



State Bar of South Dakota

NOVEMBER 2020

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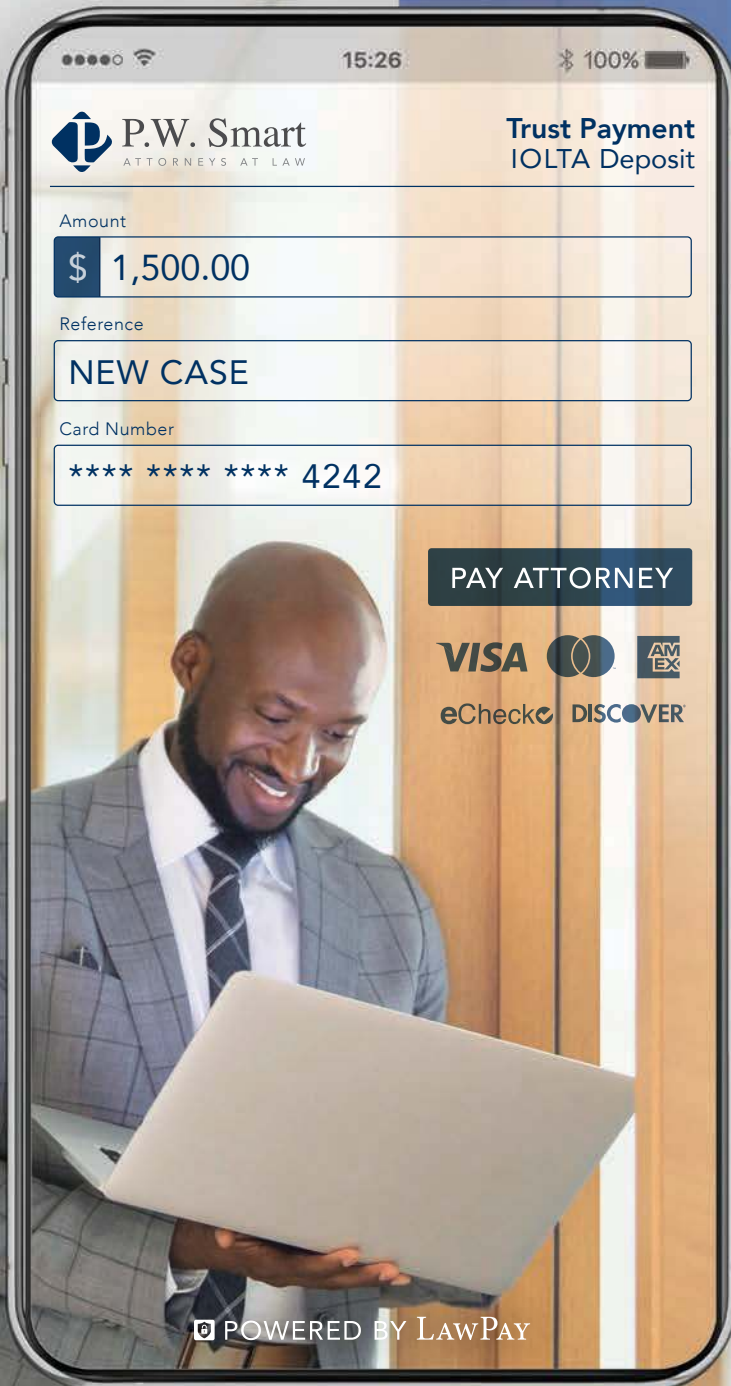
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State Bar of South Dakota

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President's Corner

Terry G. Westergaard

Last week was Celebrate Pro Bono Week throughout the country. Pro bono organizations held various fundraisers and virtual events in recognition of the work volunteer attorneys do to help those organizations and the clients they serve. As we leave October and move into “gratitude season,” I can tell you I have been so very grateful of the work our state bar does in the realm of pro bono. Our state bar, along with financial support from the SD Bar Foundation, continues to support pro bono efforts throughout the state in a variety of ways.

Our Access to Justice pro bono program is at the forefront of providing pro bono legal assistance to those who cannot afford a private attorney. When the legal services delivery model moved online, A2J added an online component as well through SD Free Legal Answers. To assist law students in gaining experiential learning, A2J stepped in to assist and support USD Knudson School of Law clinic-based programs, such as the online veterans’ legal clinic to be hosted on November 13th. In an effort to streamline limited resources, A2J came to the table with our legal services friends to establish online intake and a statewide legal services website. Throughout the past two years, A2J and the state bar has worked with countless volunteers to write articles and fact sheets for the website so that South Dakota residents can find accurate information for their legal situation.

But our programs do not work without you.

Now, more than ever, Access to Justice could use your support. If you are able, please consider taking on a case with the program. You can register to be a volunteer attorney [here](#) or contact [Denise Langley](#) directly. Or consider signing up to answer questions online anonymously through [SD Free Legal Answers](#). You can also reach out to [Levi Mitchell](#) at USD Knudson

School of Law to volunteer for the veterans legal clinic on November 13th. If you have ideas for articles to be added to the statewide legal services website, please contact [Beth Overmoe](#). Our collective effort to assist South Dakotans with their legal needs makes an incredible difference. I hope you will volunteer your time with one of our programs as we would surely love to have you join us.

Access to Justice, Inc. continues to provide legal assistance to low income applicants with a variety of civil legal issues. Denise Langley has been the only employee of Access to Justice, Inc., since November of 2016. She is a licensed attorney with vast experience in working with indigent clients and victims of violence. We are very fortunate to have Denise leading the organization, working with applicants and volunteer attorneys every day to ensure it’s not just those who can pay that have representation in our civil legal system.

I took a few minutes to speak with Denise beyond her day-to-day. Denise is passionate about the work she does, but she is also exceptionally thoughtful and kind with a unique knowledge of Star Wars and love for travel. I learned more about Denise and I welcome you to learn more about her. And, if you can, reach out and let her know you will accept a pro bono case.



TERRY: Thank you for taking some time to answers these questions for me Denise. I want to start out with asking you, why did you apply to work for A2J, and what keeps you here?

Denise: My whole professional career was in legal aid. I started out with Dakota Plains Legal Services. Later, I worked as a tribal court public defender. When I saw the posting for the A2J position, it fit my passion for legal aid which started in law school. This position allowed me to continue in legal aid and allowed me to

stay in my hometown.

I enjoy the work. I like helping people who would not otherwise be able to afford an attorney. I enjoy working with referred attorneys and enjoy making the process of taking on a pro bono case easier for them.

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

Denise: Spending time with family – camping, spending time on the river, travel. We enjoy road trips. We like Star Wars movies, comic book movies like Marvel and DC, and Harry Potter. We have watched all of them several times.

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

Denise: Depends on my mood. When I am getting ready for a presentation on Access to Justice, I tend to be an introvert. On the other hand, I have been known to sing karaoke.



TERRY: What is your favorite holiday?

Denise: Halloween. We decorate our front porch in some detail every year to celebrate!



TERRY: What are some of your favorite things?

MOVIE: Christmas with the Kranks and Office Space
BAND/MUSICIAN: Prince

VACATION SPOT: Disneyland

COLOR: Green

ICE CREAM FLAVOR: Oreo

MEAL TO EAT: All kinds of Mexican food.

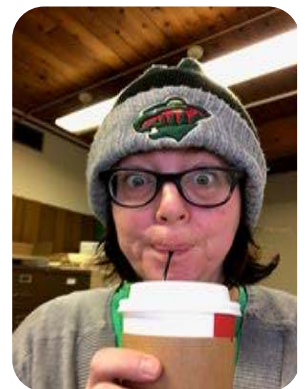
SEASON OF YEAR: Fall

TERRY: Is there anything you would like to share about Celebrate Pro Bono Week and the A2J program?

DENISE: I just want to say I appreciate all of our South Dakota attorneys that are stepping up to provide pro bono and reduced-rate service through our State Bar's Access to Justice program! It is through the efforts of these attorneys that Access to Justice is able to assist so many residents of South Dakota with legal their legal needs. The attorneys volunteering through Access to Justice are a pleasure to work with and I am so thankful for their strong commitment to help those who would not otherwise be able to afford legal assistance.

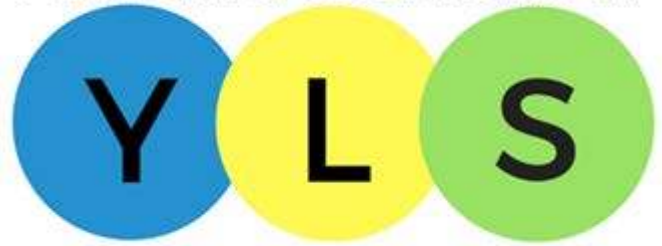
TERRY: One final question for me to keep in mind when I stop in to the State Bar office in Pierre. How do you take your coffee?

Denise: Black until Christmas season then I add peppermint mocha creamer.





STATE BAR OF SOUTH DAKOTA
YOUNG LAWYERS SECTION



by: Caroline A Srstka
YLS President

Happy November everyone! This is a big week for the Young Lawyers Section. On Friday, November 6th, we are hosting both the Nuts & Bolts CLE, and the Statewide Swearing-In Ceremony in Pierre, South Dakota.

The Nuts & Bolts CLE this year has an awesome schedule as follows:

9:30 a.m. – 11:15 a.m. “Preserving Your Record for Appellate Review” with South Dakota Supreme Court Justices Janine Kern and Patty DeVaney

11:30 a.m. – 12:15 p.m. “What to Know as a New Admittee” with Elizabeth Overmoe

12:30 p.m. – 2:00 p.m. “A Cultural Competency Primer for the South Dakota Lawyer”

Registration begins at 8:30 a.m., and this year we have included a Zoom option, so you can attend from the comfort of your office! You can find the Zoom Registration in the Nuts & Bolts CLE announcement contained in this newsletter.

Following the CLE, we ask everyone to head over to the Capitol Rotunda to celebrate the admittance of our newest colleagues at the Statewide Swearing-In Ceremony. Chief Justice Gilbertson will preside over the event and will be administering the Oath of Attorney to the new admittees. The program begins at 3:00 p.m. We will have a professional photographer present to capture the moment for all new admittees and their loved ones. The Hagemann-Morris Young Lawyer Mentorship Coin Program is also highlighted

during the ceremony, and mentorship coins are given to the new admittees by yours truly, the SDYLS President.

I also want to take this time to remind all new admittees, if you had to get sworn in right away after receiving your bar results, you can still attend the Statewide Swearing-In ceremoniously! If you have not RSVP'd yet, do not despair, we'll make room for you. Email me with any questions at: Caroline. Srstka@state.sd.us.

Unfortunately, this year, due to Covid-19, we have made the difficult decision to cancel the reception. However, we are so excited for the Swearing-In Ceremony, and strongly encourage all to wear a mask. We will also be providing masks at the ceremony, and will try to spread out as much as possible for social distancing.

Along with the Nuts & Bolts CLE, for those that are unable to attend the Swearing-In, we have provided the option to watch the ceremony over Zoom! The Zoom information for the Swearing-In is as follows:

<https://us02web.zoom.us/j/86893493779?pwd=NEtQOXJ5TmtBMDAzQ0VVRTmM5OVJJdz0>

Meeting ID: 868 9349 3779
Passcode: 782457

These two events highlight the very best of our Bar, and we look forward to seeing you there!

