



State Bar of South Dakota



October

Newsletter





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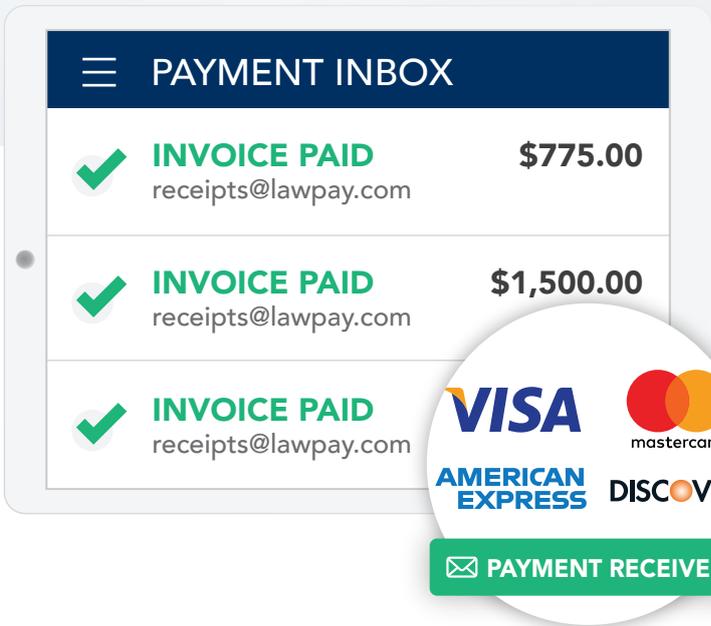


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– Cheryl Ischy, Legal Administrator
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State Bar of South Dakota

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President's Corner - Reed A. Rasmussen



There is some good news regarding the USD Law School. As I think most would agree, the South Dakota Law School plays a vital role in producing attorneys that are hired for a variety of positions in the State. A large majority of the attorneys currently practicing in South Dakota graduated from the USD Law School. Therefore, it needs our support.

I had the privilege of addressing the incoming first year class in August. Due to the generosity of a number of donors, the Law School was able to offer a number of full-ride scholarships this year. That has helped increase both the size and the quality of the class. All of you are urged to continue keeping the Law School in mind for your charitable giving.

We also recently received good news concerning the Bar passage rate. There have been some low

passage rates in recent years. This year, 82% of the people taking the test for the first time, passed it. Efforts of the Law School to address the problem of the low passage rate are obviously showing positive results.

I have been appointed as one of the members of the Search Committee to select a new Dean for the Law School. It is vitally important that the Law School be able to find a new Dean that will help continue the recent positive progress that has been made. If any of you are interested in applying for the position or have questions about it, you can contact the consultants who have been retained to assist in the process at USDlawdean@wittkieffer.com.

Prior to the hiring of the new Executive Director, it was decided that the Bar would contract with a lobbyist to assist during the legislative session. We had some excellent applicants. All of the applicants were interviewed by a committee the Bar Commission appointed. It was decided to offer the position to the firm of Riter, Rogers, Wattier and Northrup. Lindsey Riter-Rapp will be the lead person assisted by Bob Riter and Margo Northrup. This was a tough decision, but we believe the Riter firm will provide good service to the Bar.

Headed up by Mike Traxinger, the Aberdeen Bar recently held a free legal clinic at the Boys and Girls Club in Aberdeen. The participation of the local Bar was excellent as a number of attorneys volunteered to meet with people who had questions regarding family law and domestic relations matters. Twenty people attended the clinic, which was felt to be an excellent response. A similar clinic is being planned for the Yankton area on October 12. It is being headed up by third year law student Candice Gullickson. I encourage Bar members from the Yankton area to volunteer to participate.

If you are interested, please contact Candice at gullicksoncandice@gmail.com.

Payment of Bar dues is due at the first of the year. In recent years, a number of members have been late in paying their dues. Last year, somewhere in the neighborhood of 500 people were late in getting their dues paid. Under Section 23 of the State Bar Bylaws, any member who fails to pay any membership fees when they are due is automatically suspended from membership in the State Bar. The Bar Commission is going to be

discussing this issue at its October meeting. To avoid the hassle of a suspension, please get your Bar dues submitted to the State Bar office before January 1.

My mother turned 91 in August. This month's picture shows both of us at a much younger age.

Reed Rasmussen
rrasmussen@sbslaw.net
605-225-5420

A graphic banner with a light beige background and a dotted border. It features a large, tilted black stamp with the word "ATTENTION" in white. Below the stamp are three pink rectangular boxes containing text. To the right, there is a semi-transparent box with text and a website URL. The background includes a green succulent, a white pen, and a pair of glasses.

ATTENTION

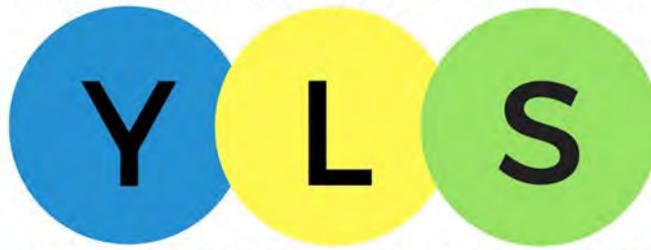
DUES NOTICES WILL BE MAILED AT THE BEGINNING OF NOVEMBER

MEMBER FEES ARE DUE BY DECEMBER 31, 2018

NEW THIS YEAR!
STARTING NOVEMBER 1ST,
YOU CAN
PAY YOUR BAR DUES ONLINE AT
WWW.STATEBAROFSOUTHDAKOTA.COM



STATE BAR OF SOUTH DAKOTA



YOUNG LAWYERS SECTION

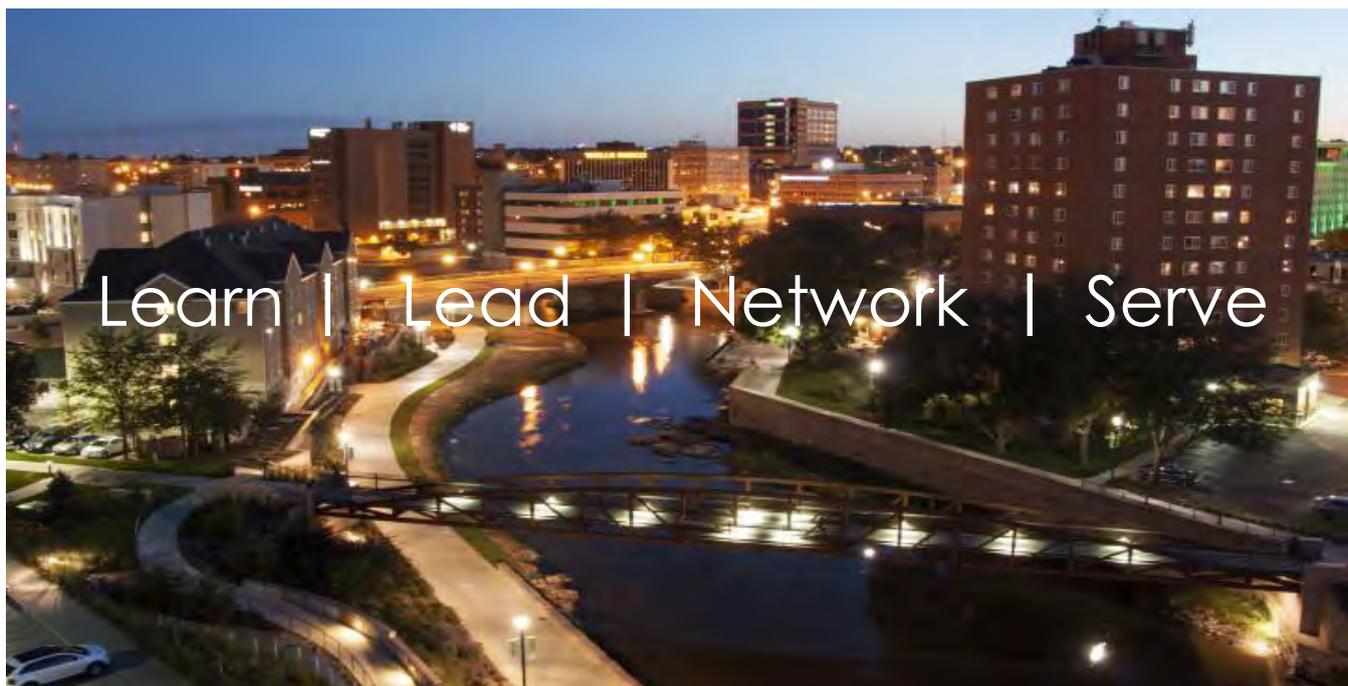
by: Tamara Nash, YLS President

One of the highlights of serving on the #SDYLS is getting to be involved with events that are the heart of our Bar. This month, I would like to highlight two of those events, the Statewide Swearing-In Ceremony and the Nuts and Bolts CLE. Both events will take place on Friday, October 19, 2018, in Pierre, South Dakota. Annually, these two events are held in an effort to welcome new lawyers to the practice of law.

October 19th will begin with the Nuts & Bolts CLE. The CLE begins with registration at 8:45a.m at Red Rosa. This CLE will be a great mix of information for lawyers at all stages in their career. However, topics are selected to cater to a young lawyer audience. This year's presenters will cover a plethora of topics, including mediation, discovery, and access to justice.

Additionally, attendees will also have the opportunity to listen to a law practice panel over the lunch hour (lunch provided). The CLE will be a great event and provide networking opportunities for friends, old and new alike. Additional information regarding the CLE is contained in this month's Newsletter. To register please visit: www.statebarofsouthdakota.com.

Following the CLE, we will 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. The Hagemann-Morris Young Lawyer



Mentorship Coin Program is highlighted during the ceremony and mentorship coins are given to the new admittees by the #SDYLS President. A reception will follow the swearing-in.

These two events highlight the very best of our Bar. I encourage all members of the State Bar to attend. It

does not matter what year of your practice you are in, we welcome your attendance and participation!

We encourage you to reach out to any of our Board members to voice your concerns and ideas. It is important to us that we provide you with quality programming and opportunities. Your 2018-2019 Board of Directors are:

- President- Tamara Nash (Sioux Falls)
- Vice-President – Nathan Chicoine (Rapid City)
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- Law Student Representative – Jenna Schweiss (Vermillion)

Kindest regards,
Tamara P. Nash



NORTHERN PLAINS WEATHER SERVICES

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



YOUNG LAWYERS SECTION STATE BAR OF SOUTH DAKOTA

September 26, 2018

FOR IMMEDIATE RELEASE

State Bar of South Dakota
University of South Dakota School of Law
TV-Radio Assignment Editors

STATEWIDE SWEARING-IN CEREMONY TO BE HELD OCTOBER 19, 2018

The South Dakota Young Lawyers Section announces annual Statewide Swearing-in Ceremony. This year, some of South Dakota's newest attorneys will be admitted to practice within the South Dakota State Bar on Friday, October 19, 2018, with Chief Justice David E. Gilbertson presiding and administering the Oath of Attorney in the Capitol Rotunda located in Pierre, South Dakota, at 3:00pm.

All of the candidates have passed the South Dakota State Bar examination, a required ethics examination, and have been certified for Character and Fitness.

The statewide swearing-in ceremony is a momentous occasion in the life of a new lawyer. This event provides them with the opportunity to be sworn in by the Chief Justice of the South Dakota Supreme Court, in the presence of family, friends, and other members of the judiciary and leadership of the Bar. The Young Lawyers Section is pleased to organize this event each year to celebrate those who have worked so hard for their admission to the practice of law.

The ceremony is open to family and friends of all new attorneys. A professional photographer will be present, and everyone is invited to take pictures. A reception will follow.

