

State Bar of South Dakota  
*Newsletter*





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State Bar of *South Dakota*

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# State Bar of South Dakota

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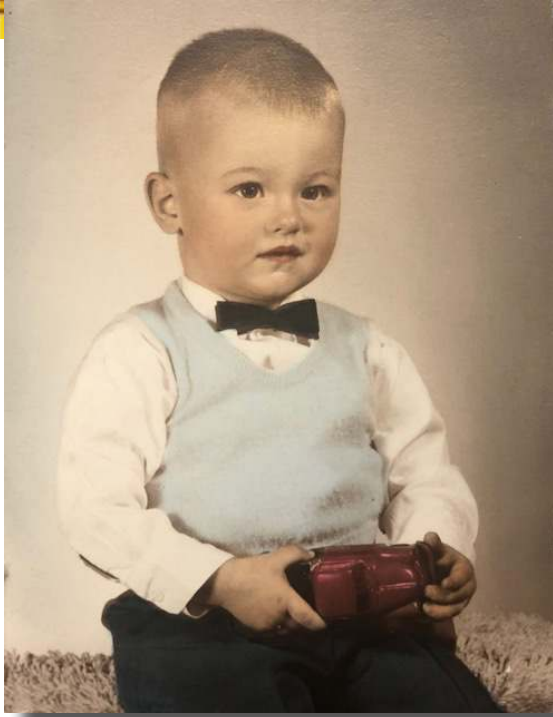
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## President's Corner - Reed A. Rasmussen



I recently attended the Eighth Circuit Judicial Conference in Des Moines. The Eighth Circuit has a judicial conference every year. Attorneys are invited to attend every other year. South Dakota had an excellent turnout this year. The conference always attracts interesting speakers. Among others, this year we heard from Attorney General Jeff Sessions and Supreme Court Justice Neil Gorsuch. The next conference will be held in Omaha in August 2020. Supreme Court Justice Ruth Bader Ginsburg is tentatively scheduled to speak in Omaha.

A number of law students attended Justice Gorsuch's presentation. He emphasized to them the importance of being kind to the Court, opposing counsel and litigants. This is one of the great things I have observed in trying cases in South Dakota for nearly 40 years. For the most part, there is a high degree of civility amongst members of the South Dakota Bar. Although South Dakota attorneys competently represent their clients, they generally do so in a professional manner which does not involve dirty tricks and incivility.

Although some of you may have heard these stories before, a couple of personal experiences of mine regarding cases I tried against Scott Heidepriem demonstrate the way I believe things are oftentimes done in South Dakota. In one case, Scott was attempting to put some medical bills into evidence. I objected and asked the judge if I could speak to Scott because I thought there was some issue regarding the admissibility of some of the bills, the amount of which probably totaled less than \$100. When I raised the issue, Scott reminded me who had bought dinner the night before. I immediately withdrew my objection.

Scott and I were later involved in a highly contested medical malpractice case in which the end result of the medical treatment provided to Scott's client had not been good. The jury returned a somewhat surprising verdict in favor of the defense. After the verdict, Scott told me that he had been updating his elderly mother on a daily basis regarding the progress of the trial. He told me that when he reported the verdict to his mother, her response was, "You lost that case?" If we did not have a congenial relationship, Scott would never have provided me with that information. In the end, he got the last laugh when the verdict was reversed on appeal.

I encourage all of you to be cooperative with opposing counsel. We have all had clients who want us to do whatever we can to make life miserable for the opposing party and its counsel. That is not the way things have traditionally been done in South Dakota and I hope that continues.

We are continuing efforts to get attorneys signed up for the new lawyer referral service. Information regarding participation in the program can be found in the Newsletter. I urge you to consider being listed in the directory.



This month's Newsletter contains an article from Bar Commissioner Jennifer Williams. Please review her thoughts about service to the Bar.

cute at one point in my life. Although I had to go a long way back to find such a photo, I was able to do so with the help of my mother.

In last month's Newsletter, I provided a photograph of myself that proved I once had hair. In this month's Newsletter, my photograph shows that I was even

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

THE  
RIGHT WEBSITE  
TO FIND  
THE RIGHT LAWYER

STATE BAR OF SOUTH DAKOTA

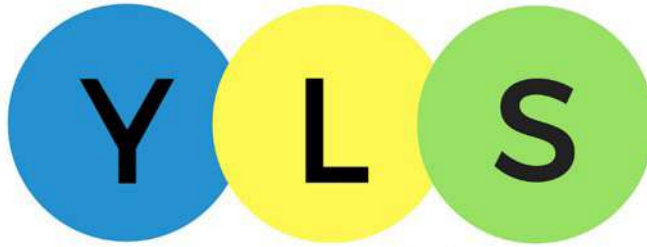
LRS

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STATE BAR OF SOUTH DAKOTA



YOUNG LAWYERS SECTION

by: Tamara Nash, YLS President

“A mentor is someone who allows you to see the hope inside yourself.”  
— Oprah Winfrey

This month I would like to focus my message on mentorship. A mentor is someone who has the experience or knowledge you seek, and can help in your current role or assist with future opportunities. Fortunately, many of us have a mentor or mentors who have taken the time to guide us professionally. Mentorship is one of the most important facets of our profession. It is how we share and provide information and knowledge between generations. It fosters professional growth and advancement and mentorship can form trusted relationships that can transcend barriers. This guidance is invaluable, especially as the practice of law continues to change.

As you may know, the YLS oversees the operation of the Bar’s Mentorship Program, The Hagemann-Morris Young Lawyer Mentorship Coin Program (HMMCP). The program was born out of the dedication and hard work of past State Bar President Bob Morris and past Young Lawyer President Sarah Sharp-Theophilus, who during their 2009-2010 tenure created a mentorship coin project. In 2010, the program was officially renamed the HMMCP, in honor of the mentorship relationship between Bob and his classic mentor, the late University of South Dakota Law School Professor, John F. Hagemann.

The ultimate objective of the HMMCP is to pair young lawyers with mentors who share a common interest. The hope is that the mentor will share candid and insightful guidance to their mentee. New lawyers are asked to complete an application for mentor, either online (<https://www.surveymonkey.com/r/KKR8XXR>) or by paper application. That application

is then submitted to their Young Lawyers Section Board of Directors Circuit Representative. Based on the criteria within the application, the YLS Circuit Representative then contacts prospective mentors to accept the new lawyer as a mentee. New lawyers can also make suggestions on who they would like as a mentor or directly request an attorney to serve as their mentor. To facilitate the mentorship and mentoring plan, the YLS provides each participant with a copy of the HMMCP Guidebook, which covers the parameters of the relationship. This guidebook can then assist the new lawyer and mentor on what information would be most beneficial to new lawyers as they begin their legal careers.

Each new young lawyer who enters profession is provided two mentorship coins (either by request or at the statewide swearing-in). The young lawyer may then present one of the coins to their mentor and keep the other coin for themselves. We hope that the Mentor Coin becomes a treasured and respected representation of “knowledge and friendship” that will last a lifetime. We strongly and firmly believe that the Mentor Coin represents integrity, dedication to the core values of the law, excellence in the profession, and service to our profession and community before self.

Thank you to those who choose to take part in this process. If you have taken on the mission of mentoring a new attorney, your time and dedication is appreciated! If you are a young attorney who serves as a mentee, you are appreciated. It takes all of us to lift up the profession and make it the very best. I believe that these relationships are one of the strongest

attributes of our State Bar. I have experienced first-hand how mentorship can influence someone's path for the better. I myself blessed to have extraordinary mentors within our Bar. In every phase of my legal journey, there has been someone willing to invest in me and teach me. I cherish each of these relationships; they have made this journey unforgettable.

Before I leave you, I would like to fill you in on what the YLS has going on this month. This month the YLS will be assisting USD VLEG with two veterans' legal clinics. These clinics will be held twice this month.

September 13th in Hot Springs at the VA Hospital from 9-3pm.

September 14 in Rapid City at the RC Legion from 9-3pm. (Please note the location and time change from previous publications.)

If you are someone, you know is able to assist with the clinics by volunteering your legal services, please contact: Austin Schafer (Austin.Schaefer@coyotes.usd.edu).

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)
- Secretary/Treasurer – Carrie Srstka (Pierre)
- 1st Circuit Representative – Justin Johnson (Mitchell)
- 2nd Circuit Representative – Anthony Sutton (Sioux Falls)
- 3rd Circuit Representative – Brittany McKnight (Brookings)
- 4th Circuit Representative – Nicholas Peterson (Spearfish)
- 5th Circuit Representative – Ryan Dell (Aberdeen)
- 6th Circuit Representative – Holly Farris (Pierre)
- 7th Circuit Representative – Kassie Shiffermiller (Rapid City)
- At Large Representative – Kelsey Knoer (Sioux Falls)
- Law Student Representative – Jenna Schweiss (Vermillion)

Kindest regards,  
Tamara P. Nash





SAVE THE DATE

STATEWIDE SWEARING-IN  
CEREMONY

OCTOBER 19, 2018

3:00 P.M.