Your 2020-2021 Board of Directors are:

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



STATEWIDE
SWEARING-IN
CEREMONY

NOVEMBER 6, 2020
3 PM

PLEASE
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US!

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FACE COVERINGS
RECOMMENDED



Fellows of the South Dakota Bar Foundation

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

Sustaining Life Fellow - \$50,000 plus

(cumulative, including pledges & testamentary gifts)

- * Fred & Luella Cozad

Life Fellow - \$25,000 plus

(cumulative, including pledges & testamentary gifts)

- * Frank L. Farrar

Diamond Fellows - \$10,000 plus

(cumulative, including pledges & testamentary gifts)

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

Platinum Fellows - \$10,000

(cumulative, including pledges & testamentary gifts)

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- * Hon. John B. Jones
- * Scott C. Moses
- * Charles L. Riter
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- * Hon. Jack R. Von Wald

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(cumulative, including pledge)

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- * William F. Day, Jr.
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- * Dana J. Frohling
- * Richard L. Kolker

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- * Timothy J. Rensch
- * James E. Smith

Fellows of the South Dakota Bar Foundation

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

Fellows - \$500 (per year)

- * Hon. John Bastian
- * Mary Jane Cleary
- * Andrew L. Fergel
- * Craig A. Kennedy
- * Hon. Bobbi Rank
- * Robert C. Riter, Jr.
- * Laura Clark Rowe
- * Thomas Eugene Simmons
- * Jason R.F. Sutton
- * Barry R. Vickrey



Our Profession. Our Responsibility.

YOU ARE INVITED TO JOIN!

Fellows of the South Dakota Bar Foundation

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

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City _____ State _____ Zip Code _____

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

In Memoriam

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

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

Mail payment to:

State Bar of South Dakota

111 W Capitol Ave. #1

Pierre, SD 57501

Or you can email this form to:

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

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

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Dean's List: News from the Law School



by: *Neil Fulton*
Dean
USD School of Law

Like many of you I am tired of Zoom meetings. Particularly for all day meetings of large groups which just makes everything harder. This frustration made even more remarkable a recent day on Zoom with the State Bar Strategic Planning Committee. We spent the day talking about key issues facing our profession and how the State Bar and the Law School can work together to address them. In particular, we discussed where our next generation of lawyers will come from and how they will get into practice. Please join me in thanking co-chairs Dick Casey and Jennifer Williams, Strategic Planning Coordinator Elizabeth Overmoe, and ABA facilitator Jennifer Lewin for organizing an excellent discussion. Because I think they are important realities, I want to share some of the information I relayed about the student pipeline to law school and their placement after graduation.

The pipeline of students headed to law school in coming years is a key issue. Beginning in 2025 there is a precipitous drop of high school graduates. That pairs with the fact that the only communities with population growth are in Indian Country and immigrant and racial minorities. The percentage of students going on to college and professional school is currently lower in those groups. This results in a projected forty percent drop in college matriculants. A smaller college population translates to fewer students who can go on to professional schools. In coming years, the Law School must compete more intensely for fewer students.

Our pipeline is also limited by the Law School's status as a regional school. In most classes, 65-75% of our students come from South Dakota. When you include North Dakota, Minnesota, Iowa, and Nebraska the number increases to over 90%. We are a regional school and there is nothing wrong with that. In fact, during COVID-19 it has been an advantage to be a smaller school that allows students to stay closer to home. It is also good news for placement because many students

who stay home for school stay home to work. But it does mean that our pool of candidates is not as large as some other schools.

Our two largest feeder schools are USD and SDSU. Augustana and USF are typically next. We do not currently pull as many graduates from the other Regental institutions as we would like. We are working on pipeline initiatives with both Northern and Dakota State as a result. We are also planning a "law camp" via Zoom this spring to introduce law school and legal careers more generally to more students. We have also begun conversations about "regional mentors" to help us identify potential students in different regions of the state and develop their interest in law school.

These pipeline issues do not only impact the Law School and the Law School will not be able to solve these problems itself. It will take thoughtful responses and sustained work by everyone with interest in the legal profession to meet this challenge. All of us will wrestle with these demographic realities in the coming years to make sure that enough lawyers are available to meet all our legal needs.

On the backside of pipeline is placement. As important as getting students in the door is getting them back out the door to opportunities that work for them. Most students want to stay home to work. This may mean within South Dakota or the region rather than strictly in their hometown. Graduates of the Law School do go across the nation, but most stay close after graduation.

Even though students are likely to go back to where they came, or close, it is undeniable that many feel a strong pull to Sioux Falls or Rapid City. Many of them see obvious opportunities there. Some have spouses who already have careers there, and some may not realize that opportunities exist in other communities. As important as providing students for those many opportunities is, many other needs exist in and around South Dakota. In particular, "small big towns" like Aberdeen, Huron, Pierre, Mitchell and Madison need more lawyers. Students not from these areas are often reluctant to consider them. Students from those locations sometimes go back, but often get pulled elsewhere. In order to get these regional service hubs the lawyers that they require, we need to have more students from those areas and strategic partnerships with law firms and businesses in those areas to develop contacts. Students

from Miller are more likely to return to Huron or Pierre and students from Ipswich or Groton are more likely to end up in Aberdeen or Watertown. Sioux Falls and Rapid City continue to pull in large numbers of lawyers and Project Rural Practice has helped address the needs of small communities. But unless we address these regional service hubs there will be a real undermining of our ability to provide legal services across South Dakota. Students are more likely to go back to those areas if they come from those areas. In this respect pipeline and placement are deeply connected.

The Strategic Planning Committee engaged in a great discussion of these issues. I took away a lot of ideas that we are discussing at the Law School. It is invaluable

for the Law School to have the State Bar as a partner in thinking about how to address these issues. A day of Zoom with the strategic planning committee is generating ideas that will sustain the Law School and the Bar for years to come.

I would love to hear from you on these issues. COVID has tied many of us down over the last months, but I am looking forward to opportunities to return to visiting communities and firms in person or through Zoom or other means. I would like to hear what your community and firm needs so that we can work to address these pipeline and placement issues. Thank you all for taking the time to think about and work together on the future of our profession.

“Thanks again, you did a great job today!” ~ Clair Gerry

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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.

- **JENNIFER TOMAC**
- **JAMES MYERS**
- **ASHLEY BROST**
- **ALAYNA HOLMSTROM**
- **THOMAS FRANKMAN**
- **ANONYMOUS ATTORNEY**

AND MUCH THANKS TO:

BETH BALOUN
SARAH BOUWMAN
SCOTT MOSES

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And let her know you will answer the call to be an a2j legal superhero!



“
We
will
be
known
forever
by
the
tracks
we
leave
behind.”

- DAKOTA PROVERB

TRIVIA: November is Native American Heritage Month



A2J

HERO



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

ANNOUNCEMENTS



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Gunderson Palmer Nelson Ashmore LLP
is pleased to announce that

G. Nolan Thomas

has joined the firm as an associate attorney.

Gunderson Palmer Nelson Ashmore LLP
506 6th Street
Rapid City, SD 57701

Telephone: (605) 342-1078

gthomas@gpna.com
www.gpna.com

Melissa Nicholson Breit and Thomas J. Nicholson
of NICHOLSON LAW
are pleased to announce that

Shane T. Vogt

has joined the firm as an associate attorney.

NICHOLSON LAW
4201 S. Minnesota Ave., Suite 113
Sioux Falls, SD 57105

Telephone: (605) 335-7100

shane@nicholsonandnicholson.com
www.nicholsonandnicholson.com



LEGACY LAW FIRM, P.C.
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is pleased to announce that

Bobbi L. Thury

has become a Certified Elder Law Attorney.

The National Elder Law Foundation – the only organization approved by the American Bar Association to offer certification in the area of elder law – has announced that Bobbi Thury, of Legacy Law Firm, P.C. has successfully completed its examination leading to such certification.

As a Certified Elder Law Attorney, Bobbi has passed a full-day certification examination, has participated in at least 45 hours of continuing education in elder law, handled a minimum of 60 elder law matters within specified categories and within a certain time period, and was favorably evaluated by attorneys, including five elder law attorney specialists, among other comprehensive and strict requirements.

Since government benefits planning, such as Medicaid, is needed with special needs planning, Bobbi also has the ability to provide the particular guidance in a constantly evolving field of law to help families do proper special needs planning.

Bobbi is passionate about helping clients with long-term care planning and asset protection, Medicaid planning, and special needs planning.

Legacy Law Firm, P.C.
 7404 S. Bitterroot Place
 Sioux Falls, SD 57108

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NUTS & BOLTS

Brought to you by The State Bar of SD, The Young Lawyers Section, The Diversity and Inclusion Committee & The Continuing Legal Education Committee.

When: Friday, November 6, 2020

Where: Ramkota Event Center in Pierre AND Zoom

- State Bar Members may attend over Zoom and can register [here](#). Please register by November 4th.
- New admittees attending the State-Wide Swearing in Ceremony may attend in person and can register [here](#). Please register by October 30th.

Schedule:

Intro/Morning Session- 9:30AM-11:15AM:

"Preserving Your Record for Appellate Review" with South Dakota Supreme Court Justices Janine Kern and Patty DeVaney

Working lunch for New Admittees- 11:30AM-12:15PM:

"What to Know as a New Admittee" with Elizabeth Overmoe & State Bar Staff

Afternoon Session/Closing- 12:30PM-2:00PM:

"A Cultural Competency Primer for the South Dakota Lawyer"

Face masks are strongly encouraged.

Swearing In Ceremony: 3 pm – Capitol Rotunda

If you have questions, please contact Chelsea Wenzel at Chelsea.Wenzel@state.sd.us

**SOUTH DAKOTA YOUNG LAWYERS SECTION
&
DIVERSITY & INCLUSION COMMITTEE**

*Cultural
Competency Primer*
**FOR THE SOUTH
DAKOTA LAWYER**

In our growing and changing society, cultural competency is increasingly important for legal professionals to create effective relationships with their clients and adequately address clients' needs. Cultural competency, similar to other skills used within the profession, requires a disciplined approach to viewing the world from different perspectives. As such, cultural competency is an essential skill set for any attorney who seeks to deliver effective advocacy and serve justice.

This program will provide a brief overview of what cultural competency is, what it means to be culturally competent, and how cultural competency impacts the legal profession. Program attendees will be provided with tangible tips to implement and utilize in the pursuit of being culturally competent.

Panelists

Dr. Laura Renee Chandler

Director, Center for Diversity and Community
University of South Dakota

Kiva Sam

Systematic Disruptor & Doctoral Student
USD School of Psychology

Cesar Juarez

Associate
Lynn, Jackson, Schultz, and Lebrun

Moderator

Tamara Nash

Member
Diversity & Inclusion Committee/SD YLS

NOVEMBER 6, 2020

12:30 PM

THIS PROGRAM WILL BROADCAST VIA ZOOM

#Fit2PRACTICE

Managing Time & Maintaining Resilience

In the legal profession, failure, stress, and external pressures are inevitable. These experiences can be further exasperated by personal life events and adjustments within the profession. As legal professionals, we often experience primary and secondary trauma by virtue of our entrusted positions as advocates and counselors. Ultimately, these forces can deeply affect mental health and wellness.