For more information and to RSVP, please contact Young Lawyer Section Secretary/Treasurer, Caroline Srstka, at Caroline.Srstka@state.sd.us.

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Tamara.Nash@state.sd.us

VICE PRESIDENT
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Nathan@demjen.com

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(605) 773-3215
Caroline.Srstka@state.sd.us

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Rapid City

At Large
KELSEY KNOER
Sioux Falls

Law Student
JENNA SCHWEISS
Vermillion

Fellows of the South Dakota Bar Foundation

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

RAISING THE BAR: OUR PROFESSION. OUR RESPONSIBILITY.

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Cumulative, including Pledges & Testamentary Gifts

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Hon. John B. Jones Hon. Jack R. Von Wald
Charles L. Riter

SILVER FELLOWS: \$1,000 per year
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Scott C. Moses (In memory of William J. Janklow) Timothy J. Rensch (renewed 18-19)
Brandon M. Taliaferro (renewed 17-18) Herb C. Sundall (renewed 17-18) Gregory A. Yates (renewed 17-18)

FELLOWS: \$500 per year **Hon. John Bastian (17-18) Hon. John L. Brown (renewed 17-18) Mary Jane Cleary (renewed 17-18)**
Craig A. Kennedy (renewed 17-18) Richard Kolker (17-18) Hon. Judith Meierhenry (renewed 17-18) Hon. Bobbi Rank (17-18)
Robert C. Riter (renewed 17-18) Thomas E. Simmons (renewed 17-18) Mrg Simon (renewed 17-18)
Jason Robert-Feil Sutton (17-18) Barry Vickrey (18-19)

\$10,000 PRESIDENTIAL FELLOWS

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Richard D. Casey	Thomas J. Nicholson
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Thomas H. Frieberg	Reed A. Rasmussen
David A. Gerdes	Pamela R. Reiter
Hon. David R. Gienapp	Robert C. Riter
Patrick G. Goetzinger	Eric C. Schulte
G. Verne Goodsell	Jeffrey T. Sveen
Robert E. Hayes	Charles M. Thompson
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Steven K. Huff	Thomas J. Welk
Hon. Charles B. Kornmann	

GOLD FELLOWS: \$5,000 -

Cumulative, including Pledge
Richard A. Cutler Dana J. Frohling
William F. Day, Jr. Richard L. Kolker
P. Daniel Donohue Scott C. Moses

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 ageing, substance abuse and mental health issues.

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Address _____

City _____ State _____ Zip Code _____

I would like to contribute:

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

In Memoriam

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

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

I am paying ___ by check, ___ by credit/debit card.

Credit/Debit Card Payments:

Name on Card (if different than above) _____

Address Tied to Card (if different than above):

Card Number: _____

Expiration Date: _____ CVV: _____

*Alternatively, you can call The State Bar (605-224-7554) to setup your payment(s).
Donations to the endowment are tax deductible and a perpetual gift to our profession and the education and charities the Foundation supports.

McLean Thompson Kerver
Bar Commissioner, 7th Circuit

I'm McLean Thompson Kerver. I am a Shareholder at Lynn, Jackson, Shultz & Lebrun P.C. in our Rapid City office. As with Kellen Willert and Jennifer Williams, I too was asked (start arm twisting now) by Reed to supply you with a peek into my life, who I am, and how I got involved with, as Kellen says, "our" Bar.

My involvement with our Bar started around the time I was born. As many of you know, my father (Charlie Thompson) is an advocate for involvement in our Bar and the American Bar Association, and my role model for what service to the legal community means in South Dakota.

As a little kid I attended Bar meetings and functions all across this great state (and swam in almost every Ramada swimming pool along the way). What I unintentionally learned from attending those Bar functions with my parents was that there is an incredible comradery among lawyers in South Dakota.

From my little eyes, I saw old friends greeting each other in the hallways, Supreme Court Justices talking with paralegals or new associates, and people passionate about their thoughts and ideas. I saw a community that rallied around one another in times of need. I heard stories of cases that may have been won or lost, but what really made them memorable was having "my good friend, and great attorney" on the other side.

Now in the practice of law, my observations have not changed. I just happen to have a little more insight into why that comradery is so strong. It's because the lawyers in South Dakota are willing to serve their legal community. Every individual at those Bar functions was there then, and I believe is there now, to either 1) learn, and make their practice better, resulting in better legal representation for the people of South Dakota, 2) make our Bar better, whether that is being on the Bar Commission, attending

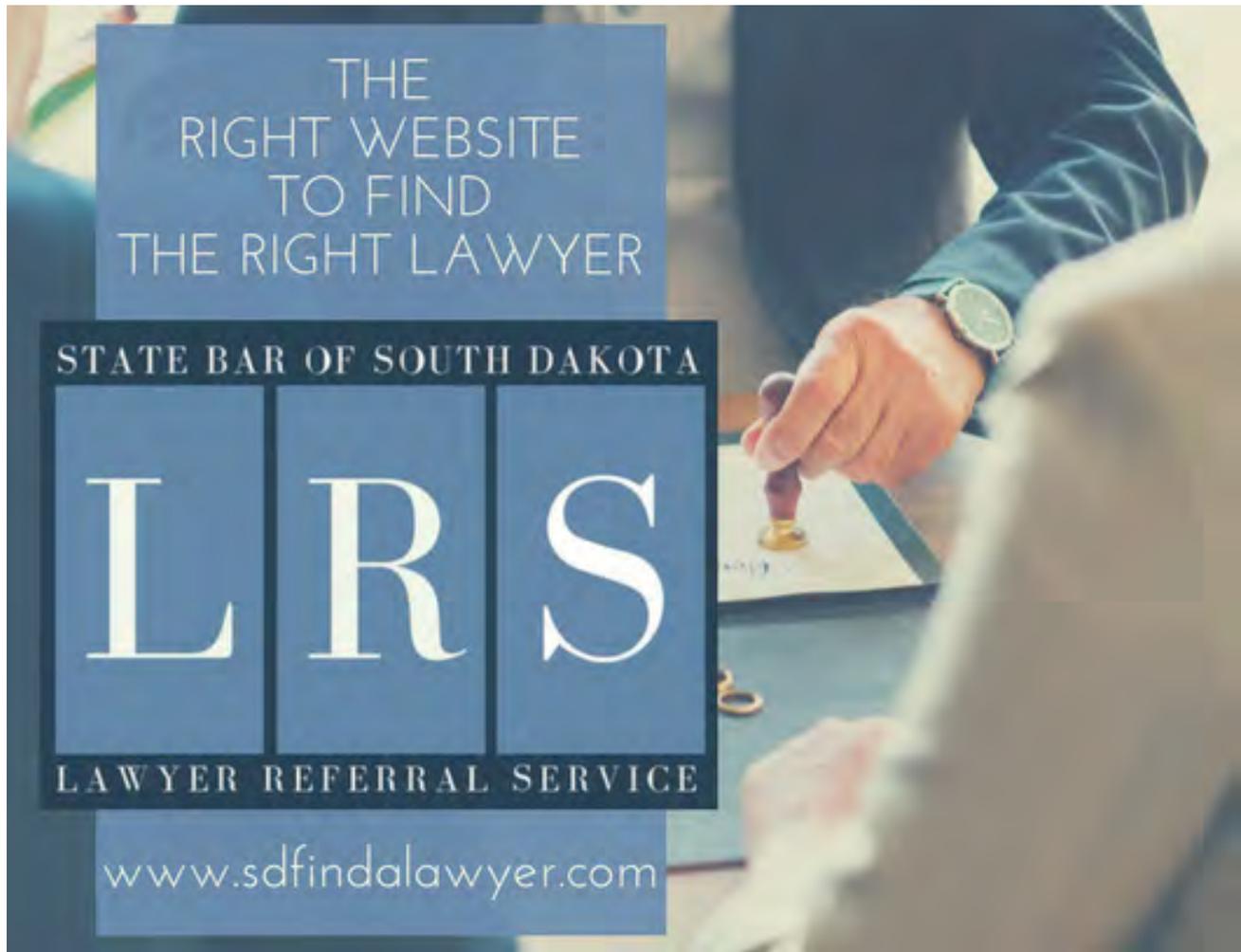
Committee meetings, or legal organization meetings, or 3) create connections, which makes practicing law a lot easier, and a lot more enjoyable.

The time commitment that any attorney puts into our Bar, whether that is voting on an online survey, attending a CLE, being a committee member, being a Bar Commissioner, or Bar President, is service to the legal community. It's showing you care, it's voicing your opinion, it's leading our community into a new era, and it's all voluntary. That is what makes it so great. Sure it can be hard, finding the time with a busy practice, family, and other commitments, but as Gordon B. Hinckley said, "Some of our finest work comes through service to others."

What I have noticed over the years with my service to the Bar, is that because of that service, I have become a better attorney and the practice of law has become more enjoyable. Why? It's because of the relationships cultivated, the comradery shared; and the missions accomplished.

If you are at all interested in getting involved in our Bar, call the State Bar office, call your Bar Commissioner, call your friend who is a member of a committee. Let someone know you are interested. Our legal community needs the skills and talents you have to offer.





2018 John R. Justice Student Loan Repayment Program

Applications are being accepted until December 31st, 2018. All applications must be received or postmarked on or before this day.

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

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

thank you

WALK-IN FAMILY LAW CLINIC

BROWN COUNTY BAR ASSOCIATION

The Brown County Bar Association, in partnership with A2J, ERLS, and the Boys & Girls Club of Aberdeen, would like to thank the following attorneys for volunteering their time at the walk-in family law clinic on August 28th:

- Adam Altman
- Ryan Dell
- Mike Traxinger
- Julie Dvorak
- Stacy Johnson
- Wanette Lenling
- Gregg Magera
- Jerry McNeary
- Melissa Neville
- Rob Ronayne

Because of your generosity, we were able to assist twenty individuals with family law related questions in the Aberdeen area.



The State Bar of South Dakota, The Young Lawyers Section & The Committee on Continuing Legal Education present:



Chair: Kelsey Knoer

- 8:45 – 9:15 AM **REGISTRATION:** Free to Active SD Bar Members, Others: \$100
- 9:15 – 9:30 AM **INTRO TO THE YOUNG LAWYERS SECTION:** Tamara Nash, YLS President, Attorney General’s Office, Sioux Falls
- 9:30 – 10:30 AM **INTRO TO MEDIATION:** Robert Anderson, May, Adam, Gerdes & Thompson, LLP, Pierre
- 10:30 – 11:30 AM **DISCOVERY, SUBPOENAS & CASE PREPARATION: LITIGATION BASICS:** Jessica LaMie, Hughes County State’s Attorney, Pierre; Tara Adamski, Adamski Law Office, Pierre
- 11:30 – 11:45 AM **BREAK** – Food Served
- 11:45 AM –
12:45 PM **LUNCH: LAW PRACTICE MANAGEMENT PANEL:** Jenna Howell, Department of Public Safety, Pierre; Robert L. Morris, Morris Law Firm, Belle Fourche; Laura Hensley, Boyce Law Firm, Sioux Falls
- 12:45 – 1:00 PM **FINDING BALANCE IN YOUR PRACTICE:** Tamara Nash, YLS President, Attorney General’s Office, Sioux Falls
- 1:00 – 2:00 PM **GETTING INVOLVED WITH ACCESS TO JUSTICE:** Lindsey Riter-Rapp & Kody Kyriss; Riter, Rogers, Wattier & Northrup, LLP; Pierre

THE STATEWIDE SWEARING-IN CEREMONY BEGINS AT 3:00 PM.