CAPITOL ROTUNDA

PIERRE, SOUTH DAKOTA



# 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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**DIAMOND FELLOWS: \$10,000 plus -**  
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**Hon. John B. Jones     Hon. Jack R. Von Wald**  
**Charles L. Riter**

**SILVER FELLOWS: \$1,000 per year**  
**Kimberly A. Mortenson (renewed 17-18)**  
**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

<b>John P. Blackburn</b>	<b>Bob Morris</b>
<b>Richard D. Casey</b>	<b>Thomas J. Nicholson</b>
<b>Hon. Michael Day</b>	<b>Gary J. Pashby</b>
<b>Robert B. Frieberg</b>	<b>Stephanie E. Pochop</b>
<b>Thomas H. Frieberg</b>	<b>Reed A. Rasmussen</b>
<b>David A. Gerdes</b>	<b>Pamela R. Reiter</b>
<b>Hon. David R. Gienapp</b>	<b>Robert C. Riter</b>
<b>Patrick G. Goetzinger</b>	<b>Eric C. Schulte</b>
<b>G. Verne Goodsell</b>	<b>Jeffrey T. Sveen</b>
<b>Robert E. Hayes</b>	<b>Charles M. Thompson</b>
<b>Terry L. Hofer</b>	<b>Richard L. Travis</b>
<b>Steven K. Huff</b>	<b>Thomas J. Welk</b>
<b>Hon. Charles B. Kornmann</b>	

### 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

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

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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.

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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.*



Jennifer Williams  
Bar Commissioner

Hello! I am Jennifer Williams. Reed asked that I write a bit about myself, why I am involved in the State Bar, and how my involvement has benefited me.

I am a wife, mother, daughter, sister, friend, and one of your at-large Bar Commissioners. My undergraduate degree is in elementary education. I love to teach and learn. For the past thirteen years, I have worked for the South Dakota Supreme Court. Today, I am the law clerk for Justice Zinter. Before Justice Zinter, I clerked for Justice Konenkamp for nine years. I have also clerked for Justices Kern, Wilbur, and Severson. I consider myself extremely fortunate to have worked for so many strong intellects and difference makers.

The Justices taught me by their examples that the title of lawyer comes with great responsibility. We have a duty to be involved, to better our communities, to better ourselves, and to be there for one another. I first became involved in the State Bar as an at-large member on the Young Lawyers Board. I worked my way through leadership and became the State Bar Young Lawyer President for 2014-2015. Although I aged out of the Young Lawyers Board, I have stayed involved in the State Bar. I have had many people ask me why I continue to be involved. Indeed, it can be time consuming and frustrating. But isn't that true for many things worth doing? It's worth it to me because I get to meet a lot of people, I have the chance to make a difference (which I can't make if I don't get involved), and I am provided with many "ah ha" moments. One of my favorite quotes sums it up: "You never really understand a person until you look at things from his point of view . . . until you climb inside his skin and walk around in it." – Harper Lee. The State Bar is a system that affects us all as lawyers, and I am involved because I want to see things from another's point of view.

The biggest benefit from my involvement in the State Bar has been the mentors and friends. No one should attempt to navigate life as a lawyer without a good arsenal of quality people. Being involved in the State Bar has introduced me to lawyers I otherwise would have never met. I don't make a habit of visiting Aberdeen or Belle Fourche, but there are some pretty great lawyers there who are now my mentors and friends. Other benefits include: growing me up, kicking me in the pants, and helping me know I have a voice. There is no doubt my involvement in the State Bar has made me a better person and lawyer.



# 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](mailto:nrnplnsweather@gmail.com) or 605.390.7243.

## Ag Law

Friday September 28, 2018

Ramkota • Sioux Falls

1:00 PM

1-3:30 pm "The Impact of the Tax Cuts & Jobs Act on Agricultural Producers"  
Kristine Tidgren

3:30 pm "How to Manage the Trenches During the Farm Crisis"  
Steven Huff & Laura Kulm Ask

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

Chairs: Mike Traxinger & Jason Sutton

\*Stay tuned for  
more information



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State Bar of South Dakota,  
The Committee on Continuing Legal Education,  
The First National Bank in Sioux Falls,  
And The Sioux Falls Estate Planning Council

Joseph Dylla, Chair  
Joshua Rubenstein, Speaker  
Ramkota Hotel, Sioux Falls  
Friday, September 28, 2018

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# Estate Planning

8:00am - 8:30am Registration (Free to Active Members, all others \$100)

8:30am - 11:45am Program

Joshua S. Rubenstein is national head of his firm's Trusts and Estates practice and national chair of the Private Client Services group. He also is a member of the firm's Board of Directors and the Diversity Committee.

Josh advises businesses and private individuals, including high net worth individuals, senior executives, Professionals, entrepreneurs, artists and others with unique intellectual property interests. He handles a wide variety of private matters for these clients on a local, national and international level, including personal and estate planning, the administration of estates and trusts, and contested Surrogate's Court and tax proceedings. He has counseled clients in trust and estates matters for more than 30 years, building relationships with those who value and rely upon his advice. He is a popular choice among clients for "complicated multijurisdictional trust and tax work" and is regarded as a "pragmatic technician" who "will cut to the chase" (*Chambers USA*).

Josh's clients say he is "a real polymath - not just a great lawyer, but a great chap to deal with and a safe pair of hands," adding that he is "very able technically and very user-friendly" while also being "very good at getting down to the essence of what needs to be resolved and getting it done" (*Chambers USA*). Globally, he is "very highly rated for his cross-border work and is very active on the international trust scene as the treasurer of the International Academy of Estate & Trust Law" (*Chambers Global*). He focuses on creating sophisticated, yet uncomplicated, solutions for clients. Josh finds unforeseen problems and uses an interdisciplinary approach to resolve those problems, bringing in members of teams that deal with taxes, real estate or corporate and other transactional areas of the law, as necessary.

Josh is a former adjunct professor at Brooklyn Law School and is a frequent lecturer and author. He is regularly quoted in the media, with credits in *The New York Times*, *The Wall Street Journal*, *New York Law Journal*, *Citywealth*, *Forbes*, *Kiplinger's*, *Crain's*, *The Washington Post*, *FOX News*, *Bloomberg News* and *CNBC*. The Katten Trusts and Estates practice has earned recognition from Society of Trust and Estate Practitioners (STEP) for Best North American Private Client Team (2011, 2012) and from *Citywealth* for International Law Firm - USA (2012, 2013) under Josh's leadership. Clients note that within the Trusts and Estates practice, Josh is "spectacular" and "clearly the star of the Trusts and Estates team" (*U.S. News - Best Lawyers*® "Best Law Firms").

Register online at [www.statebarofsouthdakota.com](http://www.statebarofsouthdakota.com)



## South Dakota Lawyer Referral Service **ENROLLMENT AGREEMENT**

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

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

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

1. I am an active member in good standing of the State Bar of South Dakota.
2. I wish to be a member of the South Dakota Lawyer Referral Service (“SDLRS”) and agree to pay a \$50 service fee on an annual basis.
3. Once I receive notice that my payment to SDLRS was received and processed, I will create my referral profile at [www.findalawyerinsd.com](http://www.findalawyerinsd.com).
4. The service fee is invoiced to participating attorneys in August. I understand that failure to pay the \$50 fee 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**

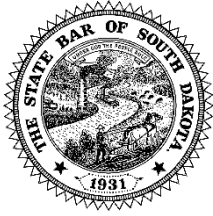
- Business
- Personal
- Estate Tax
- Tax Litigation/Audits

## **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



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Steve Blair, Pierre  
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Amber Richey, Deadwood  
Lara Roetzel, Rapid City  
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 Tiffani Landeen, Sioux Falls  
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 Dava Wermers, Mitchell  
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 Janice Godltand, Sioux Falls  
 Sandi Haeuszer, Sioux Falls  
 Taneeza Islam, Sioux Falls  
 Anna Kerner Andersson, Dakota  
 Dunes  
 Alison Ramsdell, Sioux Falls  
**Kari Scofield, CH, Sioux Falls**

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Tom Simmons, Vermillion  
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Robert Hollan, Sioux Falls  
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Joel Landeen, Rapid City  
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Jonathan Oostra, Sioux Falls  
Ryan Petersen, Sioux Falls  
Daniel Rafferty, Yankton  
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Robert Sahr, Madison  
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Torrey Sundall, Sioux Falls  
Michael Traxinger, Aberdeen

