota Bar Foundation has been able to do through its granting program is depicted on the graphs and charts that follow this letter. Please review the charts and be proud of what you have accomplished through your giving.

However, our work is not done, and the South Dakota Bar Foundation asks for your continued support. You can help by participating in the opt out when you receive your dues invoice this Fall or by becoming a fellow of the South Dakota Bar Foundation. Your generosity will have a positive impact on improving our

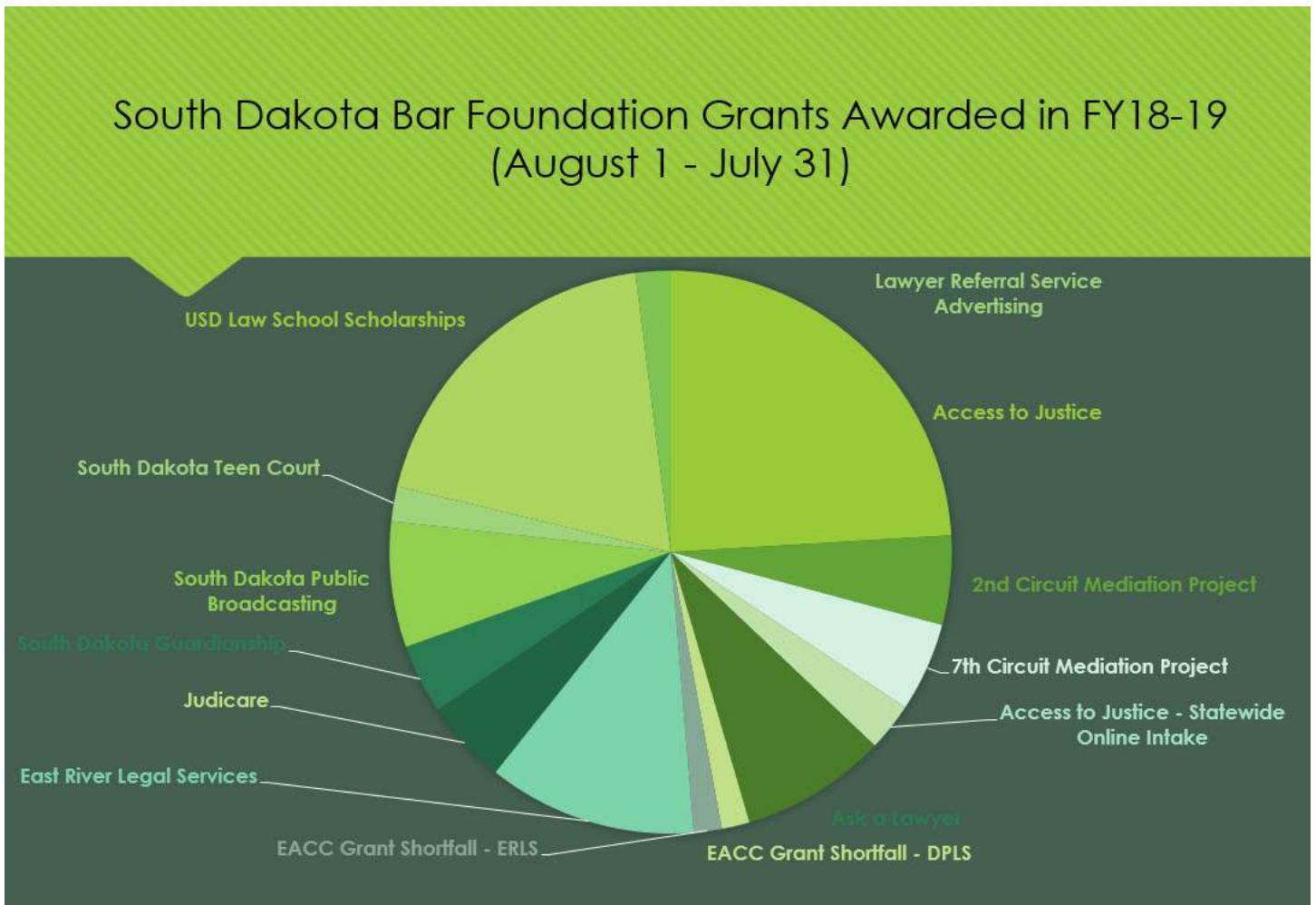
profession, the justice system and our community. Every gift matters! Please help the South Dakota Bar Foundation in "Raising the Bar". After all, it is "Our Profession" and "Our Responsibility".

Best regards,

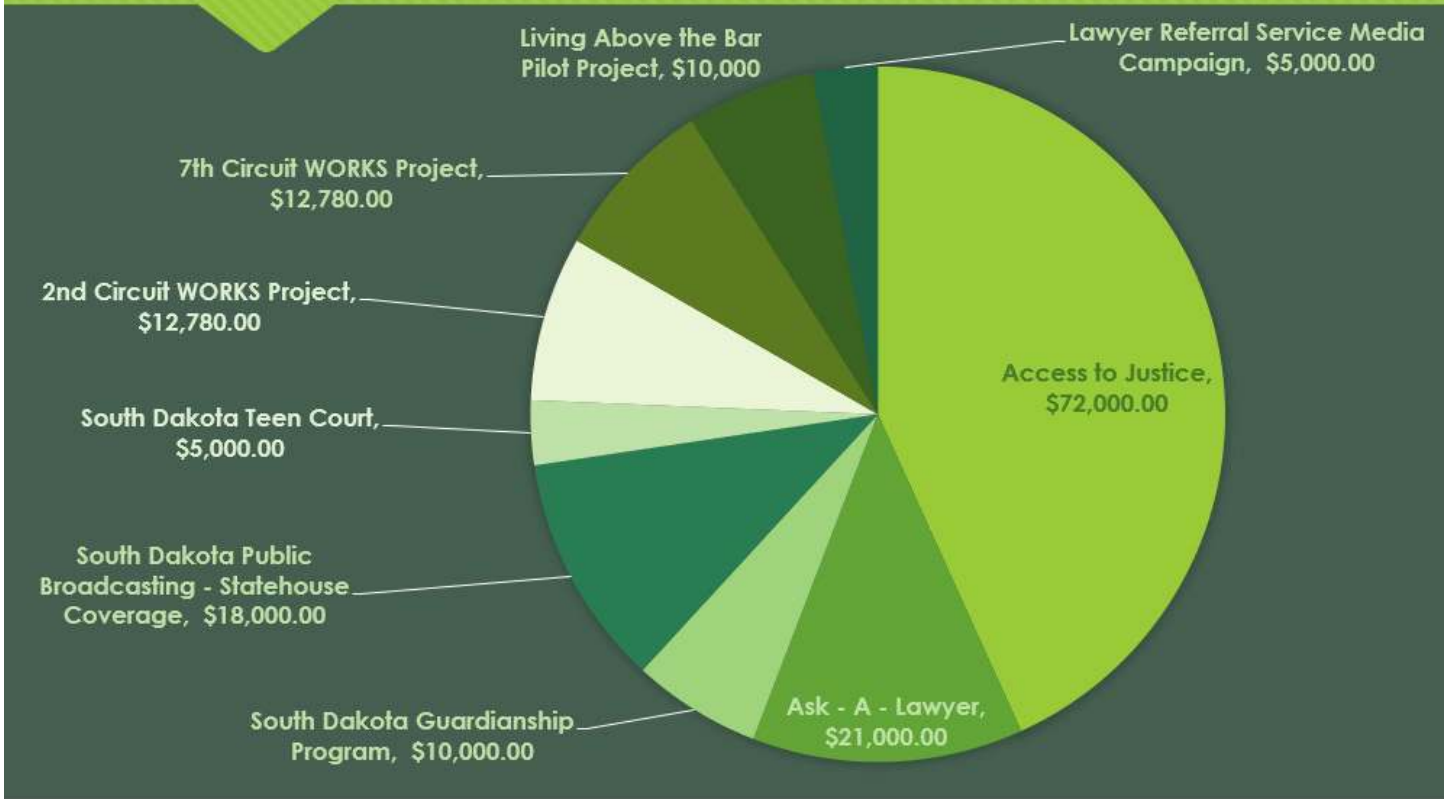


Thomas H. Frieberg  
President  
South Dakota Bar Foundation

## BAR FOUNDATION GRANT CHARTS



# Yearly Grants Awarded in FY19-20 (August 1 - July 31)



## EVERY GIFT MATTERS



Please help the South Dakota Bar Foundation in  
"RAISING THE BAR"





ACCESS TO JUSTICE, INC.