[Register Online - www.statebarofsouthdakota.com](http://www.statebarofsouthdakota.com)

Kellen Willert
Bar Commissioner

One thing I think all attorneys can relate to is finding enjoyment in helping others. It's satisfying and fulfilling. There are many ways people in our profession can help others beyond the walls of our offices and actively give back to our communities financially or with our time.

Financially, you can help others however you feel called. There are near-endless options for financial giving from Church to cancer research to scholarships (queue the advertisement to contribute toward USD Law scholarships and/or the State Bar Foundation). Now comes the million dollar question on giving financially: I work my tail off to make ends meet, and after I pay bills and treat myself there isn't much left – how can I afford to give financially? The answer is that you prioritize it.

Personally, my wife Jenelle and I were called to start tithing years ago and we have experienced nothing but blessings since answering that call; I do not write this to be boastful, but simply to share my experience. Despite student loans, a mortgage, a business loan, and 3 active kids (who also like to eat), my wife and I decided to start tithing. For those that don't know, tithing is, essentially, a Biblical call to give 10% of your income to God. The numbers simply did not make sense with all of our other financial obligations – how could we afford to pay our bills, feed our family, and give on (at the time we started) an associate's salary? We prioritized things by using a monthly budget and financially giving first – at the beginning of each month. It's too easy to go through the month, pay your bills, and just see what's left over (which, if you're anything like we were, there wasn't ever much left over); if you give first you avoid that problem. You prioritize your financial giving.

Another great way to give back and help others is our time. Volunteering is a great way to give back and, just like financially giving, you can volunteer for all kinds of stuff. There are many organizations that always need volunteers, such as: Junior Achievement, Meals on Wheels, Teen Court, America's Kids Belong, Churches and their related entities and programs, Boy Scouts,

Girls Scouts, Red Cross, Boys & Girls Club, youth sports, the South Dakota State Bar, et cetera. Now comes the million dollar question on giving your time: I'm so busy, where and how can I find time to do any of that? The answer is that you prioritize it. Jenelle and I both volunteer with multiple organizations – most are kid-related because that's what consumes our lives at the moment. We share a digital calendar and decide together what each of us should and shouldn't be raising our hands for. Together, we prioritize giving our time by literally putting things on the calendar. For us, if it's not on the calendar, it isn't happening.

When it comes to giving back to the community you may ask "what's in it for me"? You shouldn't be worried about the answer to that question. However, most of the people I know that give back to the community will happily tell you that they receive tangible benefits. Giving back to your community helps your community be a nicer and more enjoyable place to live. When attorneys give back to the community it can benefit the perception, appreciation, and sincerity of our profession.



Jenelle and I have received many personal benefits when giving back to the community. Giving financially has given us the satisfaction in answering a call, and has helped/forced us to control our finances and live well within our means. The big bonus is that it is fun to give financially, especially anonymously. Giving our time has helped us be an active part in our children's lives and the lives of other kids, network with others in the community, and professionally mature.

If you're already giving back to your community, I encourage you to recruit other State Bar Members

to join you. If you're not already giving back to your community, I encourage you to consider finding a way to give back. A great place to start giving your time is with a State Bar project. A great place to start giving financially is to the State Bar Foundation and/or by answering former President Reiter's call to give financially to help fund law school scholarships. If those things do not sound lucrative to you, find something gives you a spirit of joy and give back to the community.

HOT SPRINGS

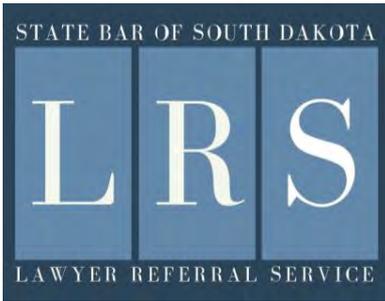
Edward Hruska
Jason Campbell
Paul Lewis
Amanda LaCroix
Michael Ortner
James Sword
Kaleb Paulsen
Ramon Ortiz
Nikki McCain



RAPID CITY

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Jennifer Tomac
Jeannette Pitts
Matt Naasz
Quentin Riggins
Nathan Chicoine
Linton Clarke
Kaleb Paulsen
Beth Overmoe
Ramon Ortiz
Nikki McCain

The USD Veterans Legal Education Group would like to thank the attorneys who volunteered during the Veterans Walk-In Legal Clinics on September 13-14, 2018, in Hot Spring and Rapid City. Special thanks to the State Bar of South Dakota Young Lawyers Section and Veterans Committee for their support in planning the two-day event.



South Dakota Lawyer Referral Service ENROLLMENT AGREEMENT

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

Or pay online at: www.findalawyerinsd.com

If you pay online, scan and email this completed form to: findalawyer@sdbar.net

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

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

Name: _____
(Signature) (Print or Type)

Date: _____ Member No.: _____ Amount Enclosed: _____



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

BANKRUPTCY

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

BENEFITS & ADMINISTRATION

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

BUSINESS

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

CONSUMER & DEBT

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

CRIMINAL

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

DISPUTE RESOLUTION

- Arbitration
- Mediation

EDUCATION

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

EMPLOYMENT

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

FAMILY

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

HOUSING & APARTMENT

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

IMMIGRATION

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

INDIAN LAW

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

INSURANCE

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

INTELLECTUAL PROPERTY

- Copyrights
- Patents
- Trademarks

LOBBYING

- Federal
- State

PERSONAL INJURY & RIGHTS VIOLATIONS

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

REAL ESTATE

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

TAX

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

WILLS, TRUSTS, ELDER

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

WORKERS COMPENSATION

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

DRESS FOR SUCCESS LEGAL CLINIC



The State Bar of South Dakota Women in Law Committee and Access to Justice have paired with Dress for Success Sioux Falls (DFSSF) to create a monthly legal clinic to assist DFSSF clients in tackling legal issues that may be preventing them from achieving economic independence. Since it opened in 2013, DFSSF has served over 1,400 women (referred by 88 partners in Sioux Falls and the surrounding area). Topics of the legal clinics include:

- Family Law
- Housing/Benefits
- Criminal Law

During the first 2 clinics, thanks to our volunteer attorneys and East River Legal Services, we have assisted 7 clients with various issues regarding family law and housing/benefits. The clients have been extremely thankful for the services. We anticipate the number of clients will continue to increase as more women become aware of the services.

We are still seeking volunteers for the upcoming criminal law clinic on Thursday, October 18th, 1-3 p.m., and for additional dates to be scheduled in 2019. Please contact Ashlee Wendt at ashlee.wendt@gmail.com if you would like to volunteer or have any questions!

THANK YOU VOLUNTEERS!

- Kathryn Morrison
- Brent Thompson
- Katie Dunn
- Chad Boelhower
- Karen Roth
- Amber Walter
- Alicia Boyum Lanoue

2017 Dress for Success Sioux Falls Clients by the Numbers:

- 67% were between the ages of 25-50
- 95% were mothers (48% were single mothers)
- 65% received public assistance
- 74% finished high school or have a GED (24% have a college degree or other advanced degree)

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The Pennington County Bar Association would like to thank the sponsors of the
Twelfth Annual Seventh Circuit Charity Golf Tournament benefitting the
Tom Pfeifle Trails at Raider Park

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A Special Thanks To The 2018 Seventh Circuit Charity Golf Tournament Committee

Ali Tornow	Jana Smoot White	Ben Tronnes	Kelsey Parker	Catherine Chicoine	Brad Lee	Sarah E. Baron-Houy	Adam Shiffermiller
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SAVE THE DATE



7th CIRCUIT

Young Lawyers Hagemann-Morris Mentorship Mixer

**JOIN THE YOUNG LAWYERS SECTION OF THE SD STATE
BAR FOR FOOD, DRINKS, AND FUN! ALL ARE
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Tuesday, 16 OCTOBER	THE BLIND LION SPEAKEASY (downstairs from Murphy's Bar)	5 : 30 IN THE EVENING
--------------------------------	--	----------------------------------

We are looking for sponsors for this event!
Please contact Kassie McKie Shiffermiller at
kshiffermiller@lynnjackson.com

*Password Required to Enter Venue:
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LAY TRACS

Lawyers Assisting Youth to Take Responsibility and Create Solutions

The State Bar of South Dakota's Young Lawyer Section and Women in Law Committee continue to seek volunteers for the **Lawyers Assisting Youth to Take Responsibility and Create Solutions**, or **LAY TRACS** service collaboration.

Lack of volunteer participation in our youth diversion and/or teen court programs is the number one barrier to a successful program. The Young Lawyer Section and the Women in Law Committee are challenging members of the State Bar to regularly participate in the twelve Teen Court programs across the state. Teen Courts offer youth the opportunity to take responsibility for their minor offenses and to make amends for any harm done without having to go through the formal court process. Attorneys are needed for training teen advocates – who act as prosecutor and defense counsel – and serving as judges. Teens can also participate by serving on the Teen Court jury that sentences the offender. Any student participating in Teen Court is bound to have a better understanding of how our judicial system works and the offender hopefully “lays tracks” to make better decisions in the future.

Attorneys who participate in three or more Teen Court sessions during a calendar year will be recognized at the Young Lawyers Mixer at the Bar Convention the following year and receive tokens of our appreciation. To participate in LAY TRACS, contact your local Teen Court Coordinator on the list provided. Once you participate in a session, please email kshiffermiller@lynnjackson.com with your name, the date of participation, and location.

LAY TRACS

Lawyers Assisting Youth to Take Responsibility and Create Solutions

Teen Court	Court Schedule	Contact Person & Contact Information
Brookings 314 6th Avenue Brookings, SD	2nd & 4th Mon. @ 6pm.	Jenny Grendler, Dir. Program Operations (605) 692-3333, ext 107 1126 Southland Lane, Brookings, SD 57006
Brown (Aberdeen) Teen Court Office 1019 1st Ave. SE Aberdeen, SD	Holds Court 1x per mo. Teen Intakes Tues 6pm, Court Thurs @ 6:30pm	Diane Lehr, Director (605) 626-1301
Butte (Belle Fourche) Butte County Courthouse	Contact Brian Aspen for court schedule & details	Brian Aspen, btaspen@rushmore.com (605) 210-0056
“Central” (Ft. Pierre, Pierre, Onida) 08 East 2nd Avenue Ft. Pierre, SD 57532	2nd & 4th Mondays/month start @ 6pm Stanley County Courthouse	Jana Sprenger (605) 223-7689 jsprenger@cacsnet.org
Clay County 211 W. Main Street Vermillion, SD	2nd & 4th Thursday @6pm	Jenny Grendler, Dir. Program Operations (605) 692-3333, ext 107 1126 Southland Lane, Brookings, SD 57006
Codington (Watertown) 14 1st Ave SE Watertown, SD	Mondays @ 6:00pm Codington Cty Courthouse	Kyle They, Teen Court Coordinator (605) 886-6666 theynk@bgcofwatertown.com
Lawrence (Deadwood)	1st & 3rd Mon, 5-7:30pm	Marlene Todd (605) 920-2065
Thompson Diversion Program (BHSU)	1st & 3rd Thursday during academic year <i>Run by College Students</i>	Justin Logue, justin.logue@yellowjackets.bhsu.edu Dr. Jane Klug, Advisor, jane.klug@bhsu.edu , (605) 642-6080
Moody County 101 E. Pipestone Avenue Flandreau, SD	2nd & 4th Tuesday @ 6pm	Jenny Grendler, Dir. Program Operations (605) 692-3333, ext 107 1126 Southland Lane, Brookings, SD 57006
Pennington (Rapid City) 130 Kansas City Street Suite 300, Rapid City, SD	Every Monday @ 5pm (check in on 4th floor) <i>Also State-wide competition & training opportunities</i>	Michelle Macrander Pennington County State’s Atty’s Office (605) 394-2191 michelle.macrander@pennco.org
Sioux Empire (Sioux Falls)	Tues. 5-7pm @ City Hall	Kaitlyn Umphlett, kaitlyn.Umphlett@scouting.org 800 N. West Ave, Sioux Falls, SD 57104 (605) 323-0748
Yankton 410 Walnut Street Yankton, SD	1st & 3rd Wed. @ 6pm	Jenny Grendler, Dir. Program Operations (605) 692-3333, ext 107 1126 Southland Lane, Brookings, SD 57006
**Statewide Coordinator SD Teen Court Association		Jennifer Stalley P.O. Box 116 Pierre, SD 57501 jennifer.stalley@midwestsolutionssd.com (605) 224-8118 (phone) / 888-425-3032 (fax)

*NOTE: Some court schedules may have changed, please contact the designated contact person for the most up to date schedule.