Jason Unger, Flandreau  
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Ashley Wenger-Slaba, Sioux Falls

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Hon. Jane Pfeifle, Rapid City  
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Brian Radke, Sioux Falls  
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Hon. Patrick Smith, Mitchell  
Hon. Marya Tellinghuisen, Rapid City  
Roy Wise, Aberdeen  
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## **LABOR/EMPLOYMENT LAW**

Jean Bender, Sioux Falls  
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Melanie Carpenter, Sioux Falls  
Joseph Dreesen, Omaha, NE  
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Kassie McKie Shiffermiller, Rapid City  
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**Amber Mulder, CH, Sioux Falls**  
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Beth Roesler, Sioux Falls  
James Shekleton, Pierre  
Susan Simons, Sioux Falls  
Eric Young, Vermillion

## **LAW PRACTICE MANAGEMENT**

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Jordan Bordewyk, Rapid City  
Timothy Bottum, Mitchell  
Kristen Kochekian, Redfield  
Janet Olson, Sioux Falls  
**Sara Show, CH, Sioux Falls**  
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Greg Wheeler, Sioux Falls  
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Eric Young, Vermillion  
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Sarah Richardson Larson, Sioux Falls  
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Paul Tschetter, Sioux Falls  
Mark Vargo, Rapid City  
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Roy Wise, Aberdeen

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Brian Kirby, Sioux Falls  
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Pamela Reiter, Sioux Falls  
David Wheeler, Huron  
Colleen Zea, Sioux Falls



**LAWYERS ASSISTANCE**

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 Ryan Darling, Blunt  
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 Gregg Greenfield, Sioux Falls  
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 Patricia Meyers, Rapid City  
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 Tom Sorensen, Vermillion

**LEGAL SERVICES**

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**NATURAL RESOURCES**

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 Meghann Joyce, Sioux Falls  
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 Jay Schultz, Rapid City  
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 Gary Thimsen, Sioux Falls  
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 Shirley Jameson-Fergel, Pierre

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**Gary Thimsen, Co-CH, Sioux Falls**  
 Kellen Willert, Belle Fourche

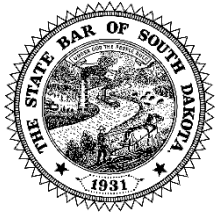
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 Raleigh Hansman, Sioux Falls  
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 Kelsey Weber, Rapid City  
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 Amanda Work, Winner  
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 Brad Lee, Rapid City  
 Rebecca Mann, Rapid City  
 James Marsh, Pierre  
 John McCoy, Rapid City  
 Jolene Nasser, Sioux Falls  
 Rick Orr, Sioux Falls  
 R. Alan Peterson, Sioux Falls  
 Catherine Sabers, Rapid City  
 Tracye Sherrill, Sioux Falls  
 Michael Simpson, Rapid City  
 Justin Smith, Sioux Falls  
 Bram Weidenaar, Sioux Falls



# State Bar of South Dakota Officers, Section Leadership, & Officers of Related Groups 2018-2019

## **Officers of the Bar**

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## **Board of Bar Commissioners**

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## **Attorneys Liability Protection Society (ALPS)**

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City

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Steve Cutler, Vice Ch., Sioux  
Falls  
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Susan Jensen, Dakota Dunes  
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## **Fellows of the American Bar Foundation**

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William Delaney, III, Sioux Falls  
Frank Driscoll, Rapid City  
Henry Evans, Sioux Falls  
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James Jeffries, Rapid City  
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Mark Marshall, Rapid City  
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#### **Local Bar Presidents**

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 Elk Pointe  
 Alexis Tracy, 1<sup>st</sup> Circuit  
 Rhett Bye, 2<sup>nd</sup> Circuit  
 Vacant, 3<sup>rd</sup> Circuit  
 Shane Penfield, 4<sup>th</sup> Circuit  
 Christopher White, 5<sup>th</sup> Circuit  
 Alvin Pahlke, 6<sup>th</sup> Circuit  
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 Dick Casey, Sioux Falls  
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 Brookings  
 Nick Peterson, 4th Circuit,  
 Spearfish  
 Ryan Dell, 5th Circuit, Aberdeen  
 Holly Farris, 6th Circuit, Pierre  
 Kassie Shiffermiller, 7th Circuit,  
 Rapid City  
 Kelsey Knoer, At Large, Sioux  
 Falls  
 Jenna Schweiss, Law Student,  
 Vermillion

**If there are any corrections that need to be made to either the  
 Committee Assignments or the Officers of Related Groups, please  
 email those changes to Beth at [elizabeth.overmoe@sdbar.net](mailto:elizabeth.overmoe@sdbar.net).**



# Q2 BUSINESS & ECONOMIC DATA ANALYSIS SUMMARY

**SOUTH DAKOTA  
SECRETARY OF STATE  
SHANTEL KREBS**

In partnership with



## Second Quarter 2018

**Secretary's Minute:** The Secretary of State's Office is happy to announce another user-friendly update to our on-line business filing systems. This latest update includes a new business entity search by Registered Agent. Using this new search, customers can now find business entity records by the individual or organization name of the Registered Agent associated to those specific entities.

This new search can be found on our website at: <https://sosenterprise.sd.gov/BusinessServices/Business/RaSearch.aspx> or by clicking on the "Search by Registered Agent" button on our Business Services page.

Please visit our website [www.sdsos.gov](http://www.sdsos.gov) for more information.

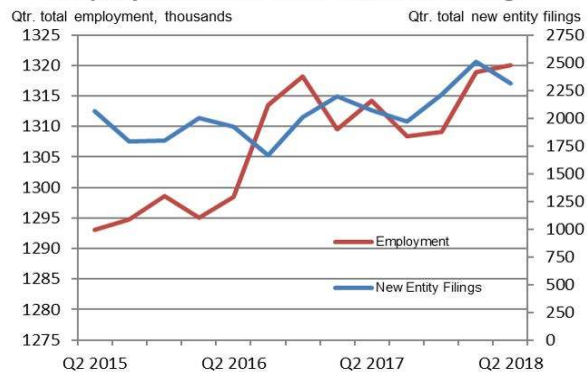
### South Dakota Taxable Sales

12-Month Rolling Sum, in millions



Source: South Dakota Department of Revenue

### Employment and New Business Filings



Note: Red line displays actual seasonally adjusted employment numbers. Source: Seasonally adjusted South Dakota total nonfarm employees from the Bureau of Labor Statistics and the Labor Market Information Center, SD Department of Labor.

### Second Quarter 2018 Economic Highlights

- SD's unemployment rate is 3.2% at the end of the 2nd quarter.
- Taxable sales increased by 1.0% in Q2.
- Total new entities were up by 11.7% over the prior year.
- Personal income increased by .8% over the prior quarter.
- Average weekly wage increase by 6.6% in Q2.
- Most national indicators improved in Q2.

SOUTH DAKOTA	Current Period	3 Months Prior	Percent Change over Prior Period	Annual Percent Change	5 Year CAGR*
<b>Wealth</b>					
Personal Income (millions of dollars)	42,595	42,246	0.8%	1.8%	2.3%
Total Sales, 12 mo. trailing (millions of dollars)	72,474	68,985	5.1%	8.7%	2.2%
Taxable Sales, 12 mo. trailing (millions of dollars)	21,702	21,489	1.0%	4.4%	2.8%
<b>Business Outlays</b>					
Average Weekly Wage per Employee	856	803	6.6%	3.4%	2.7%
Retail Gasoline Price (dollars per gallon)	2.77	2.61	6.1%	22.0%	-5.1%
<b>Economic Overview</b>					
Employment	440,700	440,100	0.1%	1.5%	1.1%
Unemployment Rate	3.2%	3.4%	-5.9%	-3.0%	-3.4%
Initial Jobless Claims	158	138	14.5%	-5.4%	-10.0%
Continuing Jobless Claims	1,132	2,967	-61.8%	-10.3%	-8.0%
Building Permits, Number of Units, 12 mo. trailing	5,369	5,295	1.4%	6.3%	1.0%
Valuation (thousands of dollars), 12 mo. trailing	870,783	871,196	0.0%	7.9%	4.4%
FHFA Purchase-Only Home Price Index	286	286	0.0%	2.9%	4.5%
Total Business Bankruptcy Filings	15	9	66.7%	114.3%	-2.5%
Chapter 7	6	5	20.0%	100.0%	-9.7%
Chapter 11	1	2	-50.0%	-	0.0%
Chapter 13	4	-	-	100.0%	-4.4%

Sources: Bureau of Economic Analysis, Quarterly Personal Income (SA) (Q1'18); South Dakota Department of Revenue (NSA) (6/18); South Dakota Department of Labor and Regulation (SA) (Q4'18); US Energy Information Administration, Weekly Retail Gasoline and Diesel Prices, Midwest (6/25'18); Bureau of Labor Statistics, CES (SA) (6/18); US Department of Labor, Employment and Training Administration (NSA) (6/30'18); Census Bureau, New Privately Owned Housing Units Authorized (NSA) (5/18); FHFA Purchase-Only Home Price Index (SA) (Q1'18); Administrative Office of the US Courts (Q1'18). \*Compound Annual Growth Rate.