This virtual program will explore the topics of wellness, the impact of working from home, time management, resiliency, and primary and secondary trauma. Speakers will discuss the unique intersectionality between maintaining a rural practice, managing stress, and practicing wellness. Attendees will explore wellness concepts and learn practical coping mechanisms, including the growth mindset, and skills to promote balance and wellness. Attendees will leave with a tangible understanding of the intertwined relationship between wellness and ethics – identifying that well-being is an indispensable part of a lawyer's duty of competence under Model Rule 1.1.

Panelists

Maryt Fredrickson

Staff Attorney/
Attorney Wellness Columnist
Jackson, Wyoming

Janel Schmidt

MS, LPC-MH
Sioux Falls, SD

Moderators

Tamara Nash

South Dakota

Holli Welch


Wyoming

NOVEMBER 18 | 11:30 AM MST

[Register Here!](#)

Presented by:
South Dakota Young Lawyers Section
Wyoming State Bar Young Lawyers Section

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**SD CLE, INC.,
IN PARTNERSHIP WITH SDSU
NESS SCHOOL OF
MANAGEMENT AND
ECONOMICS, PRESENTS**

A Real Estate CLE Series

**November 6, 2020
12PM-1PM (CST)**

Electronic Real Estate Documents & Remote Notarization

Eric Hanson from Dakota Homestead Title Insurance Company will be going over the current state of electronic real estate documents and remote notarization in South Dakota, what is allowed and what is prohibited, and discussing potential changes in light of national trends. Members from lending, reality, and other related fields will be participating and giving feedback on what standards make the most sense for South Dakota.

**[CLICK HERE TO REGISTER
FOR THE 11/6 WEBINAR](#)**

**November 13, 2020
12PM-1PM (CST)**

Statutory Assessment Methods & Proposed Changes

Dr. Matthew Elliot will be discussing the statutory assessment methods used in South Dakota. Dr. Elliott will be going over the current system as well as the proposed changes that have been worked on for several years that will be proposed as part of the upcoming Legislative Session.

**[CLICK HERE TO REGISTER
FOR THE 11/13 WEBINAR](#)**



SOUTH DAKOTA BAR FOUNDATION

111 West Capitol Avenue #1
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,

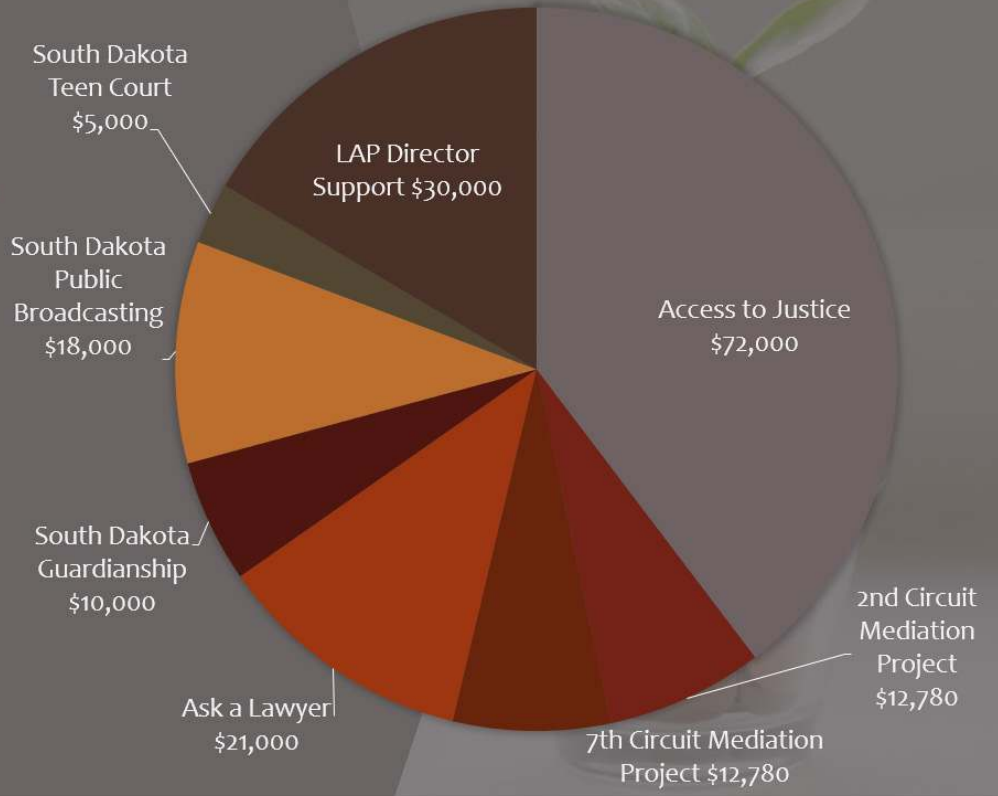


Eric C. Schulte
President
South Dakota Bar Foundation

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SOUTH DAKOTA BAR FOUNDATION GRANTS

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1920-21



EVERY GIFT MATTERS



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“RAISING THE BAR”



John R. Justice Student Loan Repayment Program 2020

The John R. Justice (JRJ) Grant Program provides student loan repayment assistance for local, state and federal public defenders and local and state prosecutors who commit to extended service in those roles. Applications are being accepted until December 31st, 2020, for the 2020 John R. Justice Student Loan Repayment Program. All Applications and a Service Agreement along with a recent loan statement must be received or postmarked on or before this day. You can find the link for the forms on our website at <https://atg.sd.gov/OurOffice/JohnJusticeProgram.aspx>.

[2020 John R. Justice Grant Application](#)

[2020 John R. Justice Grant Service Agreements Please select one of the 3 agreements that best fits your situation.](#)

Prosecutor a full-time employee of a state or local government (including tribal government) who is continually licensed to practice law and prosecutes criminal or juvenile delinquency cases at the state or local government level (including supervision, education, or training of other persons prosecuting such cases) (34 U.S.C. 10671(b)(1)). Prosecutors who are employees of the federal government are not eligible.

Public Defender an attorney who is continually licensed to practice law and is a full-time employee of a state or local government (including tribal government) who provides legal representation to indigent persons in criminal or juvenile delinquency cases, including supervision, education, or training of other persons providing such representation; is a fulltime employee of a nonprofit organization operating under a contract with a state or local government who devotes substantially all of their full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases, including supervision, education, or training of other persons providing such representation; or employed as a full-time federal defender attorney in a defender organization pursuant to Subsection(g) of section 3006A of Title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases (34 U.S.C. 10671(b)(2)).

BJA, in its discretion, has determined that policy and ethical considerations preclude elected officials from being eligible.

Application with original signatures must be submitted to the address below. A recent loan STATEMENT must be included that provides the following: (1) account number; (2) your name on the account; and (3) bank payment mailing address.

Lynell Erickson
Office of Attorney General
1302 E. Hwy 14 Suite 1
Pierre, SD 57501

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 2021.

I understand that if approved, rather than pay regular dues for the year 2021, 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 from time to time 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 2021.

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.

Dated this _____ day of _____, 20____

Signature _____

Printed Name _____

Address _____

City, State, Zip Code _____

Phone _____ Email _____

Why Agreeing to Rent Out Your Law License May Not Be the Best of Ideas

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

Solo and small firm lawyers continue to occasionally call in wanting to discuss a business opportunity that has come to be known as a “license rental” business model. In short, these lawyers are being offered an opportunity to affiliate with an out-of-state law firm or occasionally a non-lawyer owned company, both of which are wanting to direct matters to the lawyers they are contacting as a way to offer legal services in the jurisdictions in which these lawyers practice. If agreed to, the affiliation is typically structured as an of counsel or contract attorney relationship and participating lawyers are promised some portion of any earned fees coupled with an understanding that the required amount of work will be minimal. Targeted practice areas include but are not limited to debt settlement, mortgage foreclosures, estate planning, traffic violations, and criminal expungements.

Those who take the time to call me are usually wanting to make sure that, if they sign on to something like this, their malpractice coverage will be in play should a misstep ever occur. Before I answer that question, however, I always start by asking if they have given any thought to whether signing on is ethically permissible because many times the opportunity under consideration often won't ethically pass muster for a number of reasons.

Let's start with the obvious. If it's a non-lawyer owned company making the offer, any lawyer who signs on may be assisting a lay entity in the unauthorized practice of law. However, even if the offer is coming from an out-of-state law firm, the unauthorized practice of law issue may still be a problem, particularly if the local lawyer is contractually required to essentially relinquish control of all matters to the out-of-state firm, which is often the case. Making matters worse, some of these firms turn over the responsibility for managing all client matters to nonlawyer assistants who are not properly supervised. Were a local lawyer to agree to simply sign off on all work being done by these nonlawyers, this too would constitute assisting nonlawyers in the unauthorized practice of law.

Another problem with the license rental model is the out-of-state entity often markets a one-size-fits

all solution to the legal problems they will want their local lawyers to bless. If a local lawyer in fact does so without first consulting with the client about the various legal options available and without regard to the true needs of the client, this lawyer would be ceding his or her independent legal judgment to someone else in violation of ABA MRPC 5.4 Professional Independence of a Lawyer.

Depending upon the specifics of the opportunity under consideration, additional ethical concerns that can come into play include improper fee splits, preventing clients from having a chance to meaningfully consult with their local lawyer, and unreasonable limitations on the scope of representation. Hopefully after discussing the ethical issues, those who have called me start to realize the opportunity they have been presented with isn't as attractive as it's been made out to be.

With the ethical issues fully vetted, I then turn to the initial insurance coverage question and here's where it gets interesting. I have yet to hear of a situation where the out-of-state firm or non-lawyer owned company provided malpractice insurance for their local lawyers. Instead, they require all local lawyers who sign on to document that they have a malpractice policy in place, which leads these lawyers to believe that their own policies would respond. Here's the problem. These out-of-state businesses often have no intention of letting you make any of their clients your clients and they will place severe limitations on what their local lawyers can and can't do. In short, the local lawyers are often simply being asked to sign off on work done by others who are all out of state. This is why the moniker “license rental business model” came into being. It really is an apt description. The rub here is that malpractice policies usually only cover lawyers for work they do on behalf of clients of the named insured, which is their firm. Under the license rental model, lawyers would be providing services for clients of another firm, thus no coverage.

Please understand that the purpose of this post is not to try and convince lawyers to never take advantage of business opportunities with others. Sometimes the proposal under consideration actually turns out to be on solid ground, at least from an ethical perspective. My message is just this, sometimes when an opportunity seems too good to be true, it turns out that's because it is.

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

South Dakota law firms can connect directly with ALPS at learnmore@alpsinsurance.com or by calling (800) 367-2577.

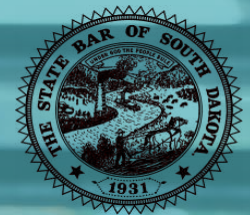
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ATTORNEYS - OATH OF ATTORNEY

I do solemnly swear, or affirm, that:

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

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

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

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

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

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

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

**JOIN US.
November 13th, 2020
VIA ZOOM**

Dear South Dakota Bar Member:

The University of South Dakota School of Law Veterans Legal Education Group is holding a virtual legal clinic for veterans on the west side of the state on November 13, 2020, VLEG will be utilizing ZOOM for this virtual clinic and can work with volunteer attorneys all over the state who would like to participate. The time of the clinic will be from 9:00AM to 3:00PM. We hope to reach nearly 50 veterans on this day.