Don't Miss Out!

The 2017 Tax Act has complicated closely-held entity planning and turned estate planning on its head.

This year's Institute presents detailed discussions of these new rules and planning recommendations that are a must for all advisors.

Great Plains

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- Three hours from nationally renowned speaker and Great Plains favorite Stephanie Loomis-Price covering the art of reviewing an appraisal, ethically protecting privileges, avoiding tax problems at the formation of a family business and how a tax litigator views planning for a family business owner. Stephanie will be joined by Stephen Liss, a national tax expert.
- An in-depth review of federal tax law changes, including a specific presentation on the new Section 199A.
- A full discussion on recent developments in Section 355 tax-free spin-offs.
- Detailed analysis of the recent Wayfair decision and the implications for multi-state companies.
- A look at Nebraska and Iowa state tax and economic development updates.
- A review of current developments in income, estate and gift taxes, presented by local tax experts.
- By continued demand, a lengthened presentation on current tax issues and planning opportunities for farmers.
- A practical and valuable ethics presentation from University of Nebraska professor Janet Near. Two hours of the Institute are expected to qualify for ethics credit.

Continuing professional education sponsored by the Great Plains Federal Tax Institute, Inc.

Thursday & Friday
November 29 & 30, 2018

Meeting in a NEW location!

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Registration Fee Discounts:

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■ \$345 for participants with 5 or fewer years in practice

Online registration to open by October 1

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Employment Corner
A publication of the Labor & Employment Law Committee

Author: Joseph Dreesen
Jackson Lewis P.C.

Change In Overtime Exemption Rule Still In Flux

From almost the inception of the Fair Labor Standards Act (“FLSA”), certain categories of employees have been exempt from payment of overtime. The primary overtime exemptions under the FLSA include the executive, administrative and professional exemptions, (e.g. manager, supervisor). Determining whether an employee is exempt depends on the employee’s job duties, salary level, and, for the professional exemption, the employee’s education.

In 2016, the Obama Department of Labor (“DOL”) issued a “Final Rule” increasing the threshold salary level for exempt employees under the FLSA from \$23,600 (\$455 a week), to \$47,476 (\$913 per week). This was certainly a big jump. All of a sudden, a lot of “supervisors/managers” would no longer be exempt from overtime and would be entitled to overtime pay. With the 2016 change in the Administration, however, the “Final Rule” was final no more. In late 2016, the “Final Rule” was put on hold. The Trump Administration’s DOL has been receiving public comments on changing the “Final Rule”, and will likely reduce the \$47,476 threshold salary level that was put on hold. Currently, the DOL is holding a series of “Listening Sessions” country-wide for interested parties. In the end, that threshold salary level will likely end up somewhere in the middle, say the low \$30’s, but who knows. In the meantime, the DOL has said it will stick with the lower amount (\$455 per week), for the time being.

What’s this mean for you as practitioners? Regardless whether you represent business owners, employees, or both, or are considering the matter for your own law firm, it’s important to familiarize yourself with the DOL overtime rules. Improperly classifying an employee, or group of employees, as exempt from overtime when they are not can mean payment of backpay (overtime due) for the past two years (three, if a willful violation). If an employee files suit for the overtime, attorney fees can also be awarded if the employee prevails.

If you’re interested in learning more about the DOL overtime rules you can go to dol.gov/whd/overtime/regulations.

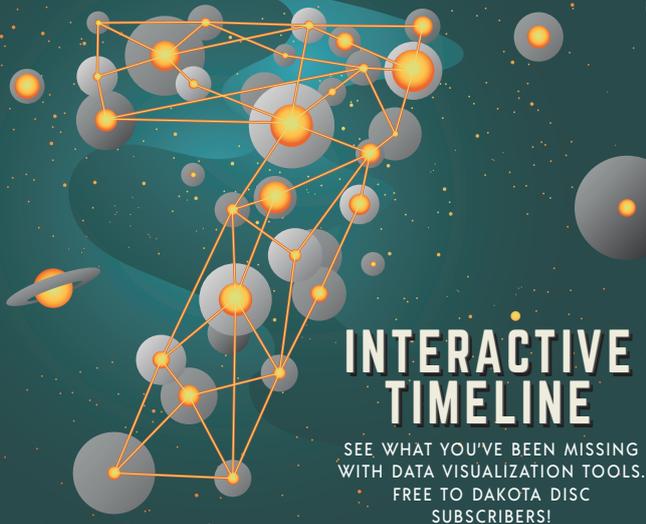
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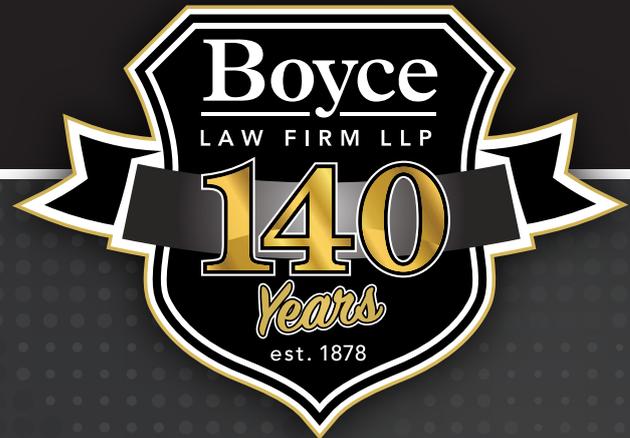


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LAWYERS CONCERNED FOR LAWYERS LAWYERS ASSISTANCE COMMITTEE

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

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

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

Caribou Coffee Club

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

Attendance is limited to lawyers.

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

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



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

Sand Creek

WORKPLACE WELLNESS

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

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

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

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

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

The Sand Creek website, www.sandcreekeap.com,

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

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

Sand Creek is a HIPPA compliant service.

Go to www.sandcreekeap.com
Click the Work Life Wellness Login Link

Our Company ID is sbsd1

Or call 800-632-7643

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24 hours a day/7 days a week:

888-243-5744

All discussions and services are kept strictly confidential.



ANNOUNCEMENTS

Davenport, Evans, Hurwitz & Smith, LLP
is pleased to announce that

Ashley R. Brost
has joined the firm as an associate attorney.

206 West 14th Street
P.O. Box 1030
Sioux Falls, SD 57101-1030

Telephone: (605) 357-1292
Facsimile: (605) 235-3639

www.dehs.com
abrost@dehs.com

Lockwood & Zahrbock Kool Law Office
is pleased to announce that

*Beth Baloun &
Kaleb Paulsen*
have joined the firm.

400 N. Main Ave. Suite 202
Sioux Falls, SD 57104

Telephone: (605) 331-3643

Beth Baloun - beth@lockwoodlaw.com
Kaleb Paulsen - kaleb@lockwoodlaw.com

Bangs, McCullen, Butler,
Foye & Simmons, L.L.P.
is pleased to announce that

Sarah E. Baron Houy
Partner
has relocated to our Sioux Falls office

6340 S. Western Avenue
Suite 160
P.O. Box 88208
Sioux Falls, SD 57108

Telephone: (605) 339-6800
Facsimile: (605) 339-6801

E-mail - sbaronhouy@bangsmccullen.com
www.bangsmccullen.com

Bangs, McCullen, Butler,
Foye & Simmons, L.L.P.
is pleased to announce the addition of

Laura E. Hodson
as an associate attorney in Rapid City.

First Interstate Gateway Building
333 West Boulevard
Suite 400
P.O. Box 2670
Rapid City, SD 57709-2670

Telephone: (605) 343-1040
Facsimile: (605) 343-1503

E-mail - lhodson@bangsmccullen.com
www.bangsmccullen.com

Davenport, Evans, Hurwitz & Smith, LLP
is pleased to announce that

Olivia R. Karns
has joined the firm as an associate attorney.

1206 West 14th Street
P.O. Box 1030
Sioux Falls, SD 57101-1030

Telephone: (605) 357-1266
Facsimile: (605) 335-3639

www.dehs.com
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Estes Campbell Rehorst Law Firm
is pleased to announce that

Abby A. Rehorst
has joined the firm.

1230 North Avenue, Suite 2
Spearfish, SD 57783

Telephone: (605) 717-5874

Goosmann Law Firm
is pleased to announce that

Jeffrey T. Myers
has joined the firm as an attorney.

410 5th Street
Sioux City, Iowa 51106

Telephone: (712) 226-4000

MyersJ@GoosmannLaw.com



SAVE THE DATE

STATEWIDE SWEARING-IN
CEREMONY

OCTOBER 19, 2018

3:00 P.M.

CAPITOL ROTUNDA

PIERRE, SOUTH DAKOTA

STRESS and DEPRESSION HELP

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

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



SOLACE PROGRAM

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

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

October 2018

Official Publication of the State Bar of South Dakota

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

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

Address Changes:

email tracie.bradford@sdbar.net or log in to your profile at www.statebarofsouthdakota.com

Board of Bar Commissioners:

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Aaron Pilcher, Huron

Colleen Zea, Sioux Falls

BOARD OF BAR COMMISSIONERS

Minutes, July 13, 2018

Red Rossa, Pierre, South Dakota

President Reed Rasmussen called the meeting to order at 8:00 a.m. on Friday, July 13, 2018, in Pierre, South Dakota. Present were Rasmussen, President Elect Huff, Commissioners Duncan, Ginsbach, Hruska, Pilcher, Sutton, Thompson Kerver, Tobin, Willert, Williams (Jennifer), Williams (Rich), Wurgler and Zea, Secretary-Treasurer Barnett and new Secretary-Treasurer Andrew Fergel. Also joining the meeting were Strategic Plan Coordinator/A2J Co-Coordinator Elizabeth Overmoe, A2J Co-Coordinator Denise Langley, and the Young Lawyer Section President, Tamara Nash.

Immediately after calling the meeting to order it was moved by Commissioner Tobin, seconded by President Elect Huff, to go into executive session, which motion passed. The Board was in executive session until 8:20 a.m. at which time it come out of executive session and resumed the meeting.

Young Lawyer Section President Tamara Nash presented the report of the Young Lawyers Section. Ms. Nash informed the Board that this year's theme for the section is "Engage". Afterward she outlined the section's plans for future projects, including the state-wide swearing in ceremony scheduled for October 19, 2018.

Secretary-Treasurer Barnett gave a financial report and recommended that the Fiscal Year 2017-2018 budget for Pattern Jury Instructions Committee – Criminal be supplemented by \$225.00 to meet actual expenditures. Moved by Commissioner Willert, seconded by Commissioner Duncan, to supplement the budget as recommended. The motion was unanimously approved.

President Rasmussen announced that he had appointed Commissioners Sutton, Willert and Tobin to act as a finance committee to work with the Executive Director to get answers to questions about the budget, finances or expenditures that arise from the Commission.