**AND  
THEY  
SAY  
THAT A  
HERO  
CAN  
SAVE  
US...**

- Nickelback

# A2J 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.

- Wesley Schmidt
- Brad Reynolds
- Mike Fink
- Paul Van Olson
- Nathan Chicoine
- Garrett Horn
- Joan Schueller\*
- Lorie Melone

\*Accepted TWO cases this month

**AND MUCH THANKS TO:**

**SCOTT MOSES**

**TOM SIMMONS**

**JOE HOGUE**

**FOR THEIR ASSISTANCE ON SD FREE  
LEGAL ANSWERS THIS MONTH!**

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

Please send a message to Denise Langley at:  
[access.to.justice@sdbar.net](mailto:access.to.justice@sdbar.net).

# ANNOUNCEMENTS

Goosmann Law Firm  
is pleased to announce that

*Beth A. Roesler*  
has joined the firm as a Partner.

Goosmann Law Firm  
2101 W. 69th Street, Suite 200  
Sioux Falls, SD 57108

Telephone (605) 371-2000

[RoeslerB@GoosmannLaw.com](mailto:RoeslerB@GoosmannLaw.com)

Den Herder Law Office, P.C.  
is pleased to announce that

*Beau Barrett*  
has joined the firm.

Den Herder Law Office, P.C.  
329 Broadway Avenue  
Yankton, SD 57078

Telephone: (605) 665-0494

Facsimile: (605) 260-2222

[beaubarrett@dhlaw.co](mailto:beaubarrett@dhlaw.co)

The Law Firm of  
**Moreno & Bachand, P.C.**  
206 W. Missouri Ave., Pierre, South Dakota  
Telephone: (605) 224-0461

is pleased to announce that

*Aaron P. Scheibe*  
[ascheibe@pirlaw.com](mailto:ascheibe@pirlaw.com)

has joined the firm effective  
October 1, 2019.

Gunderson, Palmer, Nelson & Ashmore, LLP is  
pleased to announce that

*Richard M. Williams*  
has joined the firm as an Associate Attorney.

Gunderson, Palmer, Nelson & Ashmore, LLP  
506 Sixth Street, PO Box 8045  
Rapid City, SD 57709

Telephone: (605) 719-3482

Facsimile: (605) 342-9503

[Rwilliams@GPNA.com](mailto:Rwilliams@GPNA.com)

Gunderson, Palmer, Nelson & Ashmore, LLP is pleased to announce that

*Ali J. Tornow*

has joined the firm as an Associate Attorney.

Gunderson, Palmer, Nelson & Ashmore, LLP  
506 Sixth Street, PO Box 8045  
Rapid City, SD 57709

Telephone: (605) 719-3482

Facsimile: (605) 342-9503

[Atornow@GPNA.com](mailto:Atornow@GPNA.com)

*Bangs McCullen Law Firm*

Effective Nov. 1, 2019, the Bangs McCullen Sioux Falls office will no longer utilize a PO Box. Please send all mail items to our street address listed below.

Bangs McCullen Law Firm  
6340 S. Western Avenue  
Suite 160  
Sioux Falls, SD 57108

*Furnished Law Office  
Suite for Rent*

Downtown Rapid City/Great Western Bank Bldg.  
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Call Alan Smoot  
605-341-5080

**ATTENTION!**

MEMBER FEES ARE DUE BY

DECEMBER 31, 2019

PLEASE INCLUDE YOUR INVOICE WITH YOUR CHECK AND ANY CONTACT INFO UPDATES!

**PAY ONLINE AT**

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

Dan Brendtro and Bob Trzynka announce the creation of a new law firm with James Hovland and Dan Rasmus from Edina, Minnesota. The firm will be known as:

*Hovland, Rasmus, Brendtro & Trzynka, PLLC*

The firm will have two locations, an existing office in the Southdale Center in Edina and their new Sioux Falls office, located at:

326 E. 8th Street, Suite 107  
Sioux Falls, SD 57103

Mailing Address: P.O. Box 2583, Sioux Falls, SD 57101

Telephone: (605) 951-9011  
Fax: (605) 408-8448

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

**2019 John R. Justice Student Loan Repayment Program**

**Applications are being accepted until December 31st, 2019. All applications must be received or postmarked on or before this day.**

Full time state prosecutors and public defenders as well as federal public defenders may qualify for John R. Justice funds. Elected officials and federal prosecutors are not eligible. Be sure to submit a copy of a recent statement for the loan you would like the award to be applied to. You may access the application form and service agreement options at the following website:

<https://atg.sd.gov/OurOffice/JohnJusticeProgram.aspx>

For more information, you may call the Office of Attorney General at (605) 773-3215.



# WIL & SDYLS MIXER

## WHEN

**November 14, 2019**  
**12:00 pm**

## WHERE

**Minervas Restaurant**  
301 S. Phillips Avenue  
Sioux Falls, SD 57104

## PANEL DISCUSSION

**Navigating Career  
Advancement,  
Partnership Tracks,  
and Salary Negotiations**

## GUEST PANEL

**Diana Ryan**

United States  
Attorney's Office

**Eric Preheim**

Fuller, Williamson,  
Nelsen & Preheim, LLP

**Laura Hensley**

Boyce Law Firm, LLP

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# Mark your Calendars

PLEASE JOIN US

November 21 at Noon

The Honorable  
Patricia J. DeVaney

*Perkins, Fort Pierre,*

*Up next: December 19, 2019,  
Karen Authier, Exchange  
Club*

QUESTIONS:

[KIRSTEN.JASPER@USDOJ.GOV](mailto:KIRSTEN.JASPER@USDOJ.GOV)

LIKE US ON FACEBOOK:

6TH CIRCUIT WOMEN IN LAW

SIXTH CIRCUIT

Women In Law



# **Fifth Circuit Fall Mixer**

---

## **Mimosas & Canvases**

**November 9th**

**10:00 a.m to 12:00 p.m.**

---

Located at Colorful Creations  
207 East Main Street  
Aberdeen, South Dakota

---

Hosted by the South Dakota Young  
Lawyers Association

Please RSVP to Jenny Jorgenson  
at [jenny@delaneylawfirm.com](mailto:jenny@delaneylawfirm.com) by  
November 4th.



## YOUNG LAWYERS SECTION STATE BAR OF SOUTH DAKOTA

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NATHAN CHICOINE  
P.O. Box 1820  
516 Fifth Street  
Rapid City, SD 57709  
(605) 342-2814  
Nathan@demjen.com

### PRESIDENT-ELECT

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2000 52<sup>nd</sup> Street North  
Sioux Falls, SD, 57104  
(605) 367-5880  
Caroline.Srstka@state.sd.us

### SECRETARY/TREASURER

OLE OLESEN  
130 Kansas City Street Ste 310  
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(605) 394-2181  
Ole.Olesen@pennco.org

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October 29, 2019

Chief Justice David Gilbertson  
Supreme Court of the State of South Dakota  
500 East Capitol Avenue  
Pierre, SD 57501-5070

Re: SD YLS Swearing-In Ceremony 2020

Dear Chief Justice Gilbertson:

Thank you for taking the time to speak with me this morning. I wanted to send you a letter to confirm the date of the SD YLS Statewide Swearing-In Ceremony to be for **Friday, October 23, 2020** (Wow, 2020). I will make sure to keep you apprised of any details as we make our way through the planning process. If you should have any questions or suggestions to make the event better, I welcome you to contact me at any time.

Our new lawyers look forward to this event every year and we are happy to assist in making the day special for them. Your participation, along with the other members of the Court, is very much appreciated and we look forward to another successful event in October, 2020. Thank you for your continued support of the Statewide Swearing-In Ceremony

Sincerely,

Carrie Srstka  
President-Elect

cc: Shirley A. Jameson-Fergel, Supreme Court Clerk  
Sheri Cash Anderson, Chief of Legal Research  
Terry Westergaard, State Bar President Elect  
Nathan Chicoine, SD YLS President  
Ole Oleson, SD YLS Secretary-Treasurer



UNIVERSITY OF  
SOUTH DAKOTA  
SCHOOL OF LAW

# YOU'RE INVITED TO

## USD School of Law Class of 2020 Night!



vs.



**Date:** Saturday, January 11 • **Where:** Sanford Coyotes Sports Center and Dakota Dome • **Time:** 12 pm - 6 pm

### Double Header Basketball

**Social:** 12 pm and in between games in the entrance of the Dakota Dome

**Women:** 1:00 pm

**Men:** 3:30 pm

This event is open to all USD Law students and alumni. Tickets are **\$20**. To reserve tickets, call 605-677-5959 and tell them you're with the USD Law event. Please enter through the north public entrance.

**Tickets are reserved for USD Law alumni and friends as a 2 for 1 deal!**

## FOOD AND DRINKS WILL BE PROVIDED

If you are a person with a disability and need a special accommodation to fully participate, please contact Disability Services at 605-658-3745 or email [disabilityservices@usd.edu](mailto:disabilityservices@usd.edu) 48 hours before the event. This document is available in alternative formats upon request, contact Disability Services.