Law students will be completing intake prior to the day of the clinic and scheduling appointments with clients and volunteer attorneys for November 13th. Law students will also attend the sessions with the volunteer attorneys and assist with managing ZOOM and observing the meeting.

**WE NEED VOLUNTEER ATTORNEYS FOR THE
VIRTUAL CLINIC.**

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

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

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

volunteer

USD SCHOOL OF LAW VETERANS LEGAL EDUCATION GROUP

Free Virtual Legal Clinic



UNIVERSITY OF
SOUTH DAKOTA
KNUDSON SCHOOL OF LAW



State Bar of *South Dakota*

JOIN US ON ZOOM:

November 13 from 9 a.m. to 5 p.m.

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

Phone: 605-658-3530

Email: vleg@usd.edu

The Veterans Legal Education Group and the South Dakota Low Income Taxpayer Clinic are hosting a FREE VIRTUAL LEGAL CLINIC. Legal professionals, along with student attorneys, will be available to address and support the military community and their families with any legal questions and needs.

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

EVENT CONTACT:

USD Knudson School of Law
Veterans Legal Education Group

Phone: 605-658-3530

Email: VLEG@usd.edu

SUPPORTED BY:

State Bar of South Dakota
and
Veterans Committee and Young
Lawyers Section



RURAL INTERN INCENTIVE PROGRAM

ABOUT

The Rural Internship Incentive Program is a project designed to match first- and second-year law students with rural lawyers for paid summer internships. The State Bar of South Dakota Project Rural Practice Task Force, with financial support from the SD Bar Foundation, place law students in the offices of rural lawyers. Our goals are three-fold...

EXPOSURE

Expose Law Students to the practice of law in rural South Dakota communities

SUPPORT

Provide financial support to law offices in rural communities to bring an intern to their community

ACCESS

Increase access to justice with placement of lawyers and law students in rural South Dakota communities

HOW IT WORKS

A law student or SD lawyer can request an application from the State Bar office or USD Knudson School of Law Career Services office. Once a completed application and student resume are received by the USD Knudson School of Law Career Services Director, they are forwarded to the PRP Task Force co-chairs, program administrator, and State Bar Executive Director for approval. The lawyer and law student are then notified on the approval or rejection of their application. If approved, the host attorney is required to pay the rural intern a minimum of \$600 per week or \$120 per day for each work day. At the end of the internships, the host attorney is required to submit a voucher to the State Bar for reimbursement by October 1. The State Bar will reimburse the host attorney up to 50% of the gross pay made to their intern, subject to a maximum of \$1,875. Post-internship interviews and/or surveying will also be conducted at the conclusion of the internship for both the student and host attorney.

TESTIMONIALS



Tim was a great mentor for an aspiring attorney, and I am grateful for the opportunity to practice with him this summer. This was a great experience for me because it provided me a glimpse into practicing in a small community, and both the benefits and hardships it brings. I hope to practice in a similar environment upon graduation.

- Mason Juracek, Intern

I would highly recommend this internship. I truly enjoyed working with Emily and the staff in her office. I always felt welcome and comfortable in the office. I was never stressed or felt like my work load was too high. I always had a balanced work load and Emily was always around for questions. Emily truly went above and beyond as my supervisor. She introduced me to the staff in the courthouses. I was able to meet the Hyde county commissioners and visit with them during monthly meetings. I enjoyed my blended internship and am hoping to work with Emily after graduation.

- Liz Welk, Intern

I gained skills in legal research, including case law, South Dakota statutes, and various city ordinances. I learned about real estate transactions, seeing various aspects from purchase agreements to closing documents. I was able to work on a wide variety of projects in multiple areas of the law.

- Madison Jons, Intern

GET IN TOUCH:

BRIAN BOYENGA, Career Services Manager
USD School of Law
Brian.Boyenga@usd.edu
(605) 658-3546

ELIZABETH OVERMOE, Strategic Plan Coordinator
State Bar of South Dakota
Elizabeth.Overmoe@sdbar.net
(605) 929-5980



STATE BAR OF SOUTH DAKOTA
PROJECT RURAL PRACTICE

PRP SUMMER RURAL INTERNSHIP PROGRAM
RURAL ATTORNEY APPLICATION

APPLICANT INFORMATION					
Firm Name					
Managing Attorney Last		First		Date	
Mailing Address				County	
City			State	ZIP	
Phone			E-mail Address		
Expected Start Date			Expected End Date		
INTERNSHIP REQUIREMENTS/INFORMATION					
Years of Experience	1L <input type="checkbox"/>	2L <input type="checkbox"/>	3L <input type="checkbox"/>		
Preferred Characteristics (ie. Class Rank; Journal)					
Wage Offered					

ADDITIONAL EMPLOYMENT WAGE/BENEFIT/INCENTIVE TO BE PROVIDED
IN ORDER TO PROVIDE THE PROGRAM ADMINISTRATOR AND PROSPECTIVE APPLICANTS WITH INFORMATION REGARDING YOUR LEGAL PRACTICE, PLEASE DESCRIBE THE TYPE OF LEGAL PRACTICE THAT YOU ENGAGE IN ON A DAILY OR WEEKLY BASIS. IF THERE ARE AREAS OF YOUR PRACTICE IN WHICH YOU HAVE A PRIMARY EMPHASIS, PLEASE DESCRIBE. PLEASE AVOID GENERALITY BY USING THE TERM "GENERAL PRACTICE OF LAW."

*** SEND COMPLETED APPLICATION TO ANY OF THE FOLLOWING ***

Beth Overmoe, elizabeth.overmoe@sdbar.net
 Bob Morris, bobmorris@westriverlaw.com, 605-723-7777
 Patrick Goetzinger, Patrick@gna.com, 605-342-1078



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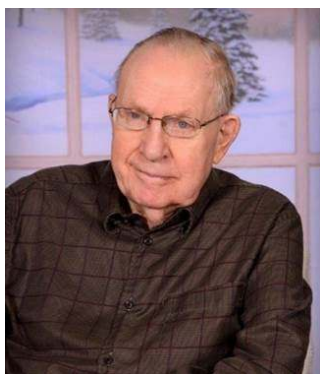


**S T A T E
B A R
O F S D
N E W S S T A N D**

A daily newsfeed with practice-specific news, curated in partnership with Lexology.

Watch your email for more information and sign up!

In Memoriam



Ivan Fred Bormann
July 25, 1920 -
September 27, 2020

Ivan was born July 25, 1920 in Hutchinson County, SD, to Fred Bormann and Marie (Mary) Krause Bormann, the third of eight children.

He went to country schools and graduated from Stickney High School in 1938. He enrolled at Yankton College, Yankton, SD, where he met Margaret Louise Potts, daughter of William and Angie Potts of Mobridge. He was a senior at Yankton College when the U.S. entered World War II and after graduation in 1942, he enlisted in the Navy Air Corps. Following ground school at the University of Iowa, he was assigned to blimp flight training at Moffet Field, California, where in August 1943, he was commissioned as an officer (ensign) in the U.S. Navy Air Corps as a blimp pilot.

Ivan and Margaret were married in California two days after he was commissioned and the couple moved to Santa Anna, California, and later to Tillamook, Oregon, while Ivan flew blimps on submarine patrol over the Pacific Ocean. In 1945 Ivan was transferred to Oklahoma to train for celestial navigation. He was honorably discharged from the Navy on January 11, 1946.

That year, he and Margaret moved to Onida, SD where they taught at Onida High School. In June 1946, Ivan started law school at the University of South Dakota, Vermilion. Following graduation in 1948, the couple moved to Mobridge and Ivan opened his law office. He was twice elected States Attorney, serving from 1950-1954. Over the years, the firm grew to include A. N. (Tony) Buckmeier, Clark J. Bormann, Daniel J. Todd, and Laurie M. Bauer. In 1998, Ivan was recognized by the South Dakota State Bar Association for 50 years of membership and service to clients and community.

Ivan was always involved in the Mobridge community, active with the local and state Bar Associations, serving

as president of Rotary, as a Congregational Church trustee, a board member of the Klein Museum, and on the Board of Directors of Dacotah Bank Holding Company. In 2018, Ivan was recognized by the National Commander of the American Legion for his 70-year membership in American Legion Post 4, of Mobridge, SD.

Ivan was an enthusiastic supporter of his children's and grandchildren's endeavors. He was a kind, thoughtful, generous, man with a quick wit, love of a good story, and a conviction that education was one of the best gifts a parent could make to his children.

He was preceded in death by his wife Margaret in 1996, to whom he was married for over 52 years; his parents; his sisters, Gladys, Carol, and Donna, and brothers, Earl, Vern, Marvin and Donald. Ivan is survived by his six children: Mary (Peter) Hollister, Oregon, WI; Angie (Robert) Bomier, Barnum, MN; Bill Bormann, Plymouth, MN; Louise Bormann, Bloomington, MN; Kent (Kathy) Bormann, Scottsdale, AZ; and Clark (Mary K.) Bormann, Bismarck, ND; and his five grandchildren: Chris and David Hollister, Katherine Bormann, Will (Mel) Bomier and Amy Bomier (Mike) Miller. He is also survived by his sisters-in-law, Carol Bormann, Sioux Falls, and Colleen Potts, Worthington, MN, and brother-in-law, Sam Masoudi, Denver, CO.

The family wishes to express its gratitude to the staff of the Baptist Care Center for their years of kind, compassionate care. Those planning an expression of sympathy may consider donations in Ivan's name to the United Congregational Church of Mobridge or the Klein Museum, Mobridge, SD.



Acie William Matthews
January 24, 1925 -
October 03, 2020

Acie W. Matthews died on October 3, 2020, at his home in Sioux Falls, South Dakota, of natural causes.

Acie was born January 24, 1925, on the family farm two miles west of Olivet, South Dakota, to John P. and Vida Matthews. He had one brother, Ray, and one sister, Val. After a time, the

family moved into Olivet where Acie attended grade school. When Acie was nine years old, his father died unexpectedly leaving Vida and the three children. Vida moved her family to Menno, South Dakota, where Acie completed his primary and high school education.

In December of 1943, Acie joined the US Army Air Corps serving as a gunner on the top turret on the B-24 in the Pacific. After World War II, Acie was honorably discharged from active duty and returned to South Dakota where he enlisted in the Reserve Air Corps. He then moved to Vermillion where he received his undergraduate degree and then graduated from the University of South Dakota School of Law in 1951 and began practicing law in Sioux Falls. In 1955 he received a commission in the United States Air Force Reserve as a 1st Lieutenant, retiring in 1974 as Lieutenant Colonel. Acie continued in his law practice for over 50 years, retiring in June of 2009, at the age of 85.

In 1967, Acie met the love his life, Patty Ann Conway, and they were soon married. To the union was born a son, James Acie Matthews. The family lived in southeast Sioux Falls for over 50 years. Patty and Acie were active in the Church of the Good Shepherd in Sioux Falls. Through the years they enjoyed their time traveling, particularly their Amtrak adventures throughout the country and later on bus trips nearer to home. Acie was an avid bowler having sponsored a mixed league at the Sport Bowl; Acie's Flyers. Acie enjoyed flying his Beech Bonanza for over 30 years. Acie owned two Beechcraft Bonanzas over the years. Patty and Acie were devoted to their son and his family, along with their extended family that they would spend time and many holidays with.

Acie is survived by his son, Jim and his wife Sara of Sharpsburg, Georgia, and his granddaughter Sarah Ann Matthews of Sharpsburg. He is also survived by his nieces and nephews along with many friends that were forever loyal to "the old soldier."