Next, with the impending departure of Executive Director Barnett, the Board took up a proposal by Barnett to purchase the Avalanche owned by the State Bar of South Dakota for \$18,000.00; enter into an consulting contract, to provide consulting services to the State Bar as needed for fiscal year 2018-2019 at a rate of \$200.00 per hour with an expenditure cap of \$10,000.00; and to have used electronics transferred to him to facilitate any consulting he may do for the State Bar or the Disciplinary Board. After a short discussion it was moved by Commissioner Tobin, seconded by President Elect Huff to approve the package as presented. The motion passed unanimously. New Executive Director Fergel was instructed to draft the consulting contract for execution.

President Rasmussen, Mr. Barnett and new Executive Director Fergel gave a brief report on the annual meeting held in June 2018 at the Ramkota, in Sioux Falls, South Dakota. One point of discussion after the report was the number of members that made banquet reservations but then did not attend the banquet which resulted in the State Bar spending around \$7,500.00 for food that went unused. Several ideas about how to close the gap between the number of reservations that are made for the banquet and the number of actual banquet attendees were discussed. After the discussion, it was the consensus of the Board that the Executive Director continue to explore ways to eliminate the purchase of banquet meals that will go unused at the annual meeting banquet. After the

report it was moved by Commissioner Duncan, seconded by Commissioner Sutton, to approve the minutes from the Annual meeting. Motion passed.

The Board next took up the issue of where to hold the annual meeting in years 2023 and 2024. After a discussion of the past meeting rotation and where the annual meeting is scheduled to be held in the years 2019 through 2022, a motion was made by Commissioner Rich Williams, seconded by Commissioner Hruska, to hold the 2023 annual meeting in Pierre, South Dakota, and the 2024 annual meeting in Rapid City, South Dakota. Motion passed unanimously. ** The board will take these locations up again in the near future due to there being some confusion as to where meetings are scheduled in 2019-2022.

Executive Director Barnett gave a short report on the Bar Foundation. He reported that the Foundation is in rock solid shape and has been able to make some significant grants over the past year and will continue to do so over the next year.

Denise Langley, Access to Justice Co-Coordinator provided a report to the Board concerning Access to Justice, Inc. that included the following:

1. RECRUITING EFFORTS: Between January 2017 – July 2018: 164 attorneys accepted one or more cases through A2J; 85 of those attorneys are new recruits (never accepted a case through A2J in the past)
2. 2018 CASE STATISTICS: Since January 1, 2018, A2J closed 41 Cases and Opened 54 Cases
3. BANKRUPTCY GRANT: A2J applied for a \$15,000 grant through the American College of Bankruptcy Foundation to produce a series of informational videos geared toward the agricultural community & farmers to assist with education concerning bankruptcy as a business decision partially in response to the growing suicide rates among farmers/ag community members.
4. SOUTH DAKOTA COURT REPORTERS ASSOCIATION AWARD: A2J is the recipient of a 2019 S.D.C.R.A. award of \$200;
5. BROWN COUNTY CLINIC: Beth Overmoe, Access to Justice Co-Coordinator, assisted with the organization of a walk-in family law clinic in conjunction with Brown Co. Bar, A2J & East River Legal Services (“ERLS”).

After Ms. Langley’s report, Elizabeth Overmoe gave a short update on the Free Legal Answers program.

Strategic Plan Coordinator Elizabeth Overmoe then provided the Bar Commissioners with a report on the Strategic Plan. Ms. Overmoe provided background on how the draft Operational Plan makes its way onto the Board’s July meeting agenda each year. In addition, she informed the Commission that this year, the Strategic Plan Committee (“SPC”) requested the completion of a state bar membership survey. The membership survey was developed by the SPC membership and the ABA Division of Bar Services. Survey results were reported and used by the SPC to create its agenda for the annual SPC retreat held on April 13, 2018, in Sioux Falls, South Dakota. Based on the retreat discussion, changes were made to the Operational Plan and disseminated to members of the SPC for review. The SPC members were then provided an opportunity to comment and make any adjustments to the draft. From there, the draft Operational Plan for the next bar year is provided to the Bar Commission for discussion at the July meeting. Ms. Overmoe highlighted the changes from the preceding year’s Operational Plan for the Board. Following the report, a motion was made by Commissioner Jennifer Williams, seconded by Commissioner Willert to approve the changes made to the Strategic Plan for use in the new fiscal year. The motion was unanimously approved. The most recent draft of the Operation Plan can be viewed by logging into the bar website, www.statebarofsouthdakota.com and choosing Popular Bar Files under the “For Members” tab.

Commissioner Zea then provided some training to the Board on how to post items, including documents, to the State Bar's website communities. After the training Ms. Zea gave a short report on the work of the Website Committee in developing suggested changes to the website to make it more user friendly.

Ms. Overmoe provided the Board with an update on the recent changes to the State Bar Lawyer Referral Service. The new SD Lawyer Referral Service ("SDLRS") online platform was launched during the State Bar Annual Meeting in June. At the time of the July Bar Commission meeting, seventeen attorneys completed enrollment and one member of the public received a referral and completed a satisfaction survey. The website for the new SDLRS program can be found at www.findalawyerinsd.com. Tracie Bradford is the State Bar staff person designated to assist attorneys with the enrollment process and answer any phone calls from members of the public to be re-directed to the website. Ms. Overmoe reported that next steps for the SDLRS Committee will be the development of public outreach efforts, that will include marketing materials and a social media campaign. The SDLRS Committee believes it is important to allow a sufficient time for attorneys to sign up for the program prior to public outreach to ensure members of the public receive an appropriate referral from the system.

The Board next discussed the vehicle for use by the Strategic Plan Coordinator. After a short discussion it was moved by Commissioner Tobin, seconded by Commissioner Rich Williams to authorize the purchase of a new vehicle for the Strategic Plan Coordinator at an amount not to exceed the trade in value of the current vehicle plus \$26,000.00, and that the Executive Director develop a vehicle use and procurement policy for the Board's review and potential adoption. The motion carried.

President Rasmussen announced that the Commission would continue the practice of meeting telephonically on the third Thursday of every month the Board does not have a scheduled in person meeting.

Next, the Board took up the FY 2018-2019 budget for Access to Justice, Inc. ("A2J") that had been approved by prior Board action. A motion was made by President Elect Huff, seconded by Commissioner Tobin to ratify the A2J budget as adopted in April 2018. Motion carried. *

Thereafter, the Board took up the FY 2018-2019 budget for CLE, Inc. that was previously approved by the Board at its April 2018 meeting. There was a short discussion about the budgeted tape lending library line item of \$5,000.00. Executive Director Barnett recommended the removal of the budgeted amount for the tape lending library as any tapes that may remain at the Law School are likely outdated and are no longer maintained by the library. Thereafter, it was moved by Commissioner Willert, seconded by Commissioner Tobin, to ratify the FY 2018-2019 CLE, Inc. budget subject to the elimination of the \$5,000.00 tape lending library line item. Motion was unanimously approved.*

The Board then took up the FY 2018-2019 State Bar budget. The first item addressed was the need to amend the Administration portion of the budget to properly reflect the correct amount line itemed for vacation payout for Mr. Barnett. The amount stated in the budget approved at the April 2018 Board meeting was \$1,722.23 short. A motion was made by Commissioner Tobin, seconded by Commissioner Willert to increase the Administration portion of the FY 2018-2019 State Bar budget to reflect the appropriate amount. The motion was unanimously

approved.* Next, Mr. Barnett recommended to the Board that it make the following adjustments to the approved April 2018 General fund budget:

1. Increase the overall Committees budget line from \$36,300.00 to \$41,300.00 to increase the PJI – Civil Committee budget by \$2,000.00, the PJI – Criminal Committee budget by \$3,000.00, and provide a \$2,500.00 budget to the new Website Committee; and
2. Increase the Transition/Consulting budget line from \$5,000.00 to \$10,000.00.

After a short discussion it was moved by Commissioner Tobin, seconded by Commissioner Sutton to make the changes to the 2018-2019 General Fund portion of the State Bar budget. The motion was unanimously approved.*

The Board then deliberated briefly about the person they should appoint as State Bar Delegate to the ABA House of Delegates from a list of 5 individuals that expressed interest in serving. A motion was made by Commissioner Ginsbach, seconded by Commissioner Hruska to appoint Sarah Theophilus. Motion carried.

President Rasmussen appointed a subcommittee of the Board consisting of himself and Commissioners Rich Williams and Dennis Duncan to meet with Executive Director Fergel on August 21, 2018, to interview the applicants that submitted proposals to be contract lobbyist for the State Bar during the 2019 Legislative Session. He also reminded the Commissioners that they would meet in Pierre on October 19, 2018, in conjunction with the YLS state-wide swearing in ceremony, in Aberdeen on January 4, 2019, and in Rapid City in April (specific date yet to be determined), for Board meetings.

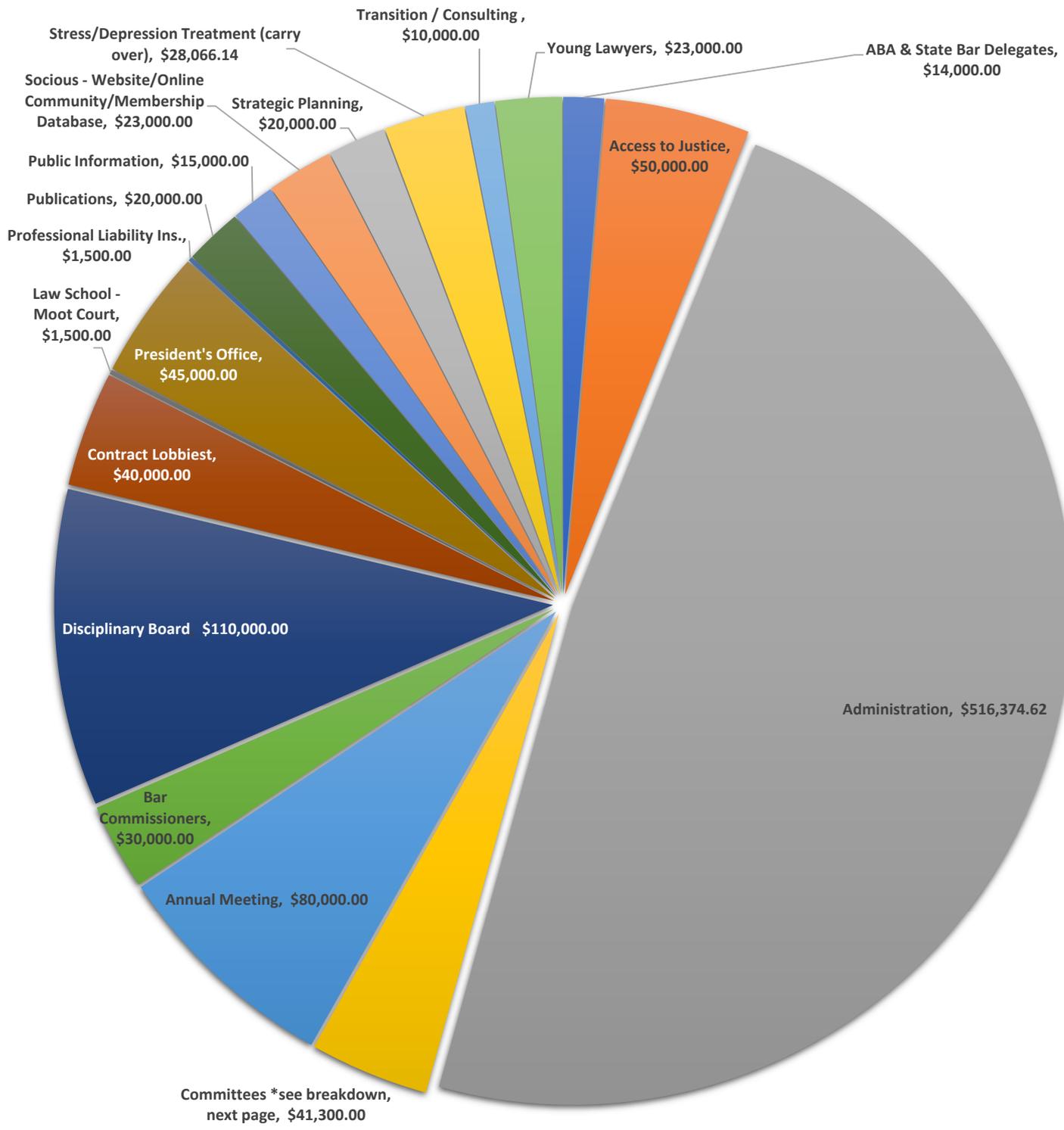
There being no further business, President Rasmussen adjourned the meeting.