For full report, please visit <https://sdsos.gov/general-information/publications/default.aspx>



## 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:  
[cariboucoffeeclub@gmail.com](mailto:cariboucoffeeclub@gmail.com)



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

# YOU are NOT Alone

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

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

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

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

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

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

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

Sand Creek is a HIPPA compliant service.



Go to [www.sandcreekeap.com](http://www.sandcreekeap.com)  
Click the Work Life Wellness Login Link  
Our Company ID is sbsd1  
Or call 800-632-7643  
Monday-Friday, 7:30am-5pm CT

Immediate, Confidential Support  
24 hours a day/7 days a week:  
888-243-5744

*All discussions and services are kept  
strictly confidential.*

*The State Bar of South Dakota will not know you are  
using the service. These services are FREE. You are  
encouraged to use this valuable benefit.*



# ANNOUNCEMENTS

Riter, Rogers, Wattier & Northrup, LLP  
is pleased to announce that

*Jason Rumpca*  
has joined the firm.

319 S. Coteau Street  
P.O. Box 80  
Pierre, SD, 57501

Telephone: (605) 224-5825  
Facsimile: (605) 224-7102

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

Beardsley Jensen & Lee  
is pleased to announce that

*Elliot J. Bloom*  
has joined the firm as Associate attorney  
as of August 6, 2018.

4200 Beach Drive, Suite #3  
Rapid City, SD 57702

Telephone: (605) 721-2800

[ebloom@blackhillslaw.com](mailto:ebloom@blackhillslaw.com)

Schoenbeck Law, PC  
is pleased to announce that

*Joe Erickson*  
has joined the firm as Associate.

1200 Mickelson Drive, #310  
P.O. Box 1325  
Watertown, SD 57201

Telephone: (605) 886-0010  
Facsimile: (605) 886-0011

[joe@schoenbecklaw.com](mailto:joe@schoenbecklaw.com)  
[schoenbecklaw.com](http://schoenbecklaw.com)

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

*Mary Ellen Dirksen*  
has joined the firm as an of counsel attorney.

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

Telephone: (605) 357-1214  
Facsimile: (605) 335-3639

[www.dehs.com](http://www.dehs.com)  
[mdirksen@dehs.com](mailto:mdirksen@dehs.com)



The desk below is a solid walnut and walnut burl veneer double pedestal desk, with matching 4 drawer lateral file and 6 drawer credenza. It is in very good condition; current retail is about \$17,000 (the company is still in business).

We would entertain offers.

Linda Marousek  
cell 425-466-4358



## TODD C. MILLER

is pleased to announce  
that he has retired after 34 years of solo practice in  
South Dakota and announces the sale of his estate  
planning, estate administration, real estate and  
business law practice

to  
Sioux Falls Office  
Lynn, Jackson, Shultz & Lebrun, P.C.  
110 N. Minnesota Ave., Ste. 400  
Sioux Falls, SD 57104  
(605) 332-5999

Rapid City Office  
909 St. Joseph Street, Suite 800  
Rapid City, SD 57701  
(605) 342-2592

Spearfish Office  
135 East Colorado Boulevard  
Spearfish, SD 57783  
(605) 722-9000

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### **DeRouche Agricultural and Legal Consulting, LLC**



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3 years of Ag Lending

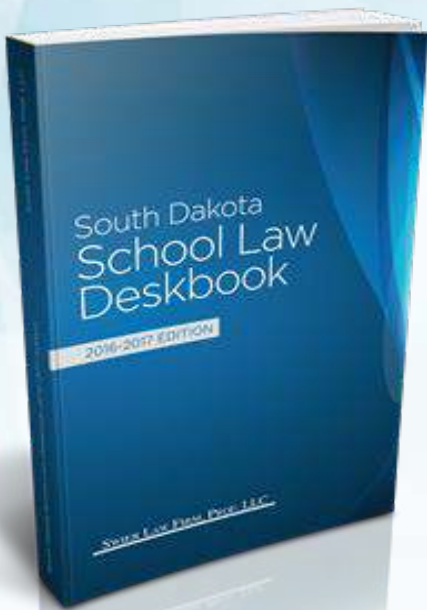
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**Roger DeRouchey Phone: 605-770-8080**

**700 Broad Street Alexandria, SD 57311**

[www.deroucheagriculturallegalconsulting.com/services.html](http://www.deroucheagriculturallegalconsulting.com/services.html)





Swier Law Firm is pleased to announce that the *South Dakota School Law Deskbook* (2018-2019 Edition) is now available. The *School Law Deskbook* contains the latest comprehensive update of school law in our state and is the essential resource for every school administrator, school board member, and school attorney. The 2018-2019 Edition contains over 400 pages and covers all legal areas that school leaders need to know on a daily basis by providing practical explanations of complex school law concepts in an easy-to-follow Question & Answer format. No school official or school attorney should be without a copy of the latest edition of the *South Dakota School Law Deskbook* at their fingertips!

Orders for the *South Dakota School Law Deskbook* (2018-2019 Edition) are being taken **through Friday, September 14, 2018** for the special price of \$165.00 (plus S&H) by contacting Ms. Chris Bryan ([chris@swierlaw.com](mailto:chris@swierlaw.com) or 605-286-3218) at Swier Law Firm's Education Law Practice Group.

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The advertisement features a dark green background with a network of orange nodes and lines, resembling a data visualization or a timeline. The text is in white and orange. At the bottom, there are logos for fastcase, South Dakota, and mobile app stores (iTunes, Google Play, Windows Phone).

PROJECT RURAL PRACTICE  
INVITES YOU TO

# A MORNING MIXER!

JOIN MEMBERS OF THE STATE BAR OF SOUTH DAKOTA TO LEARN MORE ABOUT RURAL PRACTICE AND OUR INITIATIVES TO ASSIST YOU IN YOUR SUCCESSFUL TRANSITION TO JOIN OUR PROFESSION.

ALL LAW STUDENTS, FACULTY, SYMPOSIUM PRESENTERS AND MEMBERS OF THE STATE BAR ARE WELCOME TO JOIN US!

## RSVP

PLEASE RSVP BY SEPTEMBER 20TH TO:  
ELIZABETH.OVERMOE@SDBAR.NET.  
SPACE IS LIMITED SO PLEASE RSVP SOON!

---

**September 27, 2018**

**7:30AM - 8:30AM**

**USD Campus, Vermillion**

---

WE LOOK FORWARD TO  
SEEING YOU THERE!



# Free Drop-In Legal Clinic



## JOIN US ON:

- **September 13, 2018** from 9am-3pm at the **Black Hills VA Hospital** located at 500 North 5th Street, Hot Springs, SD 57747. *Shuttles will be providing transportation from the Veterans Memorial Home to the VA Hospital.*
- **September 14, 2018** from 9am-3pm at the **Rapid City Legion Post 22** located at 818 East St. Patrick Street, Rapid City, SD 57701

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

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

### EVENT CONTACT:

Austin Schaefer  
VLEG President  
(605) 380-0812  
Austin.Schaefer@coyotes.usd.edu

### SUPPORTED BY:

South Dakota Young Lawyers Section, University of South Dakota School of Law, the South Dakota State Bar, and the VA Black Hills Veterans Justice Outreach

# State Bar of South Dakota Operational Action Plan 2018-2019

**Vision: Bringing all lawyers together through our common calling of professionalism and service, the State Bar of South Dakota seeks to foster the highest quality of representation for our members' clients and integrity in the administration of justice.**

**Goal 1: To provide a foundation for our members to achieve professional excellence and personal fulfillment. We will achieve this by:**

**Strategic Area 1: Offering diverse opportunities for professional development with multiple points of access to CLE, professional development and mentoring**

1. Continue to communicate about SBSB offerings at every opportunity (e.g., Law for Lunch, Annual Meeting, and other committee and section organized programming, etc.) – **All, but especially Committee and Section Chairs, Officers and BC, YLS, SBSB Staff**
  - a. Increase member engagement on the state bar website
  - b. Publicize bar activities and opportunities through use of social media, website and calendar systems
2. Review state bar CLE program
  - a. Review of captured CLE data and development of data tracking and review process
  - b. Discuss mandatory CLE trends
  - c. Explore possibility of designated staff for CLE, committee expectations and structure
3. Continue development of mentoring opportunities
  - a. Continue review/revamp of the Hagemann-Morris Young Lawyer Mentorship Coin program
  - b. Continue outreach to law schools