In addition to his wife, Patty, Acie was preceded in death by his parents, his sister Val and her husband Jim and his brother Ray and his wife Shirley, along with his sisters-and brothers-in- law.



Frank Joseph Mullin
September 1, 1921 -
September 28, 2020

RAPID CITY | Frank Mullin, lawyer, was born Sept. 1, 1921, in Sioux City, Iowa. On Sept. 28, 2020, Fantastic Frank left Rapid City, South Dakota and headed to

Heaven with a smile on his face, in the Green Queen with the top down.

In lieu of flowers, Frank has requested that you enjoy an Irish Whiskey with family and friends.

He thoroughly enjoyed life, especially the time he spent with his loving wife, Annette; kids, Maureen, Thomas, Renée, and Mark and their spouses; his four grandchildren; and seven great-grandchildren.

SLÁINTE!



James Smith
1930 - 2020

BETHESDA, Md. | James Enlo Smith, 89, passed away on Sept. 23, 2020, just a few days shy of his 90th birthday. He was at home, surrounded by his family.

Jim was born on Sept. 29, 1930, in Aberdeen, SD, to Catherine and St. Clair Smith. When St. Clair was appointed to the South Dakota Supreme Court in 1937 (serving until 1961), the family moved to Pierre, where Jim grew up, along with his adored older sister Mary (Mrs. James Oag of Vermillion). After graduating from Pierre High School in 1948, Jim majored in chemistry at the South Dakota School of Mines & Technology, where he also played quarterback for the Hardrockers, leading the team to an undefeated season and a state championship in 1951.

In 1952, Jim moved to Washington, DC, to enroll in the same law school his father had attended, at George

Washington University. He took law school classes at night while working full time, beginning his long and storied career in Washington, first as the Senate elevator operator at the U.S. Capitol. Jim was always a good talker – gregarious, curious and funny – and his work ethic and smarts were soon noted. He became a legislative assistant to South Dakota Senator Karl Mundt, and then Minority Counsel to the U.S. Senate Subcommittee on Intergovernmental Relations. From 1962-1968, he continued to shape public policy, but in the private sector, as Deputy Legislative Counsel for the American Bankers Association. He loved his work, but he also enjoyed city life. He regularly frequented jazz clubs in Georgetown where he heard all the greats, including Duke Ellington, Ella Fitzgerald and Sarah Vaughn, and once screwed up his courage and danced with country singer Patsy Cline in a bar in Virginia – a memory he cherished.

In 1969, Jim was called back to the government, and joined the U.S. Treasury Department, first as Special Assistant to the Secretary of the Treasury in charge of Legislative Affairs, winning the Department's highest honor, the Alexander Hamilton Award in 1971, for the enactment of landmark legislation. Next, Jim was nominated and confirmed as Deputy Undersecretary of the Treasury for Congressional and Legislative Affairs, serving Secretaries John Connally and George Schultz. Then, in 1973, Jim was confirmed as President Nixon's appointee to become the 23rd U.S. Comptroller of the Currency, an office first established by President Lincoln in 1863. The Comptroller regulates all National banks, and Jim served at a particularly pivotal time, when banking was rapidly expanding after 20 years of post-war stability. Jim modernized banking practices, and commissioned the Haskins & Sells study, which changed bank regulation and led to the hiring of many more women and minorities as bank examiners.

After serving as Comptroller, Jim remained in the private sector, becoming an Executive Vice President of the First National Bank of Chicago, and then returning to Washington in 1980, as President of Charls Walker Associates, a government affairs firm with expertise in tax policy and banking regulation. In 1995, he co-founded his own firm with partner Jim Free, and continued to serve as Chairman of the Smith-Free Group until 2015, representing major companies in banking, insurance, finance, entertainment, health care, and energy.

Although Jim's adult career was in Washington, he remained a loyal South Dakotan. He continued to work with the School of Mines to raise money for scholarships, and was given an honorary doctorate in Business Science in 1995. When he retired, South Dakota Governor Dugaard declared Dec. 16, 2015 "James E. Smith Day" to honor his 63 years of work on public policy. And his last trip to Rapid City, in 2017, was to be inducted along with championship athletes from other years into the School of Mines' Hall of Fame, an event made even more meaningful because his son Jim delivered the introductory speech.

In 1978, after two previous marriages which resulted in son Jim, and daughters Susan and Mary-Margaret, Jim married Karen Klem of Greenbelt, Md., becoming a devoted stepfather to her son Kevin, and an enthusiastic member of her large, extended family. Jim and Karen were happily married for 42 years. They were devoted to family and friends, packing the house every Christmas Eve for decades for a much anticipated party that always culminated in Jim's dramatic reading of *The Night Before Christmas* to wide-eyed grandchildren and cousins. They also loved travelling out West to our National Parks, and once the Nationals came to Washington, became avid baseball fans. After Jim's diagnosis of Parkinson's at age 83, Karen helped him to fight the disease and remain active and connected. He worked for more two more years, retiring at 85. Ever the athlete, he worked with a physical trainer and continued to hit balls at the driving range, even in the last weeks of his life.

Most of all, Jim was a loving husband, father, grandfather, uncle and friend. In the very last days of his life, he looked at a grandson's wedding pictures, counseled another grandson on his college courses, asked about another's golf game, and received the first Jump Wings of a great-niece who attends the Airforce Academy, an honor that brought him to tears. He will be sorely missed by his surviving family members, who include: wife Karen Klem Smith of Bethesda, MD; children James E. Smith (Laura) of Rapid City, SD, Susan E. Asdourian (Tony) of Catonsville, MD, Mary-Margaret Bayo (Mel) of Baltimore, MD, and Kevin D. King (Jennifer) of New York, NY; grandchildren Anthony Smith (Mallory), Joshua, Christiana and Michael Bayo, Elijah Asdourian, and Justin and Callum King; and nephew Dan Schenk (Becky) of Pierre, SD and niece Cate Thompson of Indianapolis,

IN, as well as great-grandchildren and great-nieces and nephews.

A memorial service will be held at a later date. Memorial contributions may be made to the Wounded Warriors Project.



Merle Arthur Johnson
December 08, 1930 -
October 09, 2020

Merle Johnson was a loving husband, father and grandfather; a devoted Christian, civic leader, and a pioneer in South Dakota law. He fought for life, family and freedom of religion.

He fostered friendships that lasted a lifetime. Merle cherished family and serving God. He was described as a statesman, a gentleman and a great lawyer. He will be missed for all of these qualities but his faith, steadfastness and wit are what make people smile in remembrance.

Merle passed away on Oct. 8, 2020. He was 89. Born Dec. 8, 1930, he grew up on a farm south of Alcester, the oldest of two children of Ralph and Mary Johnson. While adept, or maybe not, at the usual farm chores, his mother had aspirations for him beyond the farm. At the age of 5, she enrolled him in Declam, a public speaking forum that prepared him for a life that made an impact on Sioux Falls and the state of South Dakota. Merle attended Sioux Falls College and the University of South Dakota. After serving in the U.S. Air Force, he graduated from the University of South Dakota School of Law in 1955 and joined the small law firm of Woods, Fuller, Shultz & Smith. At the time, there were only 4 lawyers. By the time of his "retirement", 60 plus years later, Woods Fuller had become the largest firm in South Dakota.

Early in his career, he practiced business and corporate law, as well as criminal and civil litigation, including several arguments before the South Dakota Supreme Court. Later in his career he specialized in estate planning. In 1996 he was invited to join

the prestigious American College of Trust and Estate Council. He remained active in business and corporate law and served on many boards, helping to advance charitable and religious work in the city. His favorite legal cause, however, was helping families with adoptions, and he pioneered adoption laws in this state.

He had a passion for the University of Sioux Falls, where he served as a trustee for 45 years. In 2005, Merle was named A.O. Larsen outstanding alumni of the year. He served on the Woodlawn Cemetery Association for 36 years, as well as the American Baptist Homes of the Midwest, Christian Legal Society and Christian Counseling Services among others. He held leadership positions in the Elks and Kiwanis Clubs and Southeastern Mental Health Center. Near and dear to his heart was First Baptist Church, where he served in various leadership positions, including many years on Church Council.

Merle met the love of his life at an Augustana picnic in 1956, the lovely Sharon Frank. They built a life together that was inclusive of others and developed a friendship network that has lasted a lifetime. The couple joined First Baptist Church under the leadership of Roger Fredrikson, who became a great friend and mentor. Merle and Sharon were married 62 years.

Merle is survived by his wife, Sharon and their three children, Mary Lynne Johnson, Reed Johnson and Amy (Jonathan) Ellis; four adored grandchildren, Cassidy, Grace, Thomas and Xavier; his sister, Margery Smith and his treasured 1960 white Ford Thunderbird. He was preceded in death by his parents, as well as many close friends.

The family would like to thank Avera Home Hospice for the loving, excellent care and comfort they provided Merle and his family in his final weeks. In lieu of flowers, the family requests that memorials be directed to the First Baptist Church Building Fund or Improvements at USF Sports Complex.

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Your feelings are valid.

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Support is available.

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IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE PROPOSED)
AMENDMENTS TO VARIOUS SECTIONS)
TO AUTHORIZE THE EXPANDED USE OF)
INTERACTIVE AUDIOVISUAL DEVICES;)
IN THE MATTER OF THE PROPOSED)
AMENDMENTS TO SDCL 15-6-45(a);)
IN THE MATTER OF THE PROPOSED)
REPEAL OF SDCL 23A-44-5.1)

NOTICE OF SPECIAL
RULES HEARING

NO. 143

Petitions for amendments of existing sections of the South Dakota Codified Laws and adoption of a new rule having been filed with the Court, and the Court having determined that the proposed amendments and adoption should be noticed for hearing, now therefore,

NOTICE IS HEREBY GIVEN THAT ON NOVEMBER 17, 2020, at 9:00 A.M., C.T., at the Courtroom of the Supreme Court in the Capitol Building, Pierre, South Dakota, the Court will consider the following:

1. Proposed Adoption to amend various sections to authorize the expanded use of interactive audiovisual devices.

Section 1. That § 15-5A-9 be amended as follows:

At the discretion of the court, interactive audiovisual devices may be used to conduct an arraignment, an initial appearance on a probation revocation petition, a probation revocation hearing, any non-evidentiary based motion hearing, a felony plea hearing or a sentencing hearing. Use of interactive audiovisual device will not be permitted to conduct ~~any felony plea hearings, any stage of a trial, felony sentencing, or probation revocation hearing~~ unless all parties to the proceeding stipulate to the use of the interactive audiovisual device. ~~for one of the aforementioned purposes.~~ The judge presiding over the matter always retains the discretion not to allow an appearance by interactive audiovisual device if the judge believes that to do so would prejudice any party to the proceeding.

Section 2. That § 23A-39-1 be amended as follows:

(Rule 43 (a)) Presence required at all times except as provided. A defendant shall be present at his arraignment, at the time of his plea, at every stage of his trial including the impaneling of the jury and the return of the verdict, and at the imposition of sentence, except as provided by §§ 23A-39-2 and 23A-39-3. For purposes of this rule a defendant's presence shall include participation via interactive audiovisual device for purposes of an arraignment, plea hearing or sentencing hearing.