Respectfully submitted,

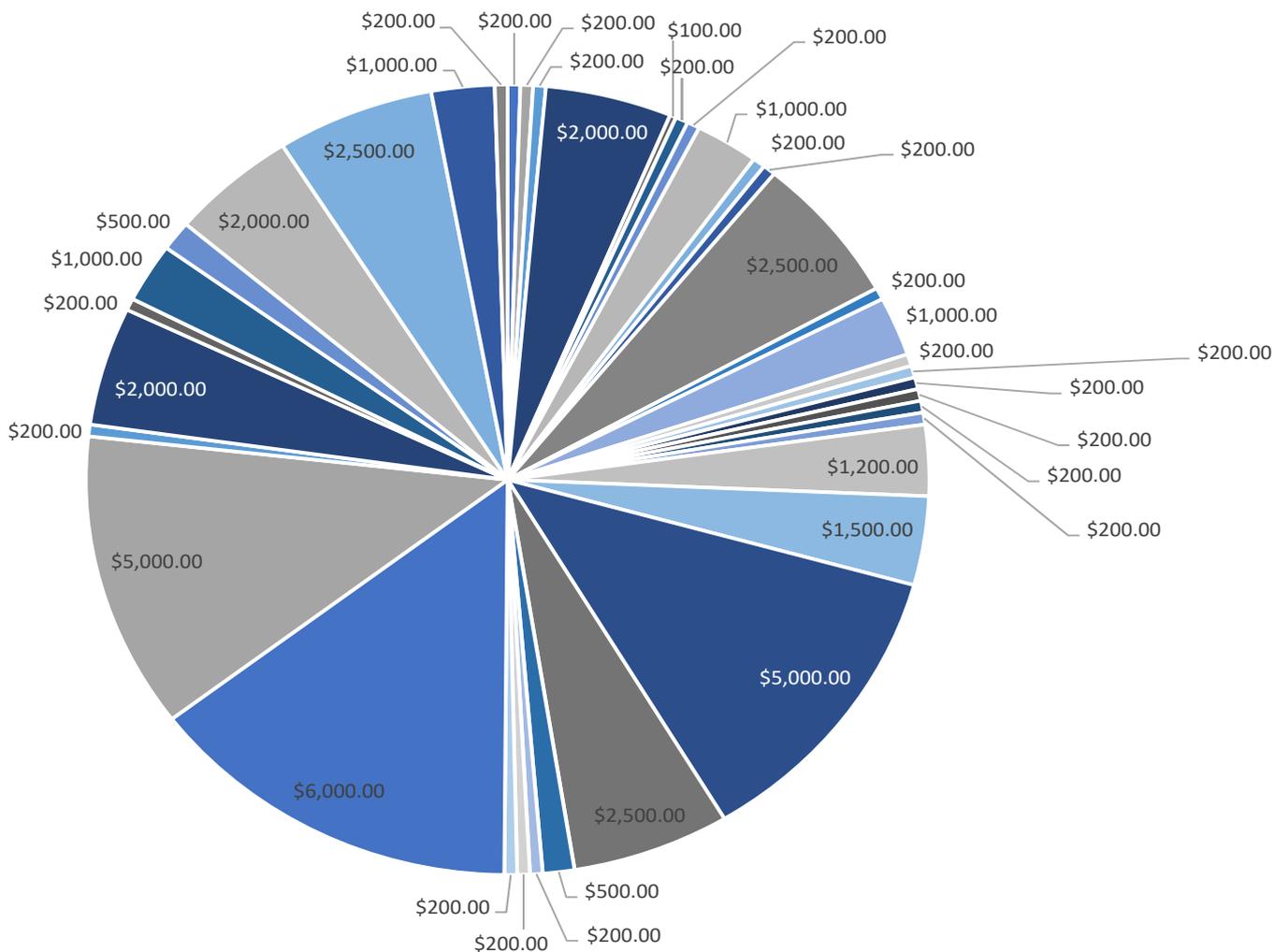


Andrew L. Fergel
Secretary-Treasurer

*Budget is attached hereto and incorporated herein.

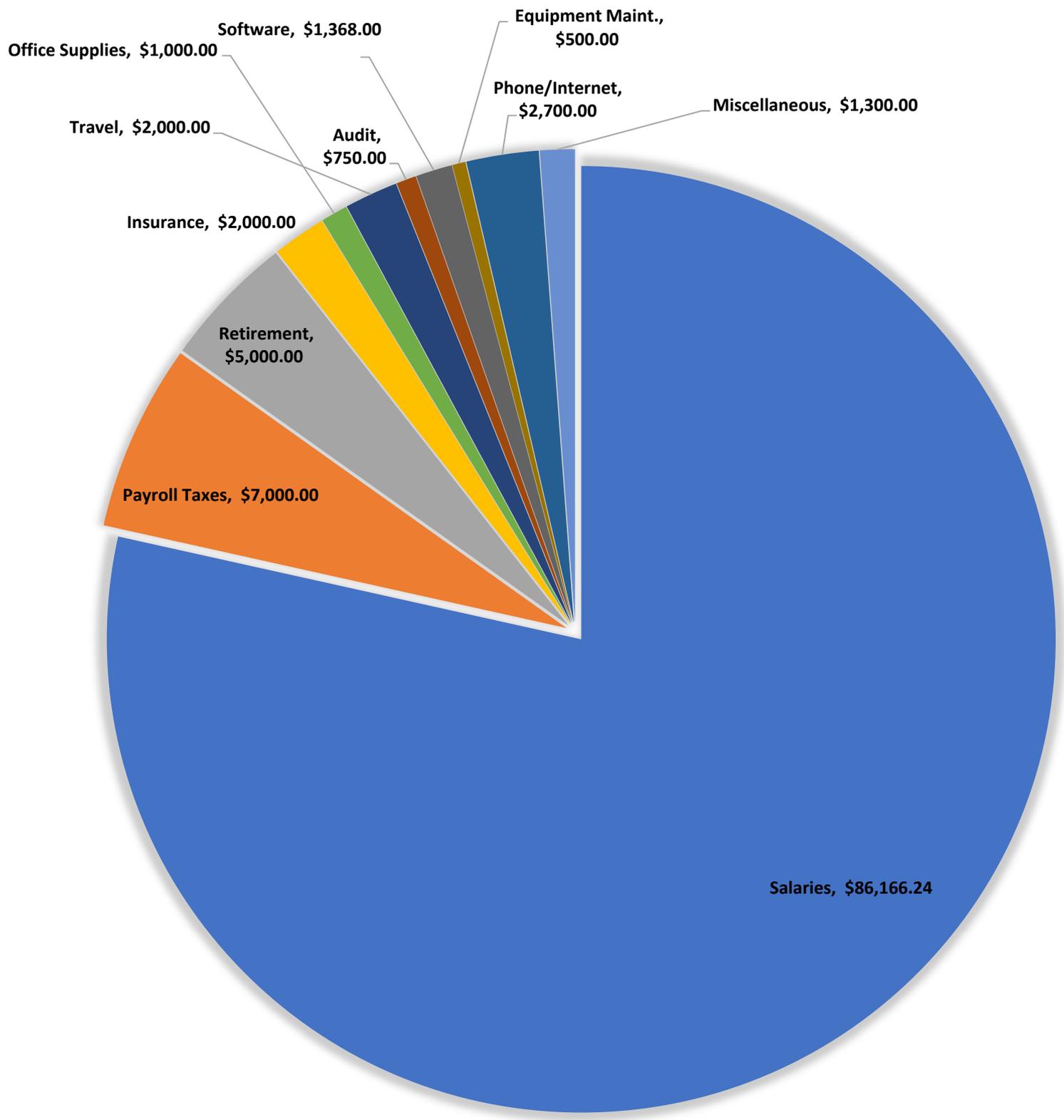


2018-19 Approved General Fund Budget



- Admin. Law - \$200
- Alternative Dispute Resolution - \$200
- Consumer Protection - \$100
- Debtor-Creditor - \$200
- Education - \$200
- Ethics - \$2,500
- Family Law - \$1,000
- Indian Law - \$200
- Judicial Bar Liaison - \$200
- Law Practice Management - \$200
- Lawyers Assistance - Depression/Stress - \$1,500
- Lawyers Concerned for Lawyers - Chemical Dependencies - \$2,500
- Liaison w/SD IRS - \$200
- Negligence and Tort Law - \$200
- PJI - Criminal - \$5,000
- Project Rural Practice - \$2,000
- Real Property, Probate & Trust - \$1,000
- Veterans - \$2,000
- Women in Law - \$1,000
- Ag. Law - \$200
- Business Law \$2000
- Criminal Law - \$200
- Diversity & Inclusion - \$1,000
- Elder Law - \$200
- Evidence - \$200
- Immigration - \$200
- In-House Counsel - \$200
- Labor & Employment Law - \$200
- Law School - Committee - \$1,200
- Lawyer Referral - \$5,000
- Legal Services - \$500
- Natural Resources - \$200
- PJI - Civil - \$6,000
- Practice Rules Revision - \$200
- Public Sector Lawyers - \$200
- Solo & Small Firm - \$500
- Website - \$2,500
- Worker's Compensation - \$200

2018-19 Approved Committees Budget



2018-19 Approved Access to Justice Budget



HERO

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



THE 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. In other words...

YOU ARE A SUPERHERO.

- WILLIAM COESTER
- KYLIE RIGGINS*
- ELLIE VANDENBERG
- THOMAS FRIEBERG
- CLAIR GERRY
- MARY BURD
- JULIE DVORAK
- RYAN KOLBECK
- KATIE JOHNSON*
- NICOLE GRIESE
- JOAN POWELL
- PATRICK DOUGHERTY
- MARILYN TREFZ*
- JENNIFER BUNKERS

And thank you to the following attorneys for answering questions on SD Free Legal Answers this month!

They are:
Scott Moses, Joseph Hogue, Tom Simmons, Mrg Simon!

*Indicates pro bono volunteer has accepted multiple cases this year!

ARE YOU INTERESTED IN BECOMING A LEGAL SUPERHERO AND MEMBER OF THE A2J JUSTICE SQUAD? PLEASE SEND A MESSAGE TO DENISE LANGLEY AT: ACCESS.TO.JUSTICE@SDBAR.NET.

BOOM!

KAPOW!

ZAP!



ACCESS TO JUSTICE, INC.

To register your firm, please visit
<http://www.statebarofsouthdakota.com>
and click on Access to Justice

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.

IS THE LAWYER REFERRAL SERVICE RIGHT FOR ME?

LRS Committee

Are you looking for new clients? If so, the Lawyer Referral Service is right for you! The Lawyer Referral Service is not a free or reduced-fee legal service program. We are simply the right website for clients to find the right lawyer.