**Update**

**Strategic Area 2: Enriching support for lawyers with mental health issues such as depression, substance abuse or other addictions.**

1. Education and structural suggestions – **Officers and BC, LAC, CLE, LCDI, YLS, SBSB Staff**
  - a. Review and discussion with bar leadership on changes to Bar Convention structure and hospitality
  - b. Outreach and education to bar members on SDCL 16-19 changes
  - c. Wellness/Fit2Practice elements integrated into every CLE and Annual Meeting
  - d. Use of personal stories, national updates and social media to highlight the issue
  - e. Bar leaders' continued emphasis on this topic and presence at events is essential
  - f. Ensure a unified message with the law school
  - g. Continued evaluation of data available through DOR service provider
  - h. Analysis of full-time or part-time staff to support Lawyers Assistance efforts

**Update**



**Strategic Area 3: Providing tools and resources that deepen members’ understanding of the economics of practice and help them engage in business development.**

1. Encourage committees to identify/share practice content/resources on the So.Dak. network – **Officers, SBSB Staff, Committee and Section Chairs**
2. Explore the feasibility of a SBSB-branded newsletter that includes case summaries, legal news and information not already captured elsewhere (print and electronic newsletter) – **Officers and BC, SBSB Staff**
3. Ensure the Solo Committee and PRP are coordinating to provide resources to their overlapping constituencies (e.g., encourage solo turnout at annual RARP conference and the fall PRP event at the law school) – **Solo and Small Firm Committee, PRP Committee, SPCo**
  - a. Develop timeline to engage with law school and rural practitioners on connecting interested new attorneys or law students with rural/solo/small firm summer and full-time employment
  - b. Emphasis on communicating with practitioners
4. Offer technology and software recommendations to help members navigate the marketplace – **LPM, Officers and BC**
  - a. Explore possible vendor partnerships with AI/tech providers with the state bar
5. Ensure CLE topic mix includes: marketing, specialization, generational/communication – **CLE, ED**
  - a. Share and develop educational and training materials on the impact of technology on the profession and practice of law.

**Update**

**Strategic Area 4: Creating an inclusive, welcoming atmosphere fostering collegiality, camaraderie, civility and professionalism**

1. Ensure a diverse mix of participants at bar events to facilitate collegiality and, potentially, business development – **Officers, BC, YLS, LCDI, SPCo**
  - a. Increase communication of SBSB events to membership through the state bar newsletter, website and social media platforms
  - b. Identify veteran lawyers who will commit to attending events (include Officers and Bar Commissioners)
  - c. Notification of events to the Diversity and Inclusion Committee so that they can alert their members
  - d. Notification of events to the law school
  - e. Notify RARP, PRP, solo/small firm committee members and other rural attorneys
2. Focus efforts on programming to engage membership who are in-house, public sector and government attorneys – **Officers, BC, CLE, YLS, LCDI, SBSB staff**
3. Develop communication plan specifically for out-of-state membership – **Officers, SPCo, SBSB Staff**

**Update**

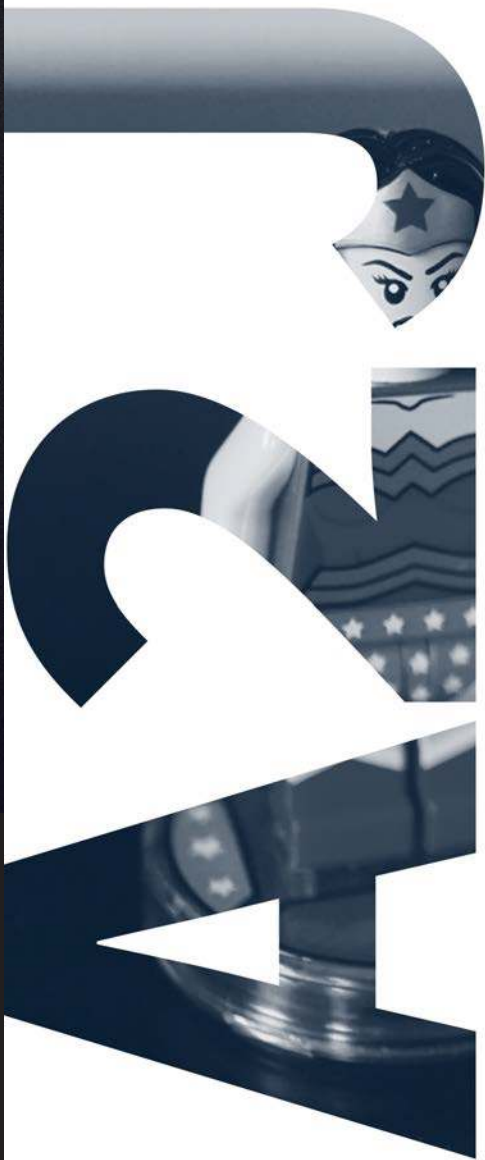
**Goal 2: To provide meaningful access to justice. We will achieve this by:**

<p><b>Strategic Area 1: Expanding pro bono service among SBSB members.</b> – <b>A2J, SPCo, SBSB Staff, Officers, BC, LSC</b></p> <ol style="list-style-type: none"> <li>1. Continue to emphasize importance of pro bono service and encourage participation in Access to Justice</li> <li>2. Continue to improve communication and processes of the Access to Justice program</li> <li>3. Conduct outreach to nonlegal entities to discuss needs/possible interest in legal assistance             <ol style="list-style-type: none"> <li>a. Focusing on the priority areas of Access to Justice (i.e., Veterans, Individuals with Disabilities, Elderly, and Victims of Domestic Violence)</li> </ol> </li> <li>4. Recognize SBSB pro bono volunteers for their service</li> <li>5. Provide opportunities to SBSB Section and Committee leaders to complete pro bono projects</li> </ol>
<p><b>Update</b></p>
<p><b>Strategic Area 2: Ensuring secure and stable funding for legal services and Access to Justice.</b> – <b>Officers, BC, SPCo, A2J, LSC</b></p> <ol style="list-style-type: none"> <li>1. Pursue a multi-pronged approach to raising funds for legal services --</li> <li>2. Work with partner entities to provide appropriate and accurate statistics to reflect the work of legal aid and Access to Justice programs</li> </ol>
<p><b>Update</b></p>
<p><b>Strategic Area 3: Facilitating greater coordination among the state’s legal services and pro bono service agencies.</b> – <b>SPCo, A2J, Officers, LSC</b></p> <ol style="list-style-type: none"> <li>1. Work with legal services and Access to Justice on potential grant partnerships</li> <li>2. Continue progress toward statewide legal services website and centralized intake software</li> </ol>
<p><b>Update</b></p>
<p><b>Strategic Area 4: Focusing on the need to have adequate legal services in rural areas and Indian Country.</b></p> <ol style="list-style-type: none"> <li>1. Develop strategies to specifically address legal services in rural areas, Indian Country</li> </ol>
<p><b>Update</b></p>
<p><b>Goal 3: To have a fair and impartial judiciary that provides affordable, timely justice and instills public trust and confidence in the judicial system. We will achieve this by:</b></p>
<p><b>Strategic Area 1: Educating members, the public and political leaders</b></p> <ol style="list-style-type: none"> <li>1. Educate Members – <b>SBSB appointed JQC members and SBSB Officers</b> <ol style="list-style-type: none"> <li>a. Create more understanding about the selection process (e.g., panel about how the JQC works)</li> <li>b. Highlight the work of the Judicial Qualifications Committee</li> </ol> </li> <li>2. Educate the Public             <ol style="list-style-type: none"> <li>a. Continue efforts to increase diversity on the bench and throughout the court system to instill trust and confidence (e.g., restart conversation about diversity in the court system broadly; focus on diversity of judges and court staff who are the public’s main contact) – <b>Officers, LCDI, SPCo</b></li> <li>b. Highlight contributions of individual members (“contributions of the profession”) – <b>Officers and BC, LCDI, SBSB Staff</b></li> </ol> </li> </ol>
<p><b>Update</b></p>