Section 3. That a new section to chapter 23A be added as follows:

For the purposes of 23A-7-1 and 23A-7-2 the term "open court" shall include participation via an interactive audiovisual device for any court proceeding accessible to the public.

23A-7-1. (Rule 10) Arraignment in open court--Procedure--Verification or correction of name--Copy given to defendant. An arraignment shall be conducted in open court, except that an arraignment for a Class 2 misdemeanor may be conducted in chambers, and shall consist of reading the indictment, information, or complaint, as is applicable, to the defendant or stating to him the substance of the charge and calling on him to plead thereto.

A defendant must be informed that if the name in the indictment, information, or complaint is not his true name, he must then declare his true name or be proceeded against by the name given in the indictment, information, or complaint. If he gives no other name, the court may proceed accordingly. If he alleges that another name is his true name, he shall be proceeded against pursuant to § 23A-6-20. He shall be given a copy of the indictment, information, or complaint, as is applicable, before he is called upon to plead.

23A-7-2. (Rule 11(a)) Pleas permitted to defendant--Requirements for plea of guilty or nolo contendere. A defendant may plead:

- (1) Not guilty;
- (2) Not guilty and not guilty by reason of insanity;
- (3) Guilty;
- (4) Nolo contendere; or
- (5) Guilty but mentally ill.

Except as otherwise specifically provided, a plea of guilty or nolo contendere can only be entered by a defendant himself in open court. If a defendant refuses to plead, or if the court refuses to accept a plea of guilty or nolo contendere, the court shall enter a plea of not guilty. The court may not enter a judgment unless it is satisfied that there is a factual basis for any plea except a plea of nolo contendere.

Explanation for Proposal

The proposed rule changes are submitted by the Presiding Judges Council to authorize the expanded use of interactive audiovisual devices. The use of interactive audiovisual devices in court proceedings have expanded in response to the COVID-19 pandemic and have proven to be highly successful. The use of interactive audiovisual devices increases public safety in the courthouse, reduces the need for prisoner transports, reduces time associated with travel and a personal appearance at the courthouse and allows for the efficient administration of justice. The proposals are not based on any other federal or state rule.

2. Proposed Amendment of 15-6-45(a). Subpoena for attendance of witnesses--Form--Issuance.

Clerks of courts, judges, magistrates, notaries public, referees, and any other public officer or agency so empowered by § 1-26-19.1 or otherwise authorized by law in any matter pending before them, upon application of any person having a cause or any matter pending in court or before such agency, officer or tribunal, may issue a subpoena for a witness or witnesses to appear and give testimony and to produce records, books, papers and documents.

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

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

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

Explanation for Proposal

The proposal by the State Court Administrator's Office is intended to clarify that a subpoena issued by a clerk of court, judge, magistrate, notary public or referee may compel a witness to appear and give testimony and to produce records, books, papers and documents. This clarifies the above section which only has a reference to the production of documents for an attorney issued subpoena and ensures that § 15-6-45(a) and § 15-6-45(b) are read together related to the subpoena power for documentary evidence when a subpoena is issued by a clerk of court, judge, magistrate, notary public or referee. The proposal is not based on any other federal or state law.

15-6-45(b). Subpoena for production of documentary evidence. A subpoena may also command the person to whom it is directed to produce the books, papers, documents, or tangible things designated therein; but the court, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may:

- (1) Quash or modify the subpoena if it is unreasonable and oppressive; or
- (2) Condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

~~3. Proposed Repeal of 23A-44-5.1. Time allowed for disposition of criminal case--Periods excluded--Dismissal.~~

- ~~1) Every person indicted, informed or complained against for any offense shall be brought to trial within one hundred eighty days, and such time shall be computed as provided in this section.~~
- ~~(2) Such one hundred eighty day period shall commence to run from the date the defendant has first appeared before a judicial officer on an indictment, information or complaint.~~
- ~~(3) If such defendant is to be tried again following a mistrial, an order for a new trial, or an appeal or collateral attack, such~~

~~period shall commence to run from the date of the mistrial, filing of the order granting a new trial, or the filing of the mandate on remand.~~

~~(4) The following periods shall be excluded in computing the time for trial:~~

~~(a) The period of delay resulting from other proceedings concerning the defendant, including but not limited to an examination and hearing on competency and the period during which he is incompetent to stand trial; the time from filing until final disposition of pretrial motions of the defendant, including motions brought under § 23A-8-3; motions for a change of venue; and the time consumed in the trial of other charges against the defendant;~~

~~(b) The period of delay resulting from a continuance granted at the request or with the consent of the defendant or his counsel provided it is approved by the court and a written order filed. A defendant without counsel shall not be deemed to have consented to a continuance unless he has been advised by the court of his right to a speedy trial and the effect of his consent;~~

~~(c) The period of delay resulting from a continuance granted by the court at the request of the prosecuting attorney if the continuance is granted because of the unavailability of evidence material to the state's case, when the prosecuting attorney has exercised due diligence to obtain such evidence and there are reasonable grounds to believe that such evidence will be available at the later date and provided a written order is filed;~~

~~(d) The period of delay resulting from the absence or unavailability of the defendant;~~

~~(e) A reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and there is good cause for not granting a severance. In all other cases the defendant shall be granted a severance so that he may be tried within the time limits applicable to him;~~

~~(f) The period of delay resulting from a change of judge or magistrate obtained by the defendant under chapter 15-12; and~~

~~(g) Other periods of delay not specifically enumerated herein, but only if the court finds that they are for good cause. A motion for good cause need not be made within the one hundred eighty day period.~~

~~(5) If a defendant is not brought to trial before the running of the time for trial, as extended by excluded periods, prejudice to the defendant is presumed. Unless the prosecuting attorney rebuts the presumption of prejudice, the defendant shall be entitled to a dismissal with prejudice of the offense charged and any other offense required by law to be joined with the offense charged.~~

Explanation for Proposal

The proposal would strike the requirements of 23A-44.51. in its entirety for time allowed for disposition of criminal cases.

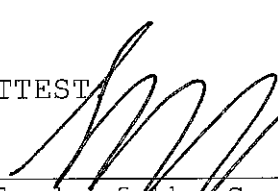
Any person interested may appear at the hearing and be heard, provided that all objections or proposed amendments shall be reduced to writing and the original and five copies thereof filed with the Clerk of the Supreme Court no later than November 6, 2020. Subsequent to the hearing, the Court may reject or adopt the proposed amendments or adoption or any rule germane to the subject thereof.

Notice of this hearing shall be made to the members of the State Bar by electronic mail notification, by posting notice at the Unified Judicial System's website at <https://uj.s.sd.gov/Supreme Court/Hearings.aspx> or the State Bar of South Dakota's website <https://www.statebarofsouthdakota.com>.

DATED at Pierre, South Dakota this 14th day of October, 2020.

BY THE COURT:

ATTEST



Clerk of the Supreme Court
(SEAL)



David Gilbertson, Chief Justice

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

OCT 14 2020


Clerk

**EIGHTY-EIGHTH ANNUAL MEETING OF
THE STATE BAR OF SOUTH DAKOTA
MEETING HELD VIA ZOOM
THURSDAY, JUNE 18, 2020**

The 2020 Annual Business Meeting of the State Bar of South Dakota was held via the Zoom virtual meeting platform on June 18, 2020. 352 people attended the meeting via the Zoom platform.

President Steven Huff called the 88th annual business meeting of the State Bar of South Dakota to order at 9:30 a.m. Central Time. A quorum was determined to be present.

Secretary-Treasurer Fergel gave a financial report noting that the State Bar is currently in a solid financial position and provided the 2019 and 2020 June 1st cash balances for both the State Bar and SD CLE, Inc. Fergel advised the membership that the current balance sheet as it relates to the prior year is somewhat deceiving since the Bar has not spent money on many things that it normally would have during 2020, such as annual meeting convention and CLE events, due to the COVID-19 pandemic. He also informed the body that it has almost been 14 years since the Bar increased dues and that the Bar will be presenting a proposal to increase membership dues at the annual meeting in June of 2021.

Rod Tobin, a member of the Bar Commission's Audit and Finance Committee reported on the GAAP audit for the preceding year. Mr. Tobin informed the body that the auditing firm found no material defects in the audit and then moved that the State Bar accept the findings of the audit. The motion was seconded by Linda Lea Viken. Motion passed.

USD School of Law Dean Neil Fulton gave a report on the USD Law School. He began his report by thanking everyone that contributed time, talent, and treasure to the School of Law over the last year. Dean Fulton then updated the Bar on the things that happened at the Law School over the past year and what the Law School is planning for the coming year. Dean Fulton concluded his remarks by asking for continue patience and stating that no miracle cures were implemented this year at the Law School and that whatever great things have happened at the Law School happened because we all worked together to make the Law School and legal profession better.

Next, Chief Justice David Gilbertson gave a report on the Unified Judicial System. The Chief Justice's report covered the success of South Dakota's specialty courts, the Rural Attorney Recruitment Program, a new UJS mental health project where the long term goal is to provide mental health access when it is needed throughout the entire criminal justice system, and the results of the 2020 legislative session related to the UJS. The Chief Justice also described the UJS's COVID-19 pandemic response in detail. Chief Justice Gilbertson then stated that he will be completing his duties as Chief Justice on January 4, 2020, at which time Justice Steven Jensen will take over the duties of Chief Justice. Chief Justice Gilbertson remarked that it was his pleasure to work with the State Bar and its members in the successful operation of South Dakota's legal system and that the successes achieved was a group effort. He concluded by stating in the future he will be cheering on the Bar from the sidelines and bid everyone a fond farewell.

Alexandra Baca, USD Student Bar Association President, announced the winners of the Marshall M. McKusick Award by playing a KELO feature story about the award and this year's recipients. This year the joint recipients of the award were Chief Justice David Gilbertson and the late Justice Steven Zinter.

President Elect Terry Westergaard announced the names of this year's 50-year veterans of the State Bar of South Dakota: Clyde R. Calhoon, Brookings, Edward C. Carpenter, Rapid City, Robert D. Hiaring, Billings, MT, Phil N. Hogan, Black Hawk, Peter J. Horner, Sioux Falls, Jay P. Manning, Sioux Falls, Ronald D. Olinger, Sioux Falls, E. George Peterson, Sioux Falls, Reed C. Richards, Spearfish, Michael N. Schirber, Las Vegas, NV, Richard A. Smith, Eureka, CA, Sidney B. Strange, Sioux Falls, Thomas P. Tonner, Aberdeen, Larry M. Von Wald, Rapid City, and Laurence J. Zastrow, Scottsdale, AZ. Award plaques will be mailed to recipients.

South Dakota Bar Foundation President Thomas Frieberg presented a report on the Foundation. He began his report by noting a great loss to the Foundation with the passing of Bernie Christensen on January 31, 2020. Mr. Frieberg then went on to summarize the work of the Foundation during the past year and specifically mentioned a loan provided by the Foundation to East River Legal Services, the Foundation's support for the Living Above the Bar project, and Foundation's current financial commitment to support the Bar in hiring Becky Porter as a full-time Lawyer Assistance Program Director. Mr. Frieberg concluded his remarks by reminding members how important opt out donations are to the Foundation and its mission and asked everyone to consider becoming a fellow of the Foundation when the time is right.