In the past, potential clients seeking legal representation were encouraged to call the State Bar Office for a referral. We have replaced that outdated system. Now, potential clients will be directed to our new website at www.findalawyerinsd.com.

Since launching the website in late June, thirty-two lawyers have enrolled. And while we have not yet released our public media campaign (this is coming soon), potential clients are already using our website and have been matched with enrolled lawyers in their area.

Ready to give it a try? Enrolling is easy:

- Send your completed enrollment form to the State Bar Office along with a \$50 payment for the annual service fee
- Create your referral profile on our website at www.findalawyerinsd.com
- Choose up to three practice panels, and an unlimited number of subpanels within your practice panel group (additional practice panels may be added for \$20 per panel)
- Begin receiving matches in your area

Enrollment in the Lawyer Referral Service is a great way to grow your practice, help potential clients seeking legal representation, and support the mission of the State Bar.



www.findalawyerinsd.com

An Overview of Common Legal Issues re Immigration

Part 6 | SD State Bar Immigration Law Committee

Immigration law and immigration consequences become relevant in other areas of law when non-citizen clients are involved. To assist other practitioners, the immigration committee has put together general information on some of these situations. The committee's goal is to generate awareness of some of the more common non-immigration legal issues that are problematic for the client's status or future status options. This is the last article in this series. Please see previous editions of the bar newsletter for prior topics.

Criminal Offenses

Non-citizens who have been convicted of certain crimes, or who have done certain "bad acts" without being convicted, can be removed from the United States. Problems with drugs, crimes involving moral turpitude (such as theft, fraud, or violence), prostitution, firearms, sexual crimes, and a host of other offenses can cause problems. Even very minor offenses can make the person inadmissible, deportable, or unable to establish good moral character. In almost all cases, once a defendant in criminal court enter a plea of guilty or no contest, a conviction has occurred for immigration purposes. This is true even if under state law there is no longer a conviction for some purposes. This area of law is extremely complex and constantly changing and even small criminal convictions can have terrible immigration consequences.

Prior Topics

- September Newsletter: Protection Orders, Divorce
- August Newsletter: Child Abuse/Neglect, Involuntary Termination of Parental Rights
- July Newsletter: International Adoption and Hague Convention
- June Newsletter: Firearms Offenses, Hunting Violations and Affidavits of Support
- May Newsletter: Types of Immigration Statuses

Guidelines to Closing Your Law Practice

Mark Bassingthwaite, Esq.

mbass@alpsnet.com

A lawyer can decide to close her practice for any number of reasons. Disability, retirement, disbarment, a move out-of-state, or a career change are the more common ones we hear. While the specific steps that need to be taken can vary significantly depending upon the reasons behind the closure, this article seeks to provide some general guidance on the principal issues that will arise. At the outset, understand that in many instances the process of properly closing a law practice can easily take six to twelve months and sometimes longer because the obligations to protect client confidences as well as the interests of the client make closing a law practice more difficult than closing other types of businesses. Finally, note that jurisdictional rules do differ and a review of your local rules and ethics opinions, perhaps coupled with a call to your local bar counsel would be well advised early on in the process.

The first step one should take after making the decision to close is to determine what files can be finalized prior to closing and then seeing that enough time is set aside to enable you to follow through. This does mean that you will need to make a decision as to when to stop taking on new matters and also when to notify staff as they will be interacting with the public as well as current and past clients once the news breaks.

The second step is to write and send a letter to all clients with active matters that cannot be closed in order to advise them of the upcoming change. Typically these letters will inform the client of any relevant time limitations or time frames, provide instructions as to how and where they may obtain a copy of their file, and advise them to find a new attorney as quickly as possible. An offer to assist the clients in finding a new attorney by providing a few names or the phone number to a local lawyer

referral service would also be appropriate. Don't overlook the importance of setting forth your file retention policy and providing post closure contact information in the event a client needs a copy of their file at some later point in time. It is for this reason that some jurisdictions also require that a similar letter be sent to past clients. Where called for, these initial letters are usually followed up with a full accounting of client funds that remain in the trust account and/or a statement of fees owed by the client.

As clients respond to these letters, remember to retain your original file and return to the client any original documents and/or client property such as original wills, deeds, stock certificates, signed contracts, promissory notes, etc. Again, clients get copies of your file; you get copies of their original documents. Don't forget to document the disposition of the files in case questions come up post closure. Have clients sign an authorization to release their file to their new attorney or sign an acknowledgement that they picked up a copy of their file.

On matters that have pending court dates, depositions, or hearings, have a conversation with the client in order to discuss how to proceed. A request to reset a hearing or a request for an extension or continuance may be called for and, once received, confirmation of the granted request should be sent to opposing counsel and your client. For cases before a court or administrative body, obtain client permission to submit a motion and order to withdraw as the attorney of record and at an appropriate time verify that all motions to withdraw have been granted. If the client has obtained a new attorney, make certain that a Substitution of Counsel is filed.

If, over the course of your career, you failed to review and destroy old files that no longer needed to be retained, now is the time to begin. The costs to continue to maintain closed files can be significant and you have an ethical obligation to take care of this. Don't burden a spouse by leaving this for them to deal with should your spouse outlive you.

When you originally closed the file, you should have separated all the original documents that belong to the client and returned them to the client. If you did not, do it now. In fact, a review of every file prior to destruction is a good idea as sometimes original documents were overlooked when the file was initially closed.

Remember that in most jurisdictions the file belongs to the client and some clients will

want their original file as opposed to having it destroyed. This means that you can't simply decide to destroy client files absent client awareness and approval. If you did not obtain the client's instructions when you closed any given file, seek those instructions now. Many attorneys will simply send letters to their clients' last known addresses. Once you learn their wishes, carry them out. If you are going to destroy a file, make sure you follow through with the notion of destruction. "Destruction" does not mean leaving the file in a dumpster behind the office. You should incinerate or shred these files. You cannot compromise your client's confidences, even in file destruction. Again, document your actions. Track the client name, file matter, method of disposition (destroyed, returned) and date of disposition.

Turning to one specific business concern, contact

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your malpractice insurance carrier well in advance of closing. The purpose is to begin the process of learning about the options for obtaining an extended reporting endorsement (ERE - more commonly referred to as a “tail policy”). This endorsement is not a new policy. It simply provides an attorney the right to report claims to the insurer after a policy has expired or been cancelled. Again, it is important to note that under most ERE provisions the purchase of the endorsement is not one of additional coverage or of a separate and distinct policy. This means no coverage will be available for a wrongful act that takes place during the time the ERE is in effect. So if a claim arises several years post retirement out of work done in retirement, for example writing a will as a favor for a friend, there would be no coverage for that claim under the ERE. That’s worth remembering.



ALPS Risk Manager Mark Bassingthwaight, Esq. has conducted over 1,000 law firm risk management assessment visits, presented numerous continuing legal education seminars

throughout the United States, and written extensively on risk management and technology. Check out Mark’s recent seminars to assist you with your solo practice by visiting our on-demand CLE library at alps.inreachce.com. Mark can be contacted at: mbass@alpsnet.com.

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Certified Business Appraisals

A QUESTION OF VALUE:

What should I know about valuations for the purpose of marital dissolution?

When a marital asset is the interest in a closely-held business entity, we can determine the fair market value (or fair value) of the ownership of such entity, assist with property settlement negotiations, and formulate a list of questions that should be asked during a deposition to ensure all necessary information is obtained. In addition, we are experienced in courtroom testimony and can serve as your expert witness.

Are you helping a client through marital dissolution? We can help!



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Ketel Thorstenson, LLP

Certified Public Accountants/Business & Personal Consultants

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810 Quincy Street | Rapid City | 605-716-8997  609 Mount Rushmore Road | Custer | 605-673-3220
123 East Jackson Boulevard, Suite 2 | Spearfish | 605-642-7676

**Judicial Qualifications Commission
State of South Dakota**

500 East Capitol Avenue

Pierre, SD 57501

Telephone: (605) 773-2099

Fax: (605) 773-8437

Email: lori.grode@ujc.state.sd.us

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Hon. Robin J. Houwman

Mark Haigh

Hon. Bruce V. Anderson, Secretary

Timothy M. Engel

Rebecca A. Porter

Lori Grode, Executive Assistant

Notice of Judicial Vacancy

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

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

Due to the upcoming retirement of the Hon. Mark Barnett on March 23rd, 2019, a vacancy will be created for a Circuit Court Judge position, (Position A), in the Sixth Judicial Circuit Court for the State of South Dakota. The **duty station** for this position shall be located in Pierre, 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://ujc.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 November 9th, 2018**. **Applicants should make sure the application submitted is the 2018 revision.**

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

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

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

The Sixth Circuit is comprised of the following counties: Potter, Sully, Hyde, Hughes, Stanley, Haakon, Lyman, Jones, Jackson, Mellette, Gregory, Tripp, Todd and Bennett.

**MAGISTRATE JUDGE
Fifth Judicial Circuit
Aberdeen, South Dakota**

Requisition #: J19-11
Agency: Unified Judicial System
Salary: \$102,780.69 annually
Closing Date: October 30, 2018

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

Duties may include:

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

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

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

PMB 2713-000
Director of Human Resources
Unified Judicial System
500 East Capitol Avenue
Pierre, SD 57501
Phone: (605) 773-4867; Fax: (605) 773-8437
Lisa.Mammenga@ujs.state.sd.us
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PUBLIC NOTICE
REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE

The current appointment of Magistrate Judge Todd Hyronimus is due to expire on February 25, 2019. Magistrate Judge Todd Hyronimus serves in the Seventh Judicial Circuit.

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

Pursuant to UJS policy members of the bar and the public are invited to comment as to whether Magistrate Judge Todd Hryonimus should be reappointed to another four-year term.

Written comments should be directed to:

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

Comments must be received by: November 26, 2018

Job Postings and Classified Advertisements

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

ATTORNEYS

UNION COUNTY Deputy State's Attorney

SALARY: \$4,250 - \$4,583.00 Monthly

Opening Date: 9/20/18

Closing Date: open until filled

GENERAL INFORMATION:

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

UNION COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER

APPLICATION PROCEDURE:

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

Application materials must be received by the closing date.

Applications may be submitted to:

Email: Jerry.Miller@UnionCountySD.org Subject line:

APPLICATION OR

Mailed: Union County State's Attorney

209 East Main Street ~ Suite 140

Elk Point, SD 57025

Re: APPLICATION

Litigation Attorney: Rapid City

Grey & Eisenbraun Law, Prof. LLC, is now accepting applications for an associate attorney. This position is ideal for an attorney with a strong interest in federal and state criminal litigation. The firm engages in a statewide practice involving major trial work; therefore, some travel is necessary. Salary is dependent upon experience, profit sharing may be available for more experienced candidates. A partnership track is also available. Interested applicants should email a cover letter, resume and writing sample to andrea@greyeisenbraunlaw.com. All inquires will be kept strictly confidential.

Deputy/Senior Deputy State's Attorney: Sioux Falls

The Minnehaha County State's Attorney's Office is looking for a prosecutor to join our top performing team of attorneys. Supported by experienced investigators, victim/witness assistants, paralegals, and legal office assistants, our attorneys enjoy a strong sense of camaraderie working in a think tank of legal minds. Incumbents will perform professional legal work on behalf of Minnehaha County in civil and criminal court and administrative proceedings. Requires graduation from law school, JD degree, and admission by Supreme Court of SD to practice law; or out of state license & eligible to sit for next SD bar exam. Appointment at Senior level requires 2+ yrs of relevant experience. Salary range: \$2,552.00 - \$3,695.20/bi-weekly. Minnehaha County offers health, dental, vision and life insurance, a generous paid time off program, extended sick leave, retirement, and an employee assistance program.