<p><b>Strategic Area 2: Reducing the costs and increasing the efficiency of litigation.</b></p> <p>1. Appoint task force to make recommendations in two areas: 1) proportionality in litigation and 2) cooperation – <b>President, Task Force</b></p>
<p><b>Update</b></p>
<p><b>Strategic Area 3: Preserving judicial excellence</b></p> <p>1. Continue to encourage bar members to complete judicial evaluation surveys – <b>Officers and SBSB staff</b></p>
<p><b>Update</b></p>
<p><b>Goal 4: To provide opportunities for lawyers and the public to connect to prevent and solve problems and serve the public interest. We will achieve this by:</b></p>
<p><b>Strategic Area 1: Engaging in public education and outreach.</b></p> <p>1. Make it easy and more meaningful for membership to participate (e.g., use technology to make participation accessible; underscore business-building opportunity for lawyers; highlight feedback from participants) – <b>Officers and BC, Committee and Sections Leaders, SBSB Staff</b></p> <p>2. Conduct outreach with non-legal entities regarding existing bar programs and access to legal information and services (i.e., focus groups) – <b>Officers, ED, LSC, SPCo</b></p> <p>3. Raise public awareness of existing public service programs utilizing a multi-prong approach including website, education and outreach, and public relations campaign – <b>Officers, Committee and Section Leaders, YLS, SPCo, SBSB Staff</b></p> <p>a. Continue to develop new marketing and communications strategies for Ask-a-Lawyer program – <b>SPCo, Public Information Committee</b></p>
<p><b>Update</b></p>
<p><b>Strategic Area 2: Establishing a lawyer referral service that connects the clients with lawyers and pertinent consumer legal information. – Lawyer Referral Committee, Bar Officers, BC, SPCo, SBSB Staff</b></p> <p>1. Monitor implementation of Community Lawyer website and provide opportunities for attorney members to evaluate it.</p> <p>2. Outreach to the public and stakeholders (including judiciary) on availability of new service.</p>
<p><b>Update</b></p>
<p><b>Goal 5: To have the communications, operational and governance infrastructure to support the strategic plan and our vision. We will achieve this by:</b></p>
<p><b>Strategic Area 1: Adhering to good governance practices</b></p> <p>1. Continue strategic planning process and work of the Strategic Planning Committee – <b>SPC, Officers, SPCo</b></p> <p>2. Continue to use the SPC and its discussions as a way to tee up important items for consideration for the Board of Bar Commissioners – <b>SPC, Officers, SPCo</b></p> <p>3. Develop agendas to engage the Board of Bar Commissioners in discussion of strategic priorities, role of the commission and commissioners, and trends influencing the profession – <b>Officers, SPC, SPCo</b></p>

<p>a. Evaluate and discuss how to address sexual harassment and assault in the profession beyond adoption of Rule 8.4(g); including consideration of education, resource directory, development of policy statement, etc.</p>
<p><b>Update</b></p>
<p><b>Strategic Area 2: Engaging in more intentional board and leadership development</b></p> <ol style="list-style-type: none"> <li>1. Continue joint orientation with Board of Bar Commissioners and YLS – <b>Officers, SBSB Staff</b></li> <li>2. Develop additional criteria, expectations for service on the Board of Bar Commissioners and communicate to the membership about that commitment – <b>Officers, SPCo, SBSB Staff</b></li> <li>3. Continue to increase transparency on the state bar website for new members on how to get involved within the state bar – <b>Officers, Committee and Section Leaders, SBSB Staff</b></li> <li>4. Develop process for committee and section leadership to be involved in legislative efforts by the state bar lobbyist and Executive Director – <b>Officers, ED and BC</b></li> <li>5. Evaluate current system for bar involvement and develop orientation/training opportunities for committee and section leadership – <b>ED, Committee and Section Leaders, SPCo, SBSB Staff</b></li> </ol>
<p><b>Update</b></p>
<p><b>Strategic Area 3: Developing a comprehensive, integrated plan for communicating and marketing to membership</b></p> <ol style="list-style-type: none"> <li>1. Continue to support the new website and facilitate use of the So.Dak. Bar Network – <b>Officers, BC, Committee Chairs, Section Leaders, SBSB Staff</b></li> <li>2. See Goal 1, Strategic Area 1 (i.e., create consistent messaging using all the different communications vehicles -- So.Dak Bar Network, social media, programming, etc.)</li> <li>3. Specific suggestions:             <ol style="list-style-type: none"> <li>a. Build on information about what the state bar does</li> <li>b. Pages dedicated to state bar programming</li> <li>c. Need to communicate value of membership</li> </ol> </li> <li>4. Development of weekly notification of statewide events and news within the state bar – <b>ED, SBSB staff</b> <ol style="list-style-type: none"> <li>a. Creation of state bar strategic membership communications plan.</li> </ol> </li> </ol>
<p><b>Update</b></p>
<p><b>Strategic Area 4: Developing financial processes, revenue streams and staffing models that support the strategic plan</b></p> <ol style="list-style-type: none"> <li>1. Executive Director succession planning– <b>Bar Officers, BBC, Transition Committee, SPCo</b> <ol style="list-style-type: none"> <li>a. Execute written plan for the succession and process for knowledge capture</li> </ol> </li> <li>2. Continue to build on transparency within the financial processes and revenue streams of the state bar – <b>Officers, BC, ED, SBSB Staff</b></li> </ol>
<p><b>Update</b></p>





## HERO

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



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- ROBERT PASQUELUCCI
- RICK MICKELSON
- HAVEN STUCK
- BRENDA ASK\*

\*Accepted multiple cases this iyear

And THANK YOU to  
Scott Moses and Beth  
Baloun for answering  
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*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;*

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LRS Committee

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

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## Yes, Sometimes a Referral Can Come Back to Haunt You

Mark Bassingthwaight, Esq.

Lawyers make referrals. It's something that comes with the territory. For some, making a referral is almost a daily occurrence. They are often made after work is declined. Staff may make them in response to a cold call or give one to a client who needs a service that the firm doesn't provide. Referrals are sometimes made during dinner conversations, at social events, or after a presentation given to the general public. Names may be passed along to family members, friends, a colleague, and to good clients. After all, we do want to make sure our good clients are well taken care of! Too often however, referrals seem to be made without any thought of the potential malpractice exposure. Is such casualness justifiable? Unfortunately, the answer is sometimes no.

Nationwide, malpractice coverage statistics vary geographically and over time due to any number of reasons. Some lawyers do not feel that malpractice coverage is necessary. They prefer to protect their assets in other ways. Others simply can't afford the coverage, particularly during economic hard times. I have even had a few lawyers tell me that they believe having malpractice coverage simply invites claims. As they see it, if they have no insurance no one will bother suing them. Regardless, this is a roundabout way of sharing that contrary to popular belief not all lawyers are insured for malpractice. In fact in a few states the percentage of uncovered lawyers has been estimated to be as high as 50%. This reality begs the question of what would happen if a lawyer made a referral to another lawyer who was uninsured and that lawyer eventually made a mistake? Might the referring lawyer be exposed? You bet. There are ways that liability can be found. It's a hunt for a deep pocket and it will be framed as negligent referral. The good news is that avoiding this type of claim is relatively easy.

The most dangerous type of referral is one that results in a referral fee and it doesn't matter if the fee was expected or simply offered as a gift. Acceptance of the fee can and will bring to the referring attorney

liability for the other attorney's work. If a fee is offered, the best advice is to decline it or suggest that the referral fee be refunded to the client because referral fees are too easily viewed by the client as payment for legal advice to have them work with the other attorney.

If your practice is to accept referral fees, proceed fully aware of the risk involved and be up front with the client about the arrangement. Remember, when you share fees you share liability. Rule 1.5 of the Model Rules of Professional Conduct states that a division of a fee can only occur if the division is in proportion to the services performed and the client agrees in writing. In addition, the fee must be reasonable and each lawyer will assume joint responsibility for the representation. This rule clearly requires that a referring attorney who will be accepting a referral fee inform the client of the presence of the referral fee and obtain written consent to the fee division. Given all this, it would seem to be prudent to stay in contact with the other attorney in order to monitor critical dates and see that work is completed on time because there is no free lunch here.

Two side notes are in order. First, prior to ever making a referral where a referral fee is expected, consider making certain that the attorney you are referring to has malpractice insurance in place and that the limits are adequate for the size of the matter being referred. Do not accept verbal verification of coverage. There are attorneys who will say they are insured in order to obtain the business. Ask the other attorney for a copy of the declaration page to the malpractice policy prior to ever making this kind of referral. Second, occasionally an attorney who has recently been disbarred will seek to refer clients and request a referral fee. If the referral happened to be made while this attorney was in good standing with the bar, payment of the referral fee would be acceptable. If this attorney is seeking to make the referral and asking for a fee after being disbarred, the payment of a referral fee would be prohibited under

Model Rule 5.4(a) which prohibits the sharing of fees with a non-attorney.