Following Mr. Frieberg's report, Stephanie Judson, President and CEO of the South Dakota Community Foundation, summarized the South Dakota Bar Foundation's current fund position concerning funds held and managed by the South Dakota Community Foundation and then reported on the overall work of the Community Foundation throughout South Dakota. Ms. Judson concluded her remarks by thanking the Bar for entrusting the South Dakota Community Foundation to manage the South Dakota Bar Foundation's endowed funds.

Denise Langley, Co-Coordinator of Access to Justice, Inc. presented the William F. Day, Jr. Law Student Pro Bono Award winner. This year's recipient of the award is Austin Schaefer. A video clip that highlighted Mr. Schaefer and his work and accomplishments was utilized in presenting the award. Mr. Schaefer accepted the award with a thank you to many.

John Burke, Chair of the Practice Rules Revision Committee, presented the Committee's report that included proposed amendments to four practice rules. The first proposal presented was to amend SDCL 15-6-45(a) "Subpoena for attendance of witnesses – Form – Issuance" by Supreme Court Rule. After describing the proposed change to SDCL 15-6-45(a), Mr. Burke moved that the State Bar support amending the SDCL 15-6-45(a) as presented. The motion was seconded by Terry Westergaard. Motion passed. Mr. Burke then presented the proposed amendment to SDCL 15-6-56(c) "Motion for summary judgment and proceedings thereon" and moved that the State Bar support the amendment as presented. Terry Westergaard seconded the motion. Motion passed. Next, Mr. Burke presented a proposal to amend SDCL 15-6-26(b) "Scope of discovery" by Supreme Court rule. After his presentation he moved that the State Bar support the proposed rule change as presented. Terry Westergaard seconded the motion. Motion passed. Lastly, Mr. Burke presented a proposal to amend SDCL 15-6-5(a) "Service – When required" by Supreme Court rule. After his presentation Mr. Burke moved that the State Bar support amending SDCL 15-5-5(a) as presented. The motion was seconded. Motion passed.

Nathan Chicoine, Young Lawyers President, read the Necrology in memory of the following members deceased (June 2019 – May 2020) since the last annual meeting: Thomas C. Adam, Kimberly W. Bacon, Hon. Leland J. Berndt, Marilyn R. Bishop, Dallas E. Brost, Elizabeth J. Dixon-Bare, Grant E. Gormley, John E. Harmelink, Robert D. Hofer, Ralph C. Hoggatt, Mike Jackley, William D. Kenyon, James E. Moore, Larry D. Plank, Carolyn A. Thompson, Tom D. Tobin, and John C. Wiles.

After the Necrology, Mr. Chicoine presented a report on the activities of the Young Lawyers Section. Following the YLS report, YLS President Elect Caroline Srstka announced Joanna Lawler as this year's Young Lawyer of the Year award recipient.

Elections for the Young Lawyers Section were held and the following persons were elected to the board positions as follows: President-Elect: Ole Oleson, Secretary/Treasurer: Anthony Sutton, 1st Circuit Representative: Rachel Mairose, 2nd Circuit Representative: Tyler Coverdale, 4th Circuit Representative: Mariah Bloom, 6th Circuit Representative: Chelsea Wenzel, At-Large Representative: Arman Zeljkovic.

Next, President Huff announced the names of the members that filed petitions for circuit and at-large vacancies on the Bar Commission. Petitions were filed for John H. Fitzgerald (4th Circuit), N. Drew Skjoldal (4th Circuit), Stacy Johnson (5th Circuit), Timothy J. Dougherty (At-Large) and Eric Pickar (At-Large). President Huff announced that no additional nominee names were submitted to the Executive Director or other State Bar employee 40 hours prior to the start of the meeting; therefore, no others were eligible to run for Bar Commissioner. As Stacy Johnson, Timothy J. Dougherty, and Eric Pickar were running uncontested for the Bar Commissioner positions they filed petitions for, President Huff entertained a motion that they be elected by unanimous ballot. A motion to cast a unanimous ballot for Stacy Johnson, Timothy J. Dougherty, and Eric Pickar was made by John Burke. The motion was seconded by John Blackburn and a unanimous ballot was cast for those candidates. Thereafter, an election was held between 4th Circuit candidates John H. Fitzgerald and N. Drew Skjoldal in which N. Drew Skjoldal was elected.

President Huff gave a brief final address that included a message to membership that he will continue to work with everyone in the future to make things as good as they can be for Bar members, judges, law practices, fellow citizens and clients. President Huff noted that being able to serve as Bar President meant a great deal to him and then concluded with thanks to many and a special thank you to his family, law partners and staff. Thereafter, President Huff presented the President's Pro Bono Award to Sarah Baron Houy.

Thereafter, Terry Westergaard was installed as President of the State Bar of South Dakota. Following the installation of President Westergaard, there was a call for nominations for the position of President Elect. Dick Travis then nominated William "Bill" C. Garry as President Elect. As second nomination of Bill Garry was made by Pamela Reiter and a third nomination for Bill Garry was made by Eric Schulte. There

being no other nominations Tamara Nash moved that nominations cease. The motion was seconded, and William “Bill” C. Garry was elected by unanimous ballot.

President Elect Westergaard gave some brief remarks of thanks to Past President Steven Huff for his leadership during the past year. He then stated that he looks forward to working with President Elect Bill Garry, the Executive Director and Bar Staff, and serving Bar membership in the coming year.

President Elect Westergaard then called for a motion to adjourn. The motion was made by Past President Steven Huff and seconded by Eric Schulte. The motion passed and the meeting was adjourned.

Respectfully submitted,

Andrew L. Fergel
Executive Director & Secretary-Treasurer

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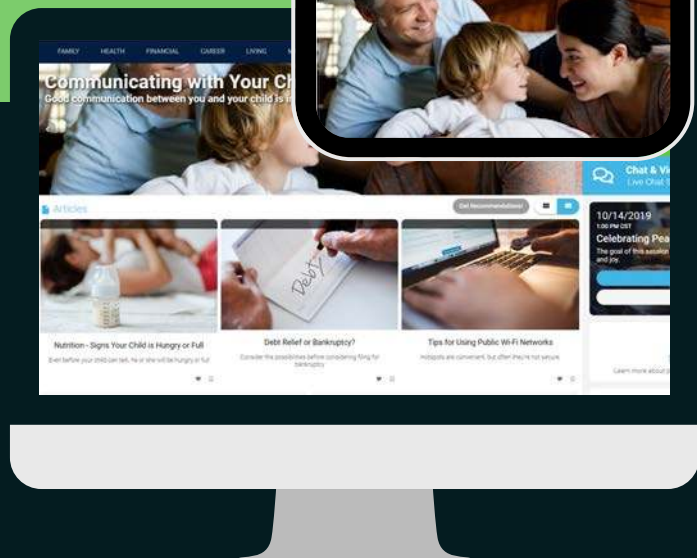
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STATE OF SOUTH DAKOTA**

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Pierre, SD 57101
Telephone 605-773-2099
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Mark Haigh, Chair
Mark Roby, Vice Chair
Hon. Robin J. Houwman, Secretary
Hon. Robert Gusinsky
Rebecca Porter
Timothy Engel
Robert Morris

Lori Grode, Executive Assistant
Email: Lori.Grode@uj.s.sd.us

October 30, 2020

Notice of Judicial Vacancy

TO: All Active Members of the State Bar of South Dakota
FROM: Robin J. Houwman, Secretary, Judicial Qualifications Commission

The appointment of the Hon. Scott P. Myren to the Supreme Court will create a vacancy for a Circuit Court Judge position (Position C) in the Fifth Judicial Circuit for the State of South Dakota. The duty station for this position shall be located in Selby, SD. The Judicial Qualifications Commission is now taking applications for this position.

All lawyers and judges interested in applying should obtain the application form at <http://uj.s.sd.gov/>, or contact Lori Grode at the State Court Administrator's Office. The application must be returned to the Administrator's Office and must be postmarked no later than **5:00 PM on December 10, 2020**. Applicants should make sure the application submitted is the 2018 revision.

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

Lori Grode
State Court Administrator's Office
500 East Capitol Avenue
Pierre, SD 57501
Telephone: 605-773-2099
Email: lori.grode@uj.s.sd.us

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

The Fifth Circuit is comprised of the following counties: Brown, Campbell, Day, Edmunds, Faulk, Marshall, McPherson, Roberts, Spink, and Walworth.

Career Center

STATE BAR OF SOUTH DAKOTA CLASSIFIEDS

Email your employment announcement to 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

ATTORNEY

Trust Officer - Sioux Falls

CISA Trust Company South Dakota is currently accepting applications for a trust officer. Applicants should have at least 3 years of experience in the trust industry as a trust administrator, trust officer or equivalent. Applicants with international trust administration experience and relevant professional designations are desired. Experience with partnership/LLC formation, maintenance and management is also a plus. Must be able to think and work independently. To apply, please email cover letter and resume to jolson@cisatrust.com.

Deputy State's Attorney - Pierre

HUGHES COUNTY: Full-time permanent position now open for a Deputy State's Attorney in the Hughes County Office of the State's Attorney in Pierre, South Dakota.

Looking for a criminal attorney to handle a variety of complex matters and responsibilities including but not limited to preparing and managing a caseload of primarily misdemeanor cases, present those cases for legal proceedings, perform legal research, and prepare, draft and file legal documents and correspondence.

Looking for a team player who would be willing to cover felony hearings, advise local law enforcement agencies, deal with juvenile justice issues, provide information to victims and witnesses, perform civil

work on behalf of the County, and help fulfill the statutory responsibilities of the office.

Minimum Qualifications: Graduation from a college of law, attainment of a Juris Doctorate degree from an accredited law school, and admission by the Supreme Court of South Dakota to practice law in the state of South Dakota.

Pay is commensurate with experience and competitive with other local agencies.

Please send a resume and cover letter to Jessica LaMie, Hughes County State's Attorney, 104 E. Capitol, Pierre, SD 57501. Resumes and cover letters will also be accepted via facsimile at 605-773-7460 and email at jessica.lamie@co.hughes.sd.us.

Posting to remain open until the position is filled. All inquiries are confidential. Hughes County is an Equal Opportunity Employer.

Corporate Counsel - Sioux Falls

Lloyd Companies offers an outstanding benefits package, educational opportunities and competitive compensation, including health, dental, vision, disability, life insurance; 401K; volunteer time off; tuition reimbursement and fitness center reimbursement incentive program.

The Corporate Counsel must clearly understand the company vision. This individual is responsible

for leading the corporate strategic and tactical legal initiatives and meeting the objectives of the owner's plan. The Corporate Counsel provides senior management with effective advice on company strategies and their implementation, manages the legal function, and obtains and oversees the work of outside counsel. The Corporate Counsel is directly involved in complex business transactions in negotiating critical contracts, as well as managing claims and litigation matters that arise from time-to-time. As a leader within the organization, it is expected to lead with passion and contribute to the professional reputation of the company through understanding and promoting the Lloyd Companies' core values in all aspects of service.