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

A common theme I notice in why people became attorneys is quite simply that they want to make things better. That drive ranges from large scale to small scale, from individuals to large corporations. But once we begin practicing, we become consumed by the almighty billable hour. We're all aware of our ethical responsibility to provide 50 hours of public interest legal service, and we often accomplish those hours through service on nonprofit boards or through financial support to legal services organizations. Although these contributions are vital, access to justice requires that we make pro bono representation a priority in our practice.

It is indisputable that representation of a legal matter is the most time and energy intensive method of accomplishing our 50 hours. In my opinion though, it is also the most meaningful. It is seldom a glamorous endeavor. Clients lack resources, and even the simplest of matters such as driving to a hearing in another county becomes a tremendous hurdle to the representation when the client is without reliable means of transportation.

So, we make excuses. I'm too busy, the clients are difficult, I contribute in other ways—but the client's need for advocacy still exists and the impediments to access to justice remain.

The impediments to access to justice are innumerable. Geography, language, and time are all very significant factors that prevent access to justice. The people who work nights, speak English as a second language, or live 45 minutes away from the nearest attorney all have legal needs precisely as valid as those who live in a market with countless attorneys. But for them, achieving justice requires an incredible amount of accommodation.

State Bars across the nation are making access to justice a priority. Rural practice programs, much like our own Project Rural Practice, are springing up across the country for purposes of alleviating the geography impediment to justice. But every one of us can contribute to access to justice, irrespective of our geographic location.

The South Dakota Rules of Professional Conduct outline a responsibility to provide public interest legal service, specifically indicating that an attorney can discharge that responsibility by: "providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations. . ." SD ST RPC APP CH 16-18 Rule 6.1. Comment 1 to Rule 6.1 observes: "The American Bar Association urges all lawyers to provide a minimum of 50 hours of pro bono services annually."

For attorneys, 50 hours is a tremendous amount of time. A single hour, either taken up by unexpected obligations or simply wasted, when done on a regular basis, will quickly amount to a tremendous amount of time lost; time being the metric on which the success of many in the legal community rises and falls on.

For the pro bono clients in need of advocacy, those 50 hours could mean the world. The indigent struggle with what attorneys consider the most trivial of steps in a legal matter: filing fees, copying, and postage, not to mention court reporter fees associated with transcripts or discovery, or even experts. Some matters just need the assistance of outside parties to achieve the most educated and just result. Even getting names and qualifications to go about hiring an expert can be difficult for the pro se litigant. The justice system is a world that the general public hasn't needed to see inside until they absolutely need the advocacy of those within it. Another impediment of access to justice is access to legal knowledge. Although the pro se litigant may qualify for waivers of some fees due to indigency, they may not know to ask.

It is important to avoid looking at the hours dedicated to pro bono service as wasted. Although not directly income generating, the time spent in pro bono practice can be rewarding in ways not often contemplated. Do you have an area of law you'd like to invest more time? An area you'd like more experience? An area that you'd like to try creative advocacy? Take a pro bono case and give yourself the opportunity to grow. Use your resources and reach out to a mentor who practices in that area for guidance. Then, pour yourself completely into the advocacy. Maybe the pro bono case takes you into a circuit you haven't practiced in yet. The appearances and credibility from appearing in that new circuit will help build additional connections.

Necessarily, endeavoring to learn and grow in your practice requires a certain amount of conscientiousness to avoid getting in over your head. The ethics rules have clear outlines for circumstances in which the matter you have undertaken turns out to be far more complicated than you are qualified to handle. That's a different topic for a different article. However, with careful deliberation and planning, particularly with setting aside time specifically to work your pro bono matters, it is quite possible to meet your responsibilities to your paid clients, while undertaking pro bono clients.

Beyond the practical and professional benefits of pro bono work, there is the rewarding feeling of doing something tremendously meaningful. I recently read an article about a study from Emory University in which participants had their brain activity recorded while helping others. Turns out, helping other people triggered the same brain activity associated with pleasure and reward—the same pleasure and reward received from gratification of personal desire.<sup>1</sup> It is easy for us as attorneys to become caught up with the billable hour. What you do with your non-billable hours is up to you. When those non-billable hours are spent on something meaningful and purposeful, like furthering access to justice and advocacy to the indigent, we are not only feeling good, we are doing good.

It is often said that no growth occurs in the comfort zone. This coming year I am challenging myself to take on pro bono representation in addition to my current public interest and legal services contributions. Who's with me?

*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*

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<sup>1</sup> Rilling JK, Gutman DA, Zeh TR, Pagnoni G, Berns GS, Kilts CD: A neural basis for social cooperation. *Neuron*, 35:395-405, 2002.

*Directors for East River Legal Services. You can follow Anthony through the State Bar of South Dakota [here](#).*

# Application for Pro Bono Emeritus Status

I, \_\_\_\_\_, an active member of the State Bar of South Dakota, do hereby apply for Pro Bono Emeritus Status, for the year 2019.

I understand that if approved, rather than pay regular dues for the year 2020, I will only be required to tender the sum of \$100 (same as inactive dues) but I will be entitled to all the rights and privileges of an active member of the State Bar.

Further, I recognize that this status means that I will be requested to take a referral from East River Legal Services, Dakota Plains Legal Services, or Access to Justice, and I am willing to accept at least one referral in the year 2020.

Finally, I acknowledge that pursuant to the Pro Bono Emeritus Status, I have retired from the active practice of law and I cannot accept private clients, cases for friends or relatives (even if no fee is charged) and that my practice is limited to such referral cases as I accept from the Legal Services Programs, Access to Justice or a non-profit specifically approved by the State Bar. In the event that I decide to accept cases other than those referred to me and which I accept, that I will tender regular active dues and withdraw from the Pro Bono Emeritus Status Program.

I understand that the Pro Bono Emeritus Status Program will provide me with professional negligence insurance limited to those referral cases of which I accept.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Address \_\_\_\_\_