That said, acceptance of a referral fee is not the only method of creating a liability from a referral. Referrals to specific lawyers or a referral made with a promise such as “Attorney X is the finest personal injury plaintiff attorney in the area and always gets great results” can also create liability. To avoid exposure for a negligent referral claim, the rules are simple. When referring anyone to another lawyer always provide a minimum of three names and make no promises. Of course, suggesting the individual contact a state or local bar referral service would be another very safe practice.

Sometimes, however, we do wish to make a specific referral if for no other reason than to see that a good client is properly taken care of. If negligent referral claims are a concern for you, consider documenting adequate malpractice coverage by asking the other lawyer for a copy of the declarations page to her malpractice policy prior to making a specific referral. Why? It’s because one shouldn’t run with assumptions. Negligent referral claims are about coverage, not competency. Competent lawyers can and sometimes do make a mistake or miss a deadline and again, not all lawyers are insured.

One other type of attorney referral that can potentially create a serious problem is the referral made to an officemate in an office-sharing situation. By their very nature office sharing arrangements create added vicarious liability for every lawyer in the space. A simple referral to an officemate just increases the difficulty of avoiding this liability should a claim ever arise. In this situation it is particularly important to give a minimum of three names. It is fine to include an officemate in this list. Just be certain to disclose that one of the names provided is an attorney in the suite, make no promises about the suitemate, and be certain that the client understands that this attorney is completely independent. It would also be advisable to document how this referral was made in some fashion. Finally never make a referral to an officemate who is uninsured or underinsured. This risk simply isn’t worth it.

Now here is the interesting twist to the issue of negligent referral. Many referrals are made to non-clients. A lawyer’s duties to non-clients are minimal and thus negligent referral claims arising out of such referrals are few and far between. The real concern is when an attorney refers a client to another attorney or, perhaps more frequently, to another professional. Making matters worse, words of assurance are also often shared with the client in this situation perhaps as a way to make sure the client follows through. To underscore this concern, consider an estate planner who regularly refers clients to the same CPA and is surprised to learn, after the CPA has made an error, the CPA has no errors and omissions coverage. The client, now harmed, may very well look to the estate planning lawyer for a recovery based upon her legal advice to work with that particular CPA. Here, following the above advice becomes even more important. The same rules should apply whenever making a referral to an existing client. Always provide a minimum of three names, make no promises, and verify that an errors and omissions policy is in place if a specific referral is preferred.

Remember that these rules not only apply to referrals made after work is declined. They also apply to referrals made at a dinner party, in an e-mail to a friend, in response to an e-mail from someone contacting you as a result of a visit to your firm’s website, in a casual conversation following a public presentation, on a chat site, or in response to an inquiry over the phone.

The next issue concerns staff. Occasionally a firm will have a sound referral policy in place that all attorneys understand and follow yet a staff member may be completely unaware of the reason the policy is in place and thus not follow the rules in every instance. There is no ill will here, just an honest desire to try and see that clients get the best help possible. Their motivation is to provide good service. This staff person will make a specific referral to an attorney or other professional whom they know and think highly of blissfully unaware of the associated risks. For clients who are upset, staff may even try to reassure them by making certain “harmless” promises about the receiving attorney. “Attorney X is a very good attorney and well respected by our firm.”



If attorney X misses a statute date and is uninsured or underinsured, the client may not agree with the statement that attorney X is a good lawyer and they may want to hold the firm liable for their loss.

Make certain that all staff understand your firm's policy and procedure for referrals and also the reasons why such a policy is in place. Develop a referral list with three names for the various types of matters the firm will refer out and make it available to everyone in the office. If this list doesn't cover a referral request, have the staff pass the matter on to one of the attorneys, politely decline by stating the firm does not make referrals, or have staff refer to the state or local bar referral line.

Last but not least, an often overlooked source of potential liability for negligent referral claims may come from links on your firm's website. If there are

links to other sites, an appropriate external links disclaimer should be prominently displayed near these links. The disclaimer should simply state that the firm has provided these links for the convenience of users of the site and that these links do not constitute an endorsement of the linked websites, or of the information, products, or services contained therein.

In reality negligent referral claims are not a significant problem for malpractice carriers. Yet when they arise, and they do, these claims can be costly. Given that the actions that can be taken to avoid this type of claim are highly effective and quite minimal, there really is no reason not to take the prudent course of action and follow the advice shared here.

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David E. Morrill  
Aug. 11, 1932 - Aug. 14, 2018

David E. Morrill of Sarasota Florida, age 86, died on Tuesday August 14. He was surrounded by the love of his family.

He grew up in Sturgis, South Dakota and he knew at an early age that the practice of law would be his career. He earned his Juris Doctorate at the University of South Dakota, where he also met Jean Harder, his bride, best friend and partner of the last 62 years. After law school, he practiced with his father in Sturgis. He later moved to Rapid City, representing Black Hills Power and Light Company, now Black Hills Corporation, for 30 years of his pre-retirement career.

Upon retirement to Sarasota, Florida, David gave more than 15 years of pro-bono service to Legal Aid of Manasota. Through service and action, he lived his conviction that every person has the right to equal access to the courts.

He is lovingly remembered by his wife of 62 years, Jean (Harder) Morrill, his children, Sarah (Denny), Becky (Tim), Judy (Dave), Leslie (Bart), his 15 grandchildren (one, an angel who preceded him in death), and 9 great grandchildren. He is also loved dearly by the surviving 3 of his 7 siblings.

A service to celebrate his life of love will be at Pine Shores Presbyterian Church on Saturday, August 18 at 1:00pm.

Memorial donations may be given to Legal Aid of Manasota or the Pine Shores Presbyterian Church. Published in Herald Tribune from Aug. 16 to Aug. 17, 2018



# An Overview of Common Legal Issues re Immigration

## Part 5 | 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. Please see previous editions of the bar newsletter for an introduction to this series of articles.

### Protection Orders

Even though protection orders often do not involve criminal proceedings, a non-citizen respondent can face serious immigration consequences if a protection order is entered against him or her. Violations of a protection order are even more serious from an immigration standpoint.

First, the issuance of a protective order can negatively portray a non-citizen's moral character. Moral character is a factor in many immigration proceedings, including citizenship applications, waiver applications and bond hearings.

Second, admitting to certain types of abuse, even outside of a criminal proceeding, can serve as a bar to immigration admission. Immigrants other than non-permanent residents can be found inadmissible to the U.S. for admitting to the essential elements of a crime involving moral turpitude. Certain types of child abuse, spousal abuse and sexual abuse have been found to be crimes of moral turpitude. Determination of moral turpitude is an evolving area of immigration law, and it is advisable to consult an immigration attorney regarding that issue if it arises.

For the reasons above, a non-citizen party who is the subject of a child protection investigation, harassment order, or order for protection should avoid any negative judicial or administrative finding such as maltreatment or domestic abuse. If it is likely a judge would grant a protective order against a non-citizen, the safest option is to deny the abuse alleged and request that the decision-maker refrain from making any findings, while agreeing to the no-contact order. The standard of proof for a protection order is lower than the criminal standard of proof. Therefore, if there is a risk the order would be granted

### Prior Topics

- 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

### Upcoming Topic

- Criminal Offenses

with findings, any resolution that avoids findings of abuse is preferable for a non-citizen. Be aware that court transcripts and plea agreements often must be presented in immigration proceedings, so the respondent should avoid any admission of guilt, either written or oral, if possible.

Violations of a protection order also can cause serious immigration repercussions. Under the Immigration and Nationality Act, Section 237(a)(2)(E)(ii), a foreign national is removable (deportable) if a court determines that he or she “has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued.” A conviction for a violation is not necessary to trigger the removal ground. If a non-citizen is facing a charge for violating a protection order, he or she should contact an immigration attorney immediately, so the immigration attorney can work closely with the criminal defense attorney to minimize the risk of negative immigration consequences. Often, criminal defendants are not aware of the severe immigration repercussions of protective order violations. Ensure that your client is aware of the potential immigration consequences of a violation before he or she agrees to a protection order.

## **Divorce**

The I-864 affidavit of support is filed with the government when a spouse petitions to bring a foreign spouse, (or other relatives), to the U.S. The I-864 affidavit of support is a contract with the federal government to provide any support necessary to maintain the foreign spouse or relative at a certain income level. Divorce does not end the support obligation incurred by the I-864. The obligations end only if the sponsored foreign national becomes a U.S. citizen, has worked, or can receive credit for, 40 quarters of coverage under the Social Security Act, no longer has lawful permanent resident status and has departed the United States, is subject to removal, but applies for and obtains, in removal proceedings, a new grant of adjustment of status, based on a new affidavit of support, if one is required, or dies.