For a full list of qualifications and the application process visit: <http://jobs.minnehahacounty.org>.

Posting will remain open until the position is filled.

Contact HR with questions at 605-367-4337. EO/AA Employer.

Associate Attorney: White Lake

Swier Law Firm's office in White Lake, South Dakota is seeking an ASSOCIATE ATTORNEY to join its rapidly growing practice. We are looking for an entrepreneurial-minded attorney to lead our Aurora County office in White Lake. The ideal candidate will want to create a life centered around small-town South Dakota, become part of the White Lake community, and grow the practice to surrounding counties. Swier Law Firm offers competitive compensation packages, unlimited growth, and proven results.

Candidates must possess outstanding oral and written skills, along with a desire to excel. South Dakota license required. Please send a resume and cover letter to Executive Director Sara Travis at Sara@swierlaw.com. All inquiries will remain confidential.

Family Law Attorney: Rapid City

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

Family Law Attorney: Sioux Falls

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

Attorney: Mankato, MN

Stinson Leonard Street

Description:

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

Qualifications Required:

Qualified candidates will have at least three (3) years of experience in the areas of corporate law, business transactions, business succession planning, secured lending transactions and/or commercial real estate. The successful candidate is a professional who can provide exceptional customer service both to our clients and our internal team. Qualified applicants will possess excellent academic credentials and have strong writing, analytical, organizational, and communication skills.

Applicant must be licensed to practice law in the State of Minnesota.

To Apply: Please send cover letter, resume, unofficial law school transcript, and writing sample by e-mail to:

Anna Lloyd

Attorney Recruiting Manager

Stinson Leonard Street

1201 Walnut, Suite 2900

Kansas City, MO 64106

recruiting@stinson.com

Stinson Leonard Street is an EEO employer. We encourage qualified minority, female, veteran and disabled candidates to apply to be considered for open positions. We offer a competitive compensation and benefits package. We conduct criminal background checks of all individuals offered employment.

For information about Stinson Leonard Street, visit us at www.stinson.com.

ASSOCIATE ATTORNEY: Sioux Falls

The Sioux Falls law firm of May & Johnson, P.C. is currently seeking an associate attorney for a general practice position, primarily non-litigation. More than one year experience in private practice is desired. All inquiries will be kept confidential. Send resume and references to: jbrekke@mayjohnson.com.

Supreme Court Judges: Yankton Sioux Tribe

The Yankton Sioux Tribe, with headquarters in Wagner South Dakota, is seeking applicants for three (3) law trained Supreme Court Judges positions for the Yankton Sioux Tribal Supreme Court as established in Title I, Chapter II of the YST Law and Order Code to hear cases as needed taken on appeal from the Yankton Sioux Tribal Court under Rule 37 of the YST Rules of Civil Procedure and Chapter V of the YST Rules of Criminal Procedures. Resumes shall be submitted to and reviewed by the YST Business and Claims Committee at P.O. 1153, Wagner SD, 57380, (605)384-3641, who will make appointments, determine further qualifications, terms of office and compensation as set forth in Title I, Chapter II, Sec. 1-2-2(2) of the YST Law and Order Code. The positions shall be considered open until filled

Staff Attorney: Sioux Falls, SD

Disability Rights South Dakota is currently seeking an attorney for the position of Staff Attorney and Protective & Advocacy of Individual Rights Program Director in the Sioux Falls, SD office. The primary purpose of this position is to provide legal representation to clients of Disability Rights South Dakota and perform oversight of program(s) within Disability Rights South Dakota. The successful candidate will hold a Juris Doctor degree with admission to the state bar or within six months of hiring date; one to three years applicable law and litigation experience is preferred. The candidate should be highly motivated, organized, have excellent communication skills (written and oral), be detail orientated, and have an understanding of database programs. Other skills needed are the ability to meet and greet the public, work in a team environment, and have an understanding of the service delivery system. This position requires the incumbent to have

knowledge of grant management including compliance to the sponsored programs at the local, state and/or federal levels (depending on granting agency). The incumbent should have knowledge of state laws, programs, and issues concerning persons with disabilities and understanding of a non-profit office environment. Competitive salary and full benefits are provided. Position is open till closed. To apply please include a letter of interest, resume, and writing sample to hooks@sadvocacy.com or mail to:

Disability Rights South Dakota
Attn. Sandy Hook - Executive Assistant
221 S. Central Avenue, Ste. 38
Pierre, SD 57501

For a detailed job description please visit the employment page at www.drdsdla.org.

Deputy/Senior Deputy Public Defender: Sioux Falls

Seeking compassionate lawyer with excellent advocacy skills who is committed to ensuring justice, humanity, and equality to indigent clients appearing in the criminal and juvenile justice system. Will defend clients charged with misdemeanor and felony offenses, involuntary commitment proceedings for mental illness or chemical abuse, abuse and neglect proceedings, and juvenile delinquency matters. Requires graduation from law school, JD degree, and have either passed the South Dakota bar exam and eligible to practice law in SD; or be licensed to practice law in any other state and able to take the next SD bar exam; or be a recent or imminent graduate able to sit for the next SD Bar Exam. Bilingual skills a plus. Appointment as a Senior Deputy Public Defender requires 2+ years of relevant work experience. The salary range is \$2,552.00 - \$3,695.20/biweekly. Minnehaha County offers a competitive benefits package including health, dental, vision, and life insurance, a generous paid time off program, extended sick leave, retirement, and an employee assistance program.

For a full list of qualifications and the application process visit: <http://jobs.minnehahacounty.org>. Posting will remain open until the position is filled. Contact HR with questions at 605-367-4337. EO/AA Employer.

PARALEGAL

Paralegal: Sioux Falls

Woods Fuller Law Firm is seeking an experienced full-time Paralegal to join our fast-paced Business and Estate Planning practice groups. Successful candidate will be a motivated, hardworking team player with impeccable organization and communication skills.

Prior experience preparing and filing 706 and 709 regulatory and tax filings a plus.

Key skills and abilities of a successful candidate: (1) Ability to organize and prioritize multiple tasks under time constraints; (2) Experience providing outstanding client-centered service; (3) Experience drafting corporate maintenance documents; (4) Experience preparing tax and regulatory filings; (5) Experience preparing estate and probate documents; (6) Strong knowledge of Microsoft Word and Microsoft products

If you are looking for a work family, Woods Fuller is the place for you. We offer excellent benefits and a family-friendly atmosphere.

Woods Fuller offers a strong benefits package and competitive wages. Hourly wage \$24+ DOE.

To apply, submit a cover letter and resume to Rachell.Henning@woodsfuller.com

To learn more about the firm, visit our website at WoodsFuller.com.

Equal Opportunity Employer

Woods, Fuller, Shultz & Smith P.C. provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to age, race, color, creed, disability, religion, sex, ancestry, national origin, protected veteran status, or genetic information. In addition to federal law requirements, Woods, Fuller, Shultz & Smith P.C. complies with applicable state and local laws governing nondiscrimination in employment in every location in which the company has facilities.

Legal Assistant/Paralegal: Sioux Falls

The Federal Public Defender for the Districts of South Dakota and North Dakota is accepting applications for a Legal Assistant/Paralegal. The position will be located in the Sioux Falls, South Dakota, office. More than one position may be filled from this announcement.

Description: The Legal Assistant/Paralegal provides

support to the attorneys. This position requires advanced knowledge of legal terminology; work and information processing software; proficiency with case management technology; and an understanding of district and circuit court rules and protocols. Also required is editing and proofreading documents, cite checking, assembling materials for filing; handling telephone and in-person callers; screening and routing incoming mail and preparing correspondence. Calendars for the attorneys must be maintained, and meetings and phone conferences arranged.

The candidate will have a general understanding of office confidentiality issues, such as attorney/client privilege; the ability to analyze and apply relevant policies and procedures to office operations; exercise good judgment; have a general knowledge of office protocols and secretarial processes; analyze and recommend practical solutions; be proficient in Microsoft Word and Adobe Acrobat; have the ability to communicate effectively with assigned attorneys, other staff, clients, court agency personnel, and the public. Salary will be based on qualifications and experience. Compensation includes federal employee benefits. Qualified applicants should send a cover letter, resume, and three references to: Neil Fulton, Federal Public Defender, P.O. Box 1258, Pierre, SD 57501 or via email to: Neil_Fulton@fd.org. Position will remain open until filled. The selected candidates will be subject to a background check as a condition of employment. EOE.

LEGAL ASSISTANT

East River Legal Services - Legal Assistant

East River Legal Services (ERLS) is a non-profit law firm that provides free civil legal aid to low-income individuals in the thirty-three (33) eastern South Dakota counties. ERLS is seeking a professional, experienced, and intelligent legal assistant/secretary with excellent communication and interpersonal skills for all front office desk duties and administrative support.

General Responsibilities:

Under the supervision of the Executive Director and Supervising Attorneys, the legal assistant/secretary renders legal support services including, but not limited to: meeting with clients (in-person or on

the phone), providing clerical and administrative support to attorneys, preparing correspondence and documents using Microsoft Word, copying documents, scanning documents to PDF file format, maintaining client files in a confidential and well-organized manner, perform data entry of client statistical information, receive all visitors, answer phones, and perform other duties as assigned.

Salary:

Current entry-level salary is \$28,000 per year. The salary for the successful applicant may be significantly higher, based on applicant's years of experience.

Benefits:

Excellent benefits package that includes paid vacation and holidays; sick time; retirement plan; health, dental, and life insurance.

To apply:

Please send a cover letter, resume, with references, to:
Brent Thompson

Executive Director

East River Legal Services

335 North Main Avenue, Suite #200

Sioux Falls, SD 57104

East River Legal Services is an equal opportunity affirmative action employer. ERLS encourages applications from minorities, females, people with disabilities and veterans.

consumer complaints related to supervised financial institutions.

Bachelor's degree in banking, finance, accounting, business, economics, or a related field, and advanced degrees (JD, MBA, etc.) preferred.

Starting salary: \$40,000 - \$45,000 annually, depending on experience. Excellent training and salary advancement opportunities.

No previous examination experience necessary. Overnight travel is required. For more information visit <http://bhr.sd.gov/workforus/workbenefits.aspx> Apply at: <http://tinyurl.com/yaqb8327>. "An Equal Opportunity Employer"

To be considered, please attach a letter of interest, post-secondary transcripts, and a writing sample. The State of South Dakota offers paid employee health insurance, ten paid holidays, generous vacation leave accrual, plus medical, dental, vision, and other benefits.

FINANCIAL INSTITUTION EXAMINER

FINANCIAL INSTITUTION EXAMINER—South Dakota Division of Banking

The Division of Banking is seeking inquisitive and analytical applicants with excellent communication skills to join our team of professional Financial Institution Examiners in Pierre or Sioux Falls. The Division regulates the state's banking, trust, and financial services industries to assure confidence in financial markets and services. Examiners determine the condition of state-chartered banks, trust companies, and other licensed financial institutions; evaluate adequacy of internal control procedures; determine compliance with State and Federal statutes related to banking, trust, licensing, and consumer protection; evaluate trust and loan administration and corresponding investment portfolios for prudence, quality, and suitability; make recommendations on findings; and investigate



October 2018

SD YLS Swearing-In Ceremony.....October 19.....Rotunda, Pierre
Nuts and Bolts CLE.....October 19.....Red Rossa, Pierre
Bar Commission Meeting.....October 19.....Red Rossa, Pierre
Juvenile Law CLE.....December 7.....Ramkota, Rapid City
Bar Commission Meeting.....January 4.....Dakota Event Center, Aberdeen
2019 Annual Meeting.....June 19-21.....Ramkota, Rapid City