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

Phone \_\_\_\_\_ Email \_\_\_\_\_



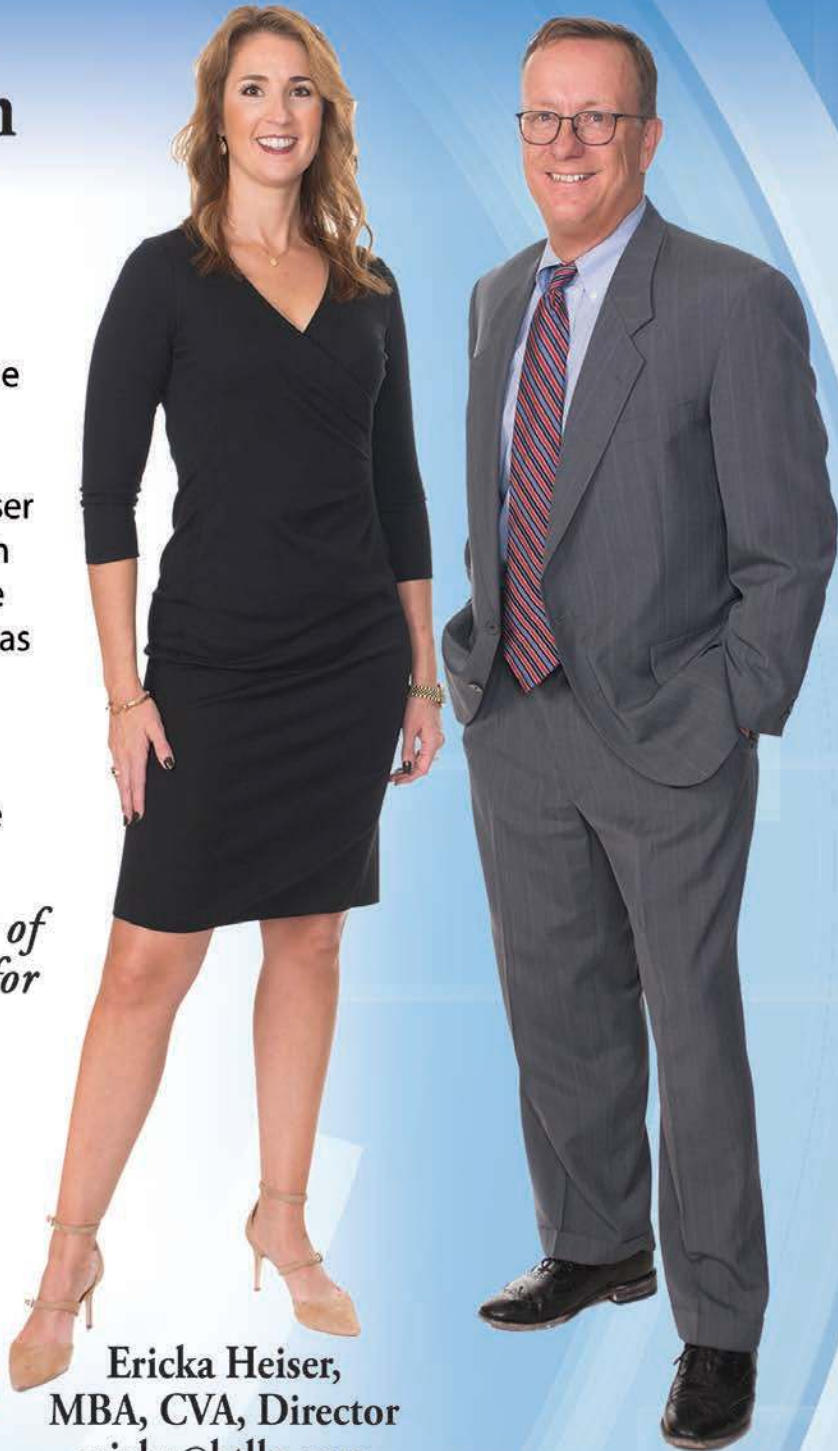
# Determine Value

## Meet the KTLLP Business Valuation Team

*Certified Business Appraisals*

If you work with clients in the agriculture industry, you understand that the cash flows generated from even a well-managed farm or ranch are very low in relation to the value of the underlying ground itself. Therefore, when appraising a minority interest in a farm/ranch operating entity, it makes sense for the appraiser to weight the value derived by the entity's cash flow with the highest and best use value of the underlying ground. This weighted approach has been upheld by the US Tax Court in *Estate of Andrews v. Commissioner* (79 T.C. 945) and *Estate of Helen J. Smith v. Commissioner* (99 T.C. 368). The valuation adjustments can be dramatic, but they are real.

*If your clients need to know the value of their minority interest, please call us for valuation services.*



**Ericka Heiser,**  
MBA, CVA, Director  
[ericka@ktllp.com](mailto:ericka@ktllp.com)

**Paul Thorstenson,**  
CPA/ABV, CVA, Partner  
[paul@ktllp.com](mailto:paul@ktllp.com)

## Ketel Thorstenson, LLP

Certified Public Accountants/Business & Personal Consultants

[ktllp.com](http://ktllp.com)

810 Quincy Street | Rapid City | 342-5630  609 Mount Rushmore Road | Custer | 673-3220

123 East Jackson Boulevard, Suite 2 | Spearfish | 642-7676  305 S. Garner Lake Rd., Ste. A | Gillette | 307-685-4433

## STRESS and DEPRESSION HELP

Contact information for the regional mental health centers in South Dakota is located at [www.statebarofsouthdakota.com](http://www.statebarofsouthdakota.com) ("For SDBAR Members" Under the Health & Wellness tab, click on the Stress/Depression/Addiction link. We have reached an understanding with all these centers and all will honor our agreement. If you are stressed out or you believe that you may be suffering from depression, the State Bar encourages you to seek a professional evaluation. If you don't have insurance or otherwise lack the financial resources, the State Bar project, funded by ALPS and the SD Bar Foundation, will cover the evaluation and several follow-up counseling sessions if indicated. You need only schedule the appointment and show them your 2018 active membership card. This is a confidential project. Counseling records are not, repeat, are not made available to the State Bar. We just pay the bill for those who can't afford it, up to the limit of \$500 per lawyer.

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



## SOLACE PROGRAM

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

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

# November 2019

Official Publication of the State Bar of South Dakota

If you wish to advertise in our publication or post job opportunities, please contact:  
Tracie at [tracie.bradford@sdbar.net](mailto:tracie.bradford@sdbar.net).

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

### Address Changes:

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

### Board of Bar Commissioners:

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*President Elect* – Terry G. Westergaard, Rapid City

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Andrew L. Fergel, Pierre

*1st Circuit* - Marilyn Trefz, Vermillion

*2nd Circuit* - Renee Christensen, Sioux Falls

*3rd Circuit* - Mathew Roby, Watertown

*4th Circuit* - Kellen Willert, Belle Fourche

*5th Circuit* - Rodrick Tobin, Aberdeen

*6th Circuit* - Brent Kempema, Pierre

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*At Large* - Dusty Ginsbach, Buffalo

Edward S. Hruska III, Pierre

Aaron Pilcher, Huron

Jennifer Williams, Rapid City

Joshua Wurgler, Aberdeen

Colleen Zea, Sioux Falls

## Lawyers Concerned For Lawyers Lawyers Assistance Committee

Your Bar Leadership has been concerned that members needing help with chemical dependency or mental health issues may be reluctant to call State Bar Headquarters to inquire where to seek help. Phone calls seeking help for themselves or a loved one or a partner have always and will continue to be kept strictly confidential.

That said, Bar Leadership has determined that a referral agency independent of the State Bar staff may reduce any reluctance to call. Thus, beginning July 1st, we have entered into a contract with Disability Rights South Dakota. Both LCL and LAC committees have provided names and contact information for referrals. You will be provided with the names and phone numbers and can proceed to call whomever you select from the appropriate list.

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

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

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

Attendance is limited to lawyers.

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

CARIBOU COFFEE CLUB



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

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

# Sand Creek

## WORKPLACE WELLNESS

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

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

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

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

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

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

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

Sand Creek is a HIPPA compliant service.

Go to [www.sandcreekeap.com](http://www.sandcreekeap.com)  
Click the Work Life Wellness Login Link

Our Company ID is sbsd1

Or call 800-632-7643

Monday-Friday, 7:30am-5pm CT

Immediate, Confidential Support

24 hours a day/7 days a week:

888-243-5744

*All discussions and services are kept  
strictly confidential.*



THE STATE BAR OF SOUTH DAKOTA WILL NOT KNOW YOU ARE USING THE SERVICE.  
THESE SERVICES ARE FREE. YOU ARE ENCOURAGED TO USE THIS VALUABLE BENEFIT.

# *In Memoriam*



## Thomas Adam

Thomas Conrad Adam was born on February 16, 1935, in Deadwood, South Dakota, to August Conrad Adam and Jesse Ellen Maxwell Adam. Due to medical complications, Tom lost his

mother only two weeks after his birth, and was raised solely by his father until August was remarried to Bessie McGraw. Later, Tom's brother William was born and completed the family.

Tom was a miner's son and lived with his family in a variety of Montana mining camps during World War II, but was mostly raised in Lead, South Dakota, home to Homestake Gold Mine where August worked. Even as a boy Tom was resourceful and hard-working, always looking for ways to contribute. He often told stories about his childhood paper route, delivering the Lead Daily Call up and down the many tall streets of Lead, through very deep Black Hills snow, or of his time working in the mine as a young man. He also worked hard in school and excelled academically, earning the respect of his teachers and peers who voted him class president in 1952, his senior year. Tom played baseball and football for the Lead High Golddiggers, and was his team's captain.

Following high school, Tom attended the University of South Dakota. After his freshman year, he proudly served in the United States Army for two years then returned to USD where he was an active contributor on campus and a member of Lambda Chi Alpha fraternity. While an undergrad, Tom met his future bride, Patricia Mickelson, and they were married in Sioux Falls, South Dakota, in 1959. As newlyweds, they returned to USD where Tom attended law school and earned his Juris Doctorate in 1961. Upon graduation the couple moved to Pierre, South Dakota,

where they made their home for 55 years, and where Tom began his life-long career practicing law with the firm of Martens & Goldsmith, presently known as May Adam Law Firm. During his tenure at the firm Tom was very politically attuned, and spent significant time at the State Capitol during the legislative session. He also proudly represented the South Dakota Bankers Association for almost 40 years but mostly, Tom developed a meaningful practice which cast far and wide, helping farmers and ranchers meet their needs.

Among his many other contributions and commitments, Tom served on the national board of the Easter Seal Society, served as Chairman of the South Dakota Board of Bar Examiners, and was a Director of the Sanford Underground Research Facility located in the former Homestake Gold Mine. Tom and Pat were also disciples at the First United Methodist Church where they were actively involved in the life of the church for decades. In his free time, Tom loved hunting, reading, tending his salsa garden, pruning his apple trees, joining his wife for a float down the Missouri River, or spending time together at their beloved cabin in Spearfish Canyon.

In addition to making the lives of their four children the best that it could be, Tom and Pat were proud grandparents of 14 and great-grandparents of 3, and loved spending time with all of them.