ESSENTIAL DUTIES AND RESPONSIBILITIES

- Negotiate, write, and review contracts and agreements.
- Manage various project negotiations and deadlines.
- Monitor and mitigate risks to the Company and shareholders.
- Advise management on contract status and business terms of various deals; decipher legal language.
- Develop policies involving tenant rights and assist in evictions.
- Draft terms and conditions in agreements.
- Research unique legal issues impacting the organization by identifying applicable statutes, judicial decisions, and codes.
- Keep abreast of statutory and regulatory changes that may affect the company and its affiliates.
- Participate in the definition and development of corporate policies, procedures and programs and provide continuing counsel and guidance on legal matters and on legal implication of all matters.
- Review advertising and marketing materials to ensure compliance with legal requirements.
- Coordinate and assist with matters involving outside counsel, including litigation and transactional matters.
- Keep abreast of legislative changes.
- Base your decision-making process on ethics and integrity with company value in mind.
- Manage and direct insurance placement, claims, and related matters.
- Have general knowledge of, and advise on, various risk factors affecting the company and its affiliates.
- Perform all other duties assigned and those that may be necessary to achieve company and departmental goals.

JOB REQUIREMENTS

- Currently licensed to practice law in South Dakota.
- Holds self and others to high ethical standards.
- Demonstrated strategic thinking skills.
- Proven Leader.
- Collaboration Skills.
- Detail Oriented / Thorough.
- Excellent oral and written communication skills.
- Excellent reading and articulation skills.
- Exceptional customer service skills.
- Computer literate.
- Analytical capability and methodical approach to presenting and interpreting information.
- High degree of flexibility and tolerance for change.
- Willingness to work hard and make things happen.
- Excellent organizational and follow-through skills.
- Ethical practices and principles.
- Ability to carry out multi-task projects.
- Active member of the community.
- Ability to work well with diverse groups or individuals.
- Regular and consistent attendance.

EDUCATION and/or EXPERIENCE

Law Degree. Minimum of 3 years experience in a law firm or in-house counsel environment.

If interested, please send a resume and cover letter to Renae Berke at Renae.Berke@lloydcompanies.com.

Litigation Associate - Sioux Falls

Donahoe Law Firm P.C. is seeking an associate attorney with 1-3 years of experience. Work will primarily be in litigation, including appeals, with some estate planning and business law/commercial matters. The position requires research and brief writing, trial preparation and participation in client representation for agricultural, intellectual property, construction and railroad law and complex litigation before public bodies or agencies, and the state and federal courts in South Dakota, Minnesota and Iowa (preferably licensed in South Dakota). Candidates should possess excellent research and writing skills, ideally with some trial experience and a desire to learn unique or new areas of the law. All applications will be held confidential.

Please send a cover letter and resume to:
Donahoe Law Firm, P.C., 401 East 8th Street, Suite 215,
Sioux Falls, SD, 57103.

Associate Attorney - Sioux Falls

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

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

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

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

Corson County Public Defender

The Corson County Board of County Commissioners is accepting applications for an independent contractor position as Public Defender for the remainder of 2020. The Contract offered is \$ 3,000.00 per month, no benefits, renewable on the last day of each month and ends December 31, 2020. The Public Defender contract will require representation in all felony and misdemeanor adult and juvenile criminal cases as well as Abuse and Neglect, CHINS and other juvenile actions. Applicants must be licensed to practice in South Dakota and criminal defense experience is required.

Please direct all applications to the Corson County Auditor's Office at PO Box 255, McIntosh, SD 57641 or email: corsonauditor@sdplains.com, or my office email: corsoncosa@faithsd.com.

Cheryl Laurenz-Bogue
PO Box 250
Faith, SD 57626
corsoncosa@faithsd.com

Attorney Position – Sioux Falls

Legacy Law Firm, P.C. is seeking a business law and estate planning attorney to add to our team. One or more years of experience is preferred, along with strong academic credentials and excellent communication skills. Qualified applicants interested in this opportunity should send a cover letter and resume to Felan Link at felan@legacylawfirmpc.com. All applications will be kept confidential. For more information about our firm, visit our website www.LegacyLawFirmPC.com.

Assistant County Attorney I - Worthington, MN

Nobles County Attorney's Office

Provides legal services, representation, prosecution and advice for Nobles County. **QUALIFICATIONS:** Minimum of Juris Doctor degree from accredited law school; current license to practice law in Minnesota, or will obtain prior to start date. Experience preferred but not required. Valid driver's license required. Salary DOE. Nobles County offers a competitive benefits package.

APPLY TO: Nobles County Administration Office. Visit our website at www.co.nobles.mn.us for application and to view full job description and benefit sheet. **REQUIRED:** County application forms are required. Closing Date for Applications: Open until filled. EEO/AA Employer

Trust Officer - Sioux Falls

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

We are looking for a positive and energetic individual with an eagerness to learn and a passion for fiduciary and trust services. We offer a competitive benefits

package, pay, and a positive work environment with a collaborative team focused approach.

Essential Job Responsibilities:

- Review of trust documents for new business acceptance
- Completion of annual account reviews
- Assist with settlement and account cash flow activities
- Answer client questions and resolve issues
- Assist with opening and closing accounts
- Serve on the Trust Committee
- Administer ILITs in accordance with the Trust Company's Policies and Procedures
- Assists with internal and external audit functions
- Work closely with Life Insurance Trust Company's affiliate company on administration and remediation needs for policies held in trust
- Other duties as assigned

Required Skills:

- Bachelor's degree in business or related field
- 1-2 years' experience in trust, banking, life insurance, or financial services
- Strong verbal and written communication skills
- Ability to work in a fast-paced environment, multitask, and think critically

Preferred consideration given for:

Prior trust administration or life insurance experience, CTFA, JD, or MBA

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

Trust Associate - Sioux Falls

Life Insurance Trust Company is a South Dakota based Trust Company focused exclusively on the administration of Irrevocable Life Insurance Trusts (ILITs) and provides fiduciary services to grantors and beneficiaries of these trusts. Life Insurance Trust Company is a member of the ITM TwentyFirst family of companies. ITM TwentyFirst is among the largest and best equipped servicers of Trust Owned Life

Insurance in the United States. Our purpose is to empower parties to life insurance policies held in trust to make informed decisions and realize the full value of life insurance assets.

We are looking for a positive and energetic individual to provide day-to-day administrative support for all aspects of trust administration under the guidance and direction of the Senior Trust Officer. We offer a competitive benefits package, pay, and a positive work environment with a collaborative team focused approach.

Essential Job Responsibilities:

- Complete daily settlement and account cash flow activities.
- Enter incoming funds and outgoing distribution requests on the trust accounting system.
- Assist Trust Officers in answering client questions and resolve client issues.
- Provide coverage for Trust Officers as necessary and after demonstrated capability to assume such responsibility.
- Assist with opening and closing accounts.
- Work as a competent member of the team, willingly providing back-up support for co-workers when appropriate and actively supporting group goals.
- Work closely with the Senior Trust Office on special projects and provide support for the Senior Trust Officer on compliance and other administrative tasks.
- Other duties as assigned.

Required Skills:

- Bachelor's degree in business or related field.
- 1-2 years of trust, banking, life insurance, law, or financial services experience.
- Ability to acquire knowledge of the trust administration business.
- Attention to detail and accuracy.
- Strong working knowledge of technology including Microsoft Office Suite.
- Ability to work in a fast-paced environment.

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

PARALEGAL/LEGAL ASSISTANT

Legal Assistant Position – Aberdeen

Siegel, Barnett & Schutz, LLP is seeking a legal assistant to add to our team. Applicants interested in this opportunity should send a cover letter and resume to Janet Miller at jmiller@sbslaw.net. All applications will be kept confidential.

Paralegal or Legal Assistant Position – Sioux Falls

Legacy Law Firm, P.C. is seeking a paralegal or legal assistant to add to our team. One or more years of experience is preferred, along with strong academic credentials and excellent communication skills. Qualified applicants interested in this opportunity should send a cover letter and resume to Felan Link at felan@legacylawfirmpc.com. All applications will be kept confidential. For more information about our firm, visit our website www.LegacyLawFirmPC.com.



DO YOU HAVE A JOB ANNOUNCEMENT?

Send it to
tracie.bradford@sdbar.net

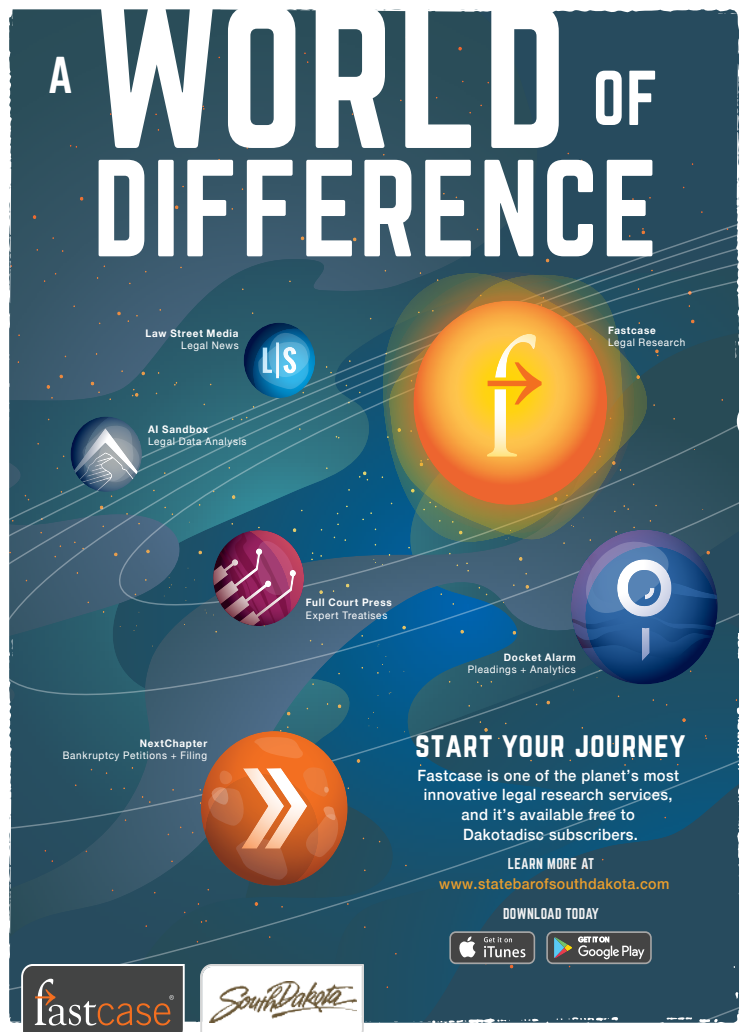


NEW UPDATES

2020-2021

COMMITTEE ASSIGNMENTS

CHECK IT OUT



A WORLD OF DIFFERENCE

- Law Street Media Legal News L|S
- AI Sandbox Legal Data Analysis
- Full Court Press Expert Treatises
- Docket Alarm Pleadings + Analytics
- NextChapter Bankruptcy Petitions + Filing
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UPCOMING EVENTS

DATE	EVENT	LOCATION
11.6.2020	Nuts & Bolts CLE Swearing-In Ceremony Bar Commission Meeting Remote Notarization CLE	Zoom & Ramkota, Pierre Capitol Rotunda, Pierre Ramkota, Pierre Webinar
11.13.2020	Assessment Methods CLE	Webinar
11.18.2020	YLS #Fit2Practice Wellness CLE	Webinar
12.1.2020	Employer Response to Crisis CLE	Webinar
12.9.2020	Introducing the Series LLC	Webinar
12.16.2020	Small Business Valuations & Discovery CLE	Webinar
12.17.2020	Bar Commission Meeting	Teleconference
TBD	January Bar Commission Meeting	TBA
2.18.2021	Bar Commission Meeting	TBA
3.18.2021	Bar Commission Meeting	TBA