Tom is survived by his children; Kathleen (Bruce) Bykowski of Eden Prairie, MN; Paula Adam-Burchill (Thomas), of Sioux Falls, SD, Karlton (Joan) Adam of Pierre, SD; Sarah (Greg) Axtman of Harrisburg, PA; grandchildren Matthew (Ashley) Bykowski, Bennett (Katherine) Bykowski, Carter (Adrianna) Bykowski; Connor, Nolan and Maxwell Burchill; Katherine (Eric) Danforth; Conrad, Jack, Phillip and Paul Adam; August, John and Eric Axtman; great-grandchildren Brooklyn, Luke and Brody Bykowski; many beloved nieces and nephews; sister and brother in law Lavon & James Meyers of West Lafayette, IN; sister in law Linda Mickelson Graham of Sioux Falls; sister in law Therese Adam of Spearfish, SD; as well as many dear friends.

BOARD OF BAR COMMISSIONERS  
Minutes, September 19, 2019  
Meeting Held by Teleconference

President Steven Huff called the meeting to order at 9:00 a.m. on Thursday, September 19, 2019. Present by telephone were: President Huff, President Elect Westergaard, Commissioners Hruska, Roby, Tobin, Trefz, Willert, Williams, Wurgler, and Zea. Also present by telephone were Secretary-Treasurer Andrew Fergel, Strategic Plan Coordinator Elizabeth Overmoe and Access to Justice, Inc. Co-Coordinator Denise Langley.

Minutes of August 15, 2019 Board of Bar Commissioners Meeting: President Elect Westergaard made a motion to approve the minutes of the August 15, 2019 Bar Commission meeting. The motion was seconded by Commissioner Tobin. Motion passed.

Executive Director's Report: After approval of the minutes, Executive Director Fergel updated the Commission on what he and the Bar staff have been working on since the August meeting.

Identillect Agreement: The Commission reviewed a proposed affinity agreement with Identillect Technologies, Inc. concerning Identillect's Bar Association Program. After a short discussion the Commission decided to defer action on the proposed agreement until its October 2019 meeting.

Quotes from Infotech Solutions, LLC: A motion was made by Commissioner Willert to authorize the Executive Director to accept the quotes from Infotech Solutions, LLC for hardware, setup, managed online password manager, and managed IT services as presented and enter into an agreement for said services with Infotech Solutions, LLC. The motion was seconded by Commissioner Zea. Motion passed.

Transition to New Office Space: Executive Director Fergel gave a short report about the work being done to transition from the Bar's current office space to new office space. As part of the move Fergel requested approval to surplus and dispose of old furniture, cabinets and equipment. Fergel also requested approval to purchase new office furniture and a new phone system. Thereafter, a motion was made by Commissioner Tobin to authorize the Executive Director to surplus or dispose the old furniture, file cabinets, and equipment with the condition that the surplus items be offered to legal service agencies or attorneys participating in the Project Rural Practice program first. The motion was seconded by President Elect Westergaard. Motion passed.

Next, a motion was made by Commissioner Tobin to authorize the Executive Director to expend up to \$30,000.00 to purchase office furniture for the new office space. The motion was seconded by President Huff. Motion passed.

Next, a motion was made by Commissioner Trefz to authorize the Executive Director to purchase a new phone system that meets the needs of the Bar Office. The motion was seconded by President Elect Westergaard. Motion passed.

Transition from VOYA Group Life Insurance Policy to MetLife Group Life Insurance Policy: A motion was made by President Elect Westergaard to authorize the Executive Director to execute any needed documents to transition from the State Bar's VOYA Group Life Insurance Policy to a MetLife Group Life Insurance Policy. The motion was seconded by Commissioner Willert. Motion Passed.

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

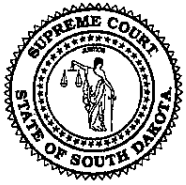
Respectfully submitted,

Andrew L. Fergel  
Secretary-Treasurer

## Northern Plains Weather Services

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





# Supreme Court of South Dakota

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

Shirley A. Jameson-Fergel  
Clerk

Laura J. Graves  
Chief Deputy

Amy Hudson  
Deputy Clerk

Sarah L. Gallagher  
Deputy Clerk

October 7, 2019

Mr. Andrew L. Fergel  
Executive Director  
State Bar of South Dakota  
222 E Capitol Ave  
Pierre SD 57501-2596

Re: February 2020 Rules Hearing

Dear Mr. Fergel:

A Supreme Court Rules Hearing will be held Tuesday, February 11, 2020, at 11:00 a.m., CT in the Courtroom of the Supreme Court, Capitol Building, Pierre, South Dakota.

**An original and five copies of proposals for amendment or adoption of rules should be filed with the Clerk of the Court no later than December 6, 2019. Please comply with SDCL 16-3-5.1 when submitting proposals.**

Please publish this letter in the November and December 2019 editions of the State Bar Newsletter. Thank you.

Very truly yours,

  
Shirley A. Jameson-Fergel





# South Dakota Lawyer Referral Service ENROLLMENT AGREEMENT

Mail completed form and payment to:  
State Bar of South Dakota - SDLRS  
222 East Capitol Avenue, #3  
Pierre, SD 57501

Or pay online at: [www.findalawyerinsd.com](http://www.findalawyerinsd.com)

If you pay online, scan and email this completed form to: [findalawyer@sdbar.net](mailto:findalawyer@sdbar.net)

1. I am an active member in good standing of the State Bar of South Dakota.
2. I wish to be a member of the South Dakota Lawyer Referral Service ("SDLRS") and agree to pay a **\$50 service fee, plus tax**, on an annual basis.
3. Once I receive notice that my payment to SDLRS was received and processed, I will create my referral profile at [www.findalawyerinsd.com](http://www.findalawyerinsd.com).
4. The service fee is invoiced to participating attorneys in August. I understand that failure to pay the **\$50 fee, plus tax**, within 30 days will result in a suspension of referrals until the fee is received.
5. In the event I am suspended from the SDLRS for nonpayment of the invoiced amount, I agree that in order to be reinstated to the SDLRS I will pay the balance owed.
6. My practice is covered by Errors and Omissions Insurance totaling at least \$100,000/\$300,000. My policy is issued through:  
Name: \_\_\_\_\_  
Dates of coverage: \_\_\_\_\_  
Limits of coverage: \$ \_\_\_\_\_ \$ \_\_\_\_\_  
I will maintain such insurance at all times while participating in SDLRS. (You will be required to upload a pdf copy of your insurance declaration page to the SDLRS website to begin receiving referrals.)
7. I will promptly inform the State Bar of South Dakota of any change in my address or phone number.
8. Enclosed is the total amount of **\$53.25** to cover the registration fee for the following Practice Panels:  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_
9. I would like to add the following Practice Panels at the rate of an additional **\$20** per panel:  
1. \_\_\_\_\_ (Total: **\$74.55**)  
2. \_\_\_\_\_ (Total: **\$95.85**)  
3. \_\_\_\_\_ (Total: **\$117.15**)
10. If any of the following occur, I hereby agree to a suspension of referrals until final resolution of the matter:
  - a. My license to practice law is suspended for any reason;
  - b. I transfer to inactive status for any reason;
  - c. Formal disciplinary proceedings are initiated against me; or
  - d. A criminal complaint is filed or an indictment returned against me alleging a serious crime as defined in SDCL 16-19-37.
11. In the event I receive a referral through the SDLRS that results in attorney fees, I understand it is strongly encouraged I contribute 7% of those fees to the SD Bar Foundation.
12. I am willing to accept cases in the following circuits (check all that apply):  
1<sup>st</sup> \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ 3<sup>rd</sup> \_\_\_\_\_ 4<sup>th</sup> \_\_\_\_\_  
5<sup>th</sup> \_\_\_\_\_ 6<sup>th</sup> \_\_\_\_\_ 7<sup>th</sup> \_\_\_\_\_

I have read the foregoing and hereby certify that the answers are complete and true to the best of my knowledge.

Name: \_\_\_\_\_ Email: \_\_\_\_\_  
(Signature) (Print or Type)

Date: \_\_\_\_\_ Member No.: \_\_\_\_\_ Amount Enclosed: \_\_\_\_\_



# South Dakota Lawyer Referral Service PANEL & SUB-PANEL LIST

## **BANKRUPTCY**

- Business Bankruptcy(Creditor)
- Business Bankruptcy (Debtor)
- Personal Bankruptcy (Creditor)
- Personal Bankruptcy (Debtor)

## **BENEFITS & ADMINISTRATION**

- Medicaid/Medicare
- Municipal or Local Government
- Professional Licensing
- Social Security
- State Government
- Unemployment
- Utilities
- Veterans Benefits

## **BUSINESS**

- Antitrust litigation
- Business dissolution
- Business formation
- Business litigation or dispute
- Buy-sell agreements
- Compliance
- Contracts
- Franchise Agreements or purchase of franchise
- Gaming Law
- Non-profit formation
- Online business law
- Partnership agreements
- Securities
- Trade regulation
- Business mediation

## **CONSUMER & DEBT**

- Collection Practices & Creditor Harassment
- Car repair/lemon law
- Credit Reports
- Debt Collections (Creditor)
- Debt Collection (Debtor)
- Identity Theft
- Predatory Lending Practices
- Small Claims Court
- Unfair and Deceptive Sales and Practices

## **CRIMINAL**

- Appeals
- Criminal Record
- DWI/DUI
- Drugs
- Federal Criminal Defense
- Felony (non-homicide)
- Homicide
- Juvenile Delinquency
- Misdemeanor
- Probation Violation
- Property Forfeiture
- Traffic

## **DISPUTE RESOLUTION**

- Arbitration
- Mediation

## **EDUCATION**

- Academics
- Access (including bilingual and testing)
- Bullying
- Discipline (including Expulsion and Suspension)
- Special Education & Learning Disabilities
- Teachers and Other Educational Professionals

## **EMPLOYMENT**

- Civil Service
- Employee Benefits
- Employer Representation
- Employment Contracts
- Employment Discrimination
- Medical Leave
- Non-compete/Non-disclosure Agreements
- Professional Licensing
- Safe Working Conditions
- Separation Agreement
- Sexual Harassment
- Wage and Labor Standards
- Whistleblower
- Wrongful Termination

## **FAMILY**

- Adoption
- Alimony/Marital Support
- Annulment
- Child Abuse and Neglect
- Child Support and Custody
- Divorce (complex/contested)
- Divorce (simple/uncontested)
- Domestic Violence/Protection Order (Petitioner)
- Domestic Violence/Protection Order (respondent)
- Emancipation
- Family Mediation
- Guardianship
- Conservatorship
- Interstate/International
- Name Change
- Parental Rights Termination
- Paternity
- Post-nuptial Agreement
- Pre-nuptial Agreement
- Separation
- Visitation

## **HOUSING & APARTMENT**

- Home Construction/Improvement
- Housing Discrimination
- Landlord Representation
- Mortgage Foreclosures (Not Predatory Lending)
- Predatory Mortgage Lending Practices
- Tenant Representation

## **IMMIGRATION**

- Asylum
- Consular Practices
- Criminal Issues
- Employer Sanctions
- Employment-based immigration
- Family-based immigration
- Investors
- Naturalization
- Juvenile Status
- Removal Defense

## **INDIAN LAW**

- Business
- Family Law
- Federal Government
- Housing
- Land
- Probate/Will
- Tribal Court
- Tribal Enrollment/Status
- Tribal Government

## **INSURANCE**

- Automobile/Property Insurance
- Bad Faith
- Employer-provided insurance (disability, health, life, accident)
- Health Insurance
- Homeowner Insurance
- Life Insurance

## **INTELLECTUAL PROPERTY**

- Copyrights
- Patents
- Trademarks

## **LOBBYING**

- Federal
- State

## **PERSONAL INJURY & RIGHTS VIOLATIONS**

- Accountant Malpractice (Defendant)
- Accountant Malpractice (Plaintiff)
- Animals
- Assault and Battery (Defendant)
- Assault and Battery (Plaintiff)
- Auto Collision (Defendant)
- Auto Collision (Plaintiff)
- Civil Rights
- Discrimination
- False Arrest/false imprisonment
- Jail/Prison Injuries
- Legal Malpractice (Defendant)
- Legal Malpractice (Plaintiff)
- Libel, Slander, or harassment (Defendant)
- Libel, Slander, or harassment (Plaintiff)
- Medical Malpractice (Defendant)
- Medical Malpractice (Plaintiff)
- Negligence (Defendant)
- Negligence (Plaintiff)
- Police misconduct
- Product liability (Defendant)
- Product liability (Plaintiff)
- Property Damage (Defendant)
- Property Damage (Plaintiff)
- Slip, trip and fall (Defendant)
- Slip, trip and fall (Plaintiff)
- Toxic tort (Defendant)
- Toxic tort (Plaintiff)
- Wrongful death or catastrophic injuries (Defendant)
- Wrongful death or catastrophic injuries (Plaintiff)

## **REAL ESTATE**

- Commercial real estate litigation
- Commercial real estate transactions
- Condemnation, eminent domain & annexation
- Land Use & Zoning
- Natural Resources
- Neighborhood, Coop & Condominium Associations
- Residential real estate litigation
- Residential real estate transactions

## **TAX**

- Business
- Personal
- Estate Tax
- Tax Litigation/Audits

## **WILLS, TRUSTS, ELDER**

- Conservatorship
- Elder Abuse/Neglect
- Estate Administration
- Estate Court/Probate
- Estate Planning
- Estate Tax
- Guardianship
- Living Will/Advanced Directive
- Medicaid/Medicare/Nursing Home Planning
- Power of Attorney
- Simple Will
- Specialty Trusts
- Estate Dispute (Petitioner)
- Estate Dispute (Respondent)
- Trust Dispute (Petitioner)
- Trust Dispute (Respondent)

## **WORKERS COMPENSATION**

- Federal Employee
- Private Employee
- Private Employer
- State Employee

## OFFICE OF ATTORNEY GENERAL CIVIL LITIGATION POSITION

**DETAILS:** The Office of Attorney General seeks an attorney for a position with the Civil Litigation Division with an interest in Indian Law. The Civil Litigation Division is responsible for representing the State including many administrative licensing and regulatory cases. Division attorneys practice in both state and federal courts and are involved in constitutional, natural resource, and environmental litigation. The Civil Division also provides legal advice to state officials, agencies, boards and commissions.

**OFFICE LOCATION:** This position will be stationed in Pierre.

**STARTING SALARY:** Entry level salary is \$68,000 annually or greater, depending upon experience and funding availability. The State of South Dakota has an excellent benefit package including retirement, employee insurance coverage and paid leave.

**QUALIFICATIONS:** Applicants must have a JD degree and be licensed to practice law in South Dakota. The person eligible for this position must be a motivated self-starter, have strong research and writing capabilities, be able to communicate well to clients and the courts, and have strong legal advocacy skills. Prior litigation experience is preferred but not required.

**APPLICATION PROCESS AND DEADLINE DATE:** Interested persons should send a resume containing three references, a writing sample and a letter describing their qualifications to the address below. The position will be opened until filled.

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



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

## PUBLIC NOTICE

### REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE

The current appointment of Magistrate Judge Eric Johnson is due to expire on March 28, 2020. Magistrate Judge Eric Johnson serves in the Second 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 Eric Johnson should be reappointed to another four-year term. Written comments should be directed to:

Chief Justice David Gilbertson  
Supreme Court  
500 East Capitol  
Pierre, SD 57501

**Comments must be received by December 31, 2019**

# CAREER CENTER

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

## ATTORNEYS

### Special Assistant U.S. Attorney - Rosebud Sioux Tribe

Closing Date: Ongoing

Salary: DOE

Qualifications:

Applicants must possess a J.D. degree, be an active member of the bar in good standing, as well as being admitted to practice in federal court, District of South Dakota, (applicants not licensed in South Dakota will have one year to gain admittance to the South Dakota Bar), and have at least 2 years post-J.D. professional experience. Outstanding academic record, criminal litigation experience, including trial and courtroom experience. Experience in managing investigations and violent crime experience, as well as appellate experience and strong legal research and writing ability. Investigative grand jury experience would be helpful. Experience in Indian Country criminal prosecution is preferred.

The appointment is subject to the completion and a favorable adjudication of any background checks required by Rosebud, the U.S. Attorney's Office (USAO), and the United States Department of Justice. Completion of Questionnaire for Public Trust Position [https://docs.wixstatic.com/ugd/724f9e\\_4dc5004377d-24908b72cf675f7c9ec27.pdf](https://docs.wixstatic.com/ugd/724f9e_4dc5004377d-24908b72cf675f7c9ec27.pdf)

and the Investigative Questionnaire for Law Enforcement Position

[https://docs.wixstatic.com/ugd/724f9e\\_9439c43c8d-c24634ac18364d88ed7773.pdf](https://docs.wixstatic.com/ugd/724f9e_9439c43c8d-c24634ac18364d88ed7773.pdf)

In addition to the documentation listed above, the Rosebud Sioux Tribe requires that you complete its application found at [https://docs.wixstatic.com/ugd/ed1fef\\_fa630cec5fb140beb2fb43e15f823075.pdf](https://docs.wixstatic.com/ugd/ed1fef_fa630cec5fb140beb2fb43e15f823075.pdf) and send to the address listed on the Application. No packets will be processed or considered without all of the information requested. Please include resume and cover letter.

Responsibilities shall include, but not be limited to working full time on the investigation and prosecution of cases concerning domestic violence, dating violence,

sexual assault, human trafficking, stalking, and related offenses, that are committed within the boundaries of the Rosebud Sioux Indian Reservation. Although cases of sexual assault involving young children may be covered by this project, the USAO and the Rosebud Tribe will prioritize using resources allocated to this project to investigate and prosecute cases where adult and adolescents are victimized. The Tribal SAUSA will divide their time between Rosebud and the USAO. The Tribal SAUSA will have responsibilities at the USAO in Pierre, South Dakota, and Rosebud, South Dakota. The Tribal SAUSA will spend the first 120 days of work exclusively at the USAO in Pierre. Thereafter, the Tribal SAUSA will develop a schedule, with the approval of Rosebud Sioux Tribe and the USAO, keeping in mind the purpose of the OVW grant that created the position.

The Tribal SAUSA shall be subject to the same laws, rules, regulations and policies as are applicable to all federal employees of the Department of Justice, the Executive Office for

United States Attorneys and the United States Attorney's Office, including personnel policies and procedures and ethics laws, regulations, and policies. These include the standards of ethical conduct for employees of the Executive Branch, 5 C.F.R. Part 2635; supplemental standards of ethical conduct for employees of the Department of Justice, 5 C.F.R. Part 3801; federal conflict of interest laws, 18 U.S.C. Sections 202-211; and political activity restrictions, 5 U.S.C. Section 7321 et seq.

### Tenure-Track Position in Criminal Law - Vermillion

The University of South Dakota School of Law looks to hire an Assistant or Associate Professor, dependent upon qualifications, with expertise in the fields of Criminal Law and Criminal Procedure. This position is on the tenure track and will start at the beginning of the 2020-2021 academic year.

The successful candidate will teach our Criminal Law, Criminal Procedure, and Advanced Criminal Procedure courses. The remainder of the course

package will be subject to negotiation. Areas of potential interest include dispute resolution, insurance, bankruptcy, secured transactions, cyberlaw, intellectual property, and agricultural law.

Individuals appointed to tenure-track positions are expected to fulfill the tripartite responsibilities of teaching, scholarship, and service. The successful applicant must be a licensed attorney in a United States jurisdiction (a state or the District of Columbia).

The University of South Dakota embraces and practices the values of diversity and inclusiveness. Candidates who support these values are encouraged to apply. EEO/AA

Applications must be submitted through the Board of Regents electronic employment site: <https://yourfuture.sdbor.edu/>. For application assistance or accommodation, call 605-677-5671. Please include your application letter, vita, and the names and addresses of three current references.

Inquiries may be directed to Tiffany C. Graham, Associate Dean of Academic Affairs, University of South Dakota School of Law, 414 East Clark Street, Vermillion, SD 57069. You may also send a message by email to [Tiffany.Graham@usd.edu](mailto:Tiffany.Graham@usd.edu), or you may call at 605-658-3509.

## **BOYCE LAW FIRM ASSOCIATE - Sioux Falls**

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

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

Start Date: Upon hiring.

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

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

## **Assistant Attorney General - Rosebud Sioux Tribe**

### **MINIMUM QUALIFICATIONS:**

1. Must be a graduate of an accredited Law School with a JURIS DOCTORATE degree.
2. Must be a member in good standing of the South Dakota State Bar and the Sicangu Oyate Bar Association or willing to become so within one year. Must be admitted to practice before the courts of the Rosebud Sioux Tribe, and to the courts of the United States and courts of other states or courts of other tribal and foreign nations or willing to become a member within one year from hire. Must be of high moral character and integrity.
3. Have not been convicted of any felony.
4. Be physically able to carry out the duties of this office.
5. Must have extensive experience and knowledge of the Rosebud Sioux Tribe's Constitution, criminal and civil law and Federal law. Must have litigation experience in Tribal, state and Federal courts. Litigate cases involving criminal law, civil rights, juvenile justice, Indian Law and ICWA.
6. Shall not be an incumbent judge of the Rosebud Sioux Tribal System.
7. Must complete SF-85P Security Questionnaire and pass a Background Investigation.

## **Staff Attorney - Sioux Falls**

East River Legal Services (ERLS) is seeking to hire a Staff Attorney for our Sioux Falls, South Dakota office. We are a non-profit law firm serving low-income individuals in the 33 counties of Eastern South Dakota. ERLS exists to better the lives of the over 46,000 people living in poverty in Eastern South Dakota. We offer free legal services to our community's Veterans, Older Americans (60+), Disabled, Victims of Violence, and all those facing financial insecurity.

### **Summary of Position:**

The staff attorney position requires the representation of low-income individuals in all areas of poverty law including housing, family law, protection orders, landlord/tenant disputes, evictions, utilities, public benefits, consumer, and other civil matters. The types of services provided include legal advice, brief service or extended representation. Aside from direct services, the staff attorney position requires preparing and delivering client training and other community

education; conducting intake and outreach; appearing in administrative and judicial forums; active bar participation; and special legal and community projects impacting low-income clients. In addition, the Staff Attorney shall perform any other responsibilities under the supervision of the Executive Director as may be necessary for the day-to-day operation of the Program. Moderate travel would be involved.

**Qualifications:**

Applicants must be licensed to practice law in South Dakota or be eligible for admission by motion. Previous experience in poverty law is preferred, but not required. Demonstrable awareness and sensitivity to the needs of the populations we serve is necessary. Strong organizational skills, ability to work independently, excellent written and communication skills, ability to work constructively with others, ability and willingness to work hard, are all necessary qualifications for this position. Bilingual candidates are strongly encouraged to apply.

East River Legal Services is an Equal Opportunity Employer.

**Salary and Benefits:**

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

**To apply:**

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

Brent Thompson  
Executive Director  
East River Legal Services  
335 North Main Avenue, Suite 200  
Sioux Falls, SD 57104  
or email [brent@erlservices.org](mailto:brent@erlservices.org)

**Submission deadline:**

November 30, 2019

**Trust Officer - Sioux Falls**

Bridgeford Trust Company, a full service, dynamic, and very fast-growing South Dakota chartered trust company, is looking for a full-time, highly motivated and energetic trust officer to join its team of talented professionals. Candidates should have a passion for helping families preserve and protect wealth utilizing powerful modern trust law, be detailed oriented, and enjoy a very fast paced and entrepreneurial work environment. While a successful candidate should possess solid prior trust experience and applicable

educational background (J.D., CTFA, CPA, CFP, CFA, MBA a plus), Bridgeford will provide mentoring, training, and educational opportunities to ensure ongoing professional development and growth. Please submit a cover letter and resume to [lvoller@bridgefordtrust.com](mailto:lvoller@bridgefordtrust.com) by November 15th, and include “employment” in the subject line of the email.

**Family Law Attorney – Rapid City**

Riggins Family Law, Prof. L.L.C., a small firm with a focus on Family Law, has an excellent opportunity for an associate looking to develop or grow a Family Law Practice.

**Requirements:**

- \*Licensed in South Dakota
  - \*Ability to manage work flow independently to meet deadlines.
  - \*Strong work ethic and reliability a must.
  - \*Exemplary client service skills with prompt response levels at all times.
  - \*Desire to make court appearances, argue motions and to participate in hearings.
  - \*Detail oriented with strong drafting and negotiating skills.
  - \*Excellent academic credentials.
  - \*Courtroom experience preferred but not a prerequisite.
  - \*Excellent analytical and problem-solving skills.
- If you are authentic about your desire to practice family law, and have the ability to connect with clients in a meaningful, respectful and efficient manner, then apply to join our team today! Interested applicants please submit a one-page cover letter outlining what motivates you as a family law attorney and your salary expectations with your resume to [Kylie@rigginsfamilylaw.com](mailto:Kylie@rigginsfamilylaw.com).

**Deputy Public Defender - Deadwood**

The Lawrence County Public Defender’s Office is seeking applications for a full-time Deputy Public Defender position. Duties of the position are as follows: Representation of indigent clients through all stages of the state court system in criminal and some civil matters. This includes pre-trial proceedings, motions, various court hearings and jury trials in criminal matters, appeals, habeas corpus proceedings, abuse and neglect actions, and juvenile proceedings. The successful applicant must possess a J.D. degree and be a current member in good standing or eligible



for admission to the South Dakota Bar. Criminal trial experience or clinical program experience in criminal law are preferred. Applicant must be a resident of Lawrence County or willing to become a resident within eleven months of start date. Applications will be reviewed until position is filled with a start date dependent upon availability. Salary will be a range of \$61,993.10 - \$73,814.00 annually (DOE). Lawrence County offers health, dental and life insurance, paid vacation and sick leave and retirement benefits and is an equal opportunity employer. Please contact the the Lawrence County Public Defender's Office for more information at (605) 578-3000.

A resume with references and writing sample should be submitted to: Amber L. Richey, Director, Lawrence County Public Defender Office, 90 Sherman Street, Deadwood, SD 57732.

### **Assistant General Counsel - Pierre**

Job ID: 12629

Agency: Department of Education/Legal

Salary: \$64,477- \$66,628 annually; depending on experience

This is a full-time position with the Department of Education. For more information on the Department of Education, please visit <https://doe.sd.gov/>.

The South Dakota Department of Education seeks an Assistant General Counsel to provide legal support to the General Counsel and across divisions. Duties will include legal research; drafting of administrative rules and legislation; preparing legal documents generated for certification of teachers and accreditation of schools; reviewing grants and contracts; and preparing for board and commission meetings. This position also requires communications with school district staff, school boards, and the general public regarding education matters. An essential duty is to provide responsive feedback to DOE staff when legal opinions are needed. Organizational efficiency regarding legal matters is a must.

The Assistant General Counsel will need a sound knowledge and understanding of applicable laws and regulations, and the ability to make prudent legal decisions and impart advocacy while utilizing people skills.

Position Responsibilities:

- advising executive management and boards on various matters such as legal rights and new and existing laws;
- examining and creating various legal documents;

- maintaining knowledge of organization's operations and legal documents;
- conducting legal research and reviewing litigation strategy pertaining to legal actions;
- promulgating rules and policies;
- liaising with outside counsel regarding their assignments.

Position Requirements:

- Juris Doctor degree from accredited law school;
- licensed to practice law in South Dakota or be qualified to waive into the Bar by reciprocity within one year of hire;
- three years practice preferred;
- excellent communication skills;
- knowledge of statutes, rules, and regulations pertaining to the State of South Dakota;
- proficient understanding of time sensitivities and confidentiality.

About the Department: The South Dakota Department of Education is dedicated to enhancing learning through leadership and service.

Additional Requirements: To be considered, attach your CV, unofficial law school transcripts, a writing sample, and a copy of your Bar license.

VETERANS' PREFERENCE ELIGIBLE

The State of South Dakota does not sponsor work visas for new or existing employees. All persons hired will be required to verify identity and eligibility to work in the United States and complete an Employment Eligibility Verification, Form I-9.

Apply at: <https://scssdlmprod.agilera.net/ltn/xmlhttp/shorturl.do?key=1NN>

### **DEPUTY STATE'S ATTORNEY - Butte County State's Attorney's Office**

Full-time salaried position to start in January 2020; Salary: DOE. Closing Date: open until filled. Job description: Successful applicant will represent Butte County in all stages of court, with a primary focus on magistrate court. Position requires strong oral and written communication skills, the ability to work with minimum direction, the ability to work as part of a team, and the ability to organize and prioritize. Duties shall include working with law enforcement as well as members of the community in the preparation of criminal cases, legal research and writing, motion preparation, and litigating cases in court. Successful applicant must be willing to continue education to further enhance litigation skills. Qualifications for

employment: Juris Doctorate degree and admitted to practice law in the State of South Dakota. No experience required. Interested individuals are encouraged to apply by submitting a resume and cover letter to Cassie J. Wendt, Butte County State's Attorney, 839 Fifth Avenue, Belle Fourche, South Dakota, 57717, phone (605) 892-3337, fax (605) 892-6768, email: [bcsa@buttesd.org](mailto:bcsa@buttesd.org) Butte County is an equal opportunity, affirmative action employer.

### **Litigation Attorney - Sioux City, IA**

Crary Huff Law Firm is seeking an experienced litigation attorney for its offices located in Sioux City, Iowa and Dakota Dunes, SD. Candidates should have at least three years of practice, primarily in civil litigation. Excellent research and writing skills are required, and trial experience is preferred. Iowa bar admission required. All applications will be handled confidentially. Send resume and cover letter to Crary Huff Law Firm, Attention Sabrina Sayler, Personnel Partner, PO Box 27, Sioux City, IA 51102 or [ssayler@craryhuff.com](mailto:ssayler@craryhuff.com). Equal Opportunity Employer

### **Associate Activist Attorney – Civil Liberties Defense Center**

Climate frontline position: We are seeking an associate activist attorney with a minimum of five years of criminal defense experience and environmental/social justice movement orientation to work on activist defense, activist grand jury witness representation, and related cases from a remote office setting. Strong trial skills and the ability to work well with diverse teams of activists will be required. The associate will be expected to work on all aspects of our case work, including intake, drafting motions and briefs, working with legal teams and defendant groups, as well as litigating cases at trial or on appeal. In addition, the associate will be expected to contribute to our Dissent & Democracy program by conducting public education trainings. Attorneys with additional experience or interest in litigating civil rights impact cases and SLAPP defense cases are strongly encouraged to apply.

We are looking for experienced, well-rounded activist attorneys who bring hard work, initiative, commitment, and passion for our work, our clients, and the progressive movements we support and defend. The ideal candidate will have environmental, climate, and/or anti-capitalist and anti-racist movement background as well as experience litigating state and federal

criminal cases, and related work.

This position will be located in, or near, an underserved climate frontline region, likely in the middle of the U.S. This attorney will work remotely, likely from a home or small office. Our litigation is nationwide and some travel will be required, including to Eugene, Oregon.

To Apply: Please send the following materials in a single PDF to [office@cldc.org](mailto:office@cldc.org) with the Subject: “[Your last name]— Associate Activist Defense Attorney” (1) Resume (2) Cover letter (3) 2 writing samples, ideally relevant briefs and/or pleadings (4) 3 professional references with at least one environmental/social justice activist reference

To view full job description go to: <https://cldc.org/associate-activist-defense-attorney/>

### **Attorney - Pierre**

The Division of Insurance, part of the Department of Labor & Regulation, is looking for a driven, eager staff attorney in its Pierre office. The Division protects consumers through regulatory oversight of the securities and insurance markets. These areas are experiencing innovation and change as never before, offering an exciting and dynamic legal practice environment. Staff attorneys prosecute enforcement files, appear at court hearings, draft legislation and rules, negotiate and write contracts, oversee significant insurance company mergers and acquisitions, facilitate securities transactions, and more. Staff attorneys provide legal advice on a large range of issues; topics from the Affordable Care Act to the licensing of bounty hunters are under the Division's umbrella. The Division can help develop your career in several high-demand fields while you serve the public, make a difference, and experience a good work/life balance. Salary: \$64,477.44 to 66,628.08 depending on experience

Requisition #: 12697

Graduation from an accredited school of law and membership in the South Dakota State Bar is required. Applicants who are willing and qualified to become members will be considered. Travel may be required. This position is salaried and exempt from the Career Service Act. Please submit a resume and writing sample when filling out the electronic application at <http://bhr.sd.gov/workforus>. Please view the position posting at <http://bhr.sd.gov/workforus> or contact any South Dakota Department of Labor and Regulation Local Office.

## **Chief Public Defender - Rosebud Sioux Tribal Courts**

ESSENTIAL DUTIES and RESPONSIBILITIES:  
Must have supervisory skills and experience. Must have basic knowledge of civil and criminal law, methods, and practices of pleadings. Working knowledge of court procedures. Working knowledge of principles, methods, materials, and practices utilized in legal research. Ability to speak, and write effectively in the preparation and presentation of legal matters. Must have knowledge, and experience using computers, word processing, and electronic legal research.

## **PERSONAL TRUST RM PLAYER**

### **U.S. Bank Personal Trust RM Player/Coach - Sioux Falls**

Responsible for managing a team responsible for developing, managing, and retaining Personal Trust account relationships. The team provides clients with expert financial advice and counsel in all areas of Personal Trust and is knowledgeable about all other related U.S. Bancorp products and services. Incumbent develops and executes the team's business plan. Incumbent plays a leadership role within Personal Trust.

For the complete job description, go to <https://usbank.taleo.net/careersection/10000/jobdetail.ftl?job=190021216>

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# November

Wellness Series (Part 2 )Webcast	November 12	
Bar Commission Teleconference	November 21	
Extended Law for Lunch- Tax Update	December 5	
Wellness Series (Part 3) Webcast	December 9	
Bar Commission Teleconference	December 19	
Disciplinary Board	January 9-10, 2020	Red Rossa, Pierre
Bar Commission Meeting	January 10, 2020	Red Rossa, Pierre
Bar Commission Teleconference	February 20	
Disciplinary Board	April 2-3, 2010	Clubhouse Hotel, SF
Bar Commission Meeting	April 30, 2020	The Lodge at Deadwood
Strategic planning Retreat	May 1, 2020	The Lodge at Deadwood
Bar Commission Teleconference	May 21, 2020	
Annual Meeting	June 17-19, 2020	Ramkota Hotel, Pierre
Disciplinary Board	June 15-16 2020	Red Rossa, Pierre