# Trust Experience

## Meet the KTLLP Business Valuation Team

### *Certified Business Appraisals*

Did your client transfer or gift a controlling interest of an entity to a family member but still acts as though he/she has control? Does he/she write checks without authorization from the controlling members? Does he/she use company property without paying a fair market rent? If so, the IRS could ignore the transfer of the controlling interest citing IRS Section 2036. By ignoring the transfer, the IRS could consider your client's ownership controlling, which would not only disallow discounting but could "pull" the entire asset transferred back into the estate. If the intent of the transfer was to move wealth out of your client's name, make sure to "dot the i's" and "cross the t's" to ensure the IRS doesn't get a sense that your client really possesses control despite the transfer.

*Questions? Call your favorite analyst to discuss in more detail.*



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

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

## Ketel Thorstenson, LLP

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

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



## STRESS and DEPRESSION HELP

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

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



## SOLACE PROGRAM

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

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

# September 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](mailto:tracie.bradford@sdbar.net).

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

### Address Changes:

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

### Board of Bar Commissioners:

*President* – Reed A. Rasmussen, Aberdeen

*President Elect* – Steven K. Huff, Yankton

*Executive Director & Secretary/Treasurer* –  
Andrew L. Fergel, Pierre

*1st Circuit* - Dennis Duncan, Parker

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*7th Circuit* - McLean Thompson Kerver, Rapid City

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Jennifer Williams, Rapid City

Joshua Wurgler, Aberdeen

Edward S. Hruska III, Pierre

Aaron Pilcher, Huron

Colleen Zea, Sioux Falls

**MAGISTRATE JUDGE  
Seventh Judicial Circuit  
Rapid City, South Dakota**

**Requisition #:** J19-10

**Agency:** Unified Judicial System

**Salary:** \$102,780.69 annually

**Closing Date:** September 30, 2018

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

Duties may include:

- administering oaths;
- taking acknowledgements;
- issuing warrants of arrest, search and seizure warrants;
- acting as committing magistrate;
- 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;
- participating and assisting with Drug Court and/or DUI court;
- 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://uj.s.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@uj.s.sd.us](mailto:Lisa.Mammenga@uj.s.sd.us)  
An Equal Opportunity Employer

## Job Postings and Classified Advertisements

*CLASSIFIEDS Contact | Email your employment announcement to [tracie.bradford@sdbar.net](mailto: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](http://www.statebarofsouthdakota.com).*

### ATTORNEYS

**LITIGATION ASSOCIATE: Sioux Falls, SD**  
Donahoe Law Firm P.C. is seeking a litigation associate with 2-5 years of experience. The position will focus on practice support and client contact, including research and brief writing, trial preparation and participation in the areas of agricultural, construction and railroad law and complex litigation before public bodies or agencies, and the state and federal courts in South Dakota, Minnesota and Iowa. Work will primarily be in litigation, although development in other areas of the law is anticipated. Candidates should possess excellent research and writing skills, some trial experience, a desire to learn new areas of the law, an interest in practicing using the latest developments in technology and the ability to engage in the development of the firm. Applicants should be licensed in South Dakota. All applications will be held in confidentiality. Please send a cover letter and resume to: Donahoe Law Firm, P.C., 401 East 8th Street, Suite 215, Sioux Falls, SD, 57103.

**Managing Attorney: Fort Thompson, SD**  
DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Managing Attorney position in our Fort Thompson, South Dakota, branch office. The Fort Thompson office serves the Crow Creek and Lower Brule Indian Reservations in South Dakota and Brule, Buffalo, Hughes, Hyde, Lyman, Stanley and Sully counties in South Dakota.

**QUALIFICATIONS/RESPONSIBILITIES:** Applicants must have a JD degree and be licensed to practice, or by reciprocity be able to obtain a license to practice, in South Dakota, or be qualified to take the next South Dakota Bar Exam; must be a bright, motivated, self-starter; must have the tenacity to assume immediate practice responsibilities, including handling a significant caseload touching on many different areas of law with regular appearances in court; must demonstrate an interest in poverty law and working

with Native American and low income clients. Applicant must have at least one year's experience in the practice of poverty law or Indian law, with trial and appellate experience in state and federal courts or two years' experience in the general practice of law. If Applicant does not possess this experience we would consider Applicant for a staff attorney position until qualified to be a Managing Attorney.  
**SALARY:** Competitive, depending on experience.  
DPLS has an excellent fringe benefits package including generous leave benefits and employee insurance coverage (medical, dental, life, disability).  
**CLOSING DATE:** September 15, 2018.  
**APPLICATION INFORMATION:** Please submit a letter of interest and resume to: John J. Buchy, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, [dpls1@gwtc.net](mailto:dpls1@gwtc.net)  
Native Americans, Women and Minorities are encouraged to apply. Dakota Plains Legal Services is an Equal Opportunity Employer.

**Deputy State's Attorney: Custer, SD**  
**Custer County State's Attorney –**  
**Part-time position; Wage: TBD with partial benefits.**  
**RESPONSIBILITIES:** Primary duties will be to handle civil matters for Custer County. Applicants should have a strong background in real estate and human resources. Deputy will attend and provide legal advice to the Board of County Commissioners, county officials and employees. Position requires strong oral and written communication skills, ability to work well in a team setting, ability to work with minimum direction, and have good organizational skills. Deputy will represent Custer County in civil matters and on occasion, may be required to handle and/or appear before the court on criminal matters. Deputy will be required, among other things, to research issues, review contracts and other documents on behalf of the county, draft resolutions and ordinances, prepare and litigate cases, handle personnel matters and tax



appeals.

**QUALIFICATIONS:** Juris Doctorate degree and admitted to practice law in the State of South Dakota. Please submit application (located online at [custercountysd.com](http://custercountysd.com) or through Human Resources at 605-673-8123). Please submit application, cover letter and resume to Tracy L. Kelley, Custer County State's Attorney, 420 Mt. Rushmore Rd., Custer, SD 57730. Position is open until filled.

**Deputy State's Attorney: Pennington County**  
Pennington County State's Attorney's Office  
Full-time salaried position; hours dictated by schedule \$5,477/month

Closing Date: September 17, 2018

**JOB DESCRIPTION:**

Successful applicant will represent Pennington County in all stages of court. Position requires strong oral and written communication skills, the ability to work with minimum direction as well as the ability to work as part of a team, and the ability to organize and prioritize. Duties shall include working with law enforcement as well as members of the community in the preparation of criminal cases, legal research and writing, motion preparation, and litigating cases in court. Successful applicant must be willing to continue education to further enhance litigation skills.

**QUALIFICATIONS FOR APPOINTMENT:**

**Education:** Juris Doctorate degree and admitted to practice law in the State of South Dakota or registered for the next available South Dakota Bar exam.

**Experience:** No experience required.

Interested applicants should apply online at <http://www.pennco.org/jobs/>. In addition to the application, you may also submit a cover letter and resume to Mark A. Vargo, Pennington County State's Attorney, 130 Kansas City Street, Suite 300, Rapid City, SD 57701.

**Attorney: Sioux City, IA**

Rawlings, Ellwanger, Mohrhauser, Nelson & Roe, L.L.P., an established "AV" rated law firm in Sioux City, Iowa, is seeking to hire an attorney with three or more years of experience, with some specific experience in business, real estate, probate and estate planning preferred. Candidates will be organized and possess excellent writing and oral skills. We offer competitive salary, 401(k), health insurance, CLE and bar dues. Membership in Nebraska and/or South Dakota bars a

plus. Confidential inquiries, including resume, should be sent to Kathleen Roe, 522 4th Street, Suite 300, Sioux City, Iowa, 51101, or to [kroe@rawlings-law.com](mailto:kroe@rawlings-law.com).

**Telecommunications/Consulting Attorney: Mitchell, SD**

Vantage Point Solutions (VPS) a growing and dynamic telecommunications consulting and engineering firm headquartered in Mitchell, SD is seeking a staff attorney to:

**Primary Functions:**

- Work with consulting staff to provide, legal, regulatory and business consulting for telecommunications, wireless, CATV and ISP clients
- Regulatory research and client compliance with FCC and state regulatory commission rules
- Contracts, network and customer service agreements, CATV programing and interconnection negotiations, acquisitions, mergers and business and strategic planning

**Required Qualifications:**

- Juris Doctorate with excellent academic and work history
- 0-5 years' experience in the telecommunications industry – will train the right person
- Interest in Internet, telecommunications, video and wireless law and technology
- Excellent written and verbal communication skills and ability to interact effectively with clients
- Ability to independently manage a substantial workload in cooperation with and support of consulting team on a variety of time-sensitive matters
- Ability to determine the facts, law and the client's business position and efficiently assimilate information from a variety of sources to determine creative business plans and solutions
- Outstanding legal research and writing skills
- Understanding of business finances and business planning basics
- Strong computer skills, including Microsoft Office Suite (Excel, PowerPoint, MS Office, Word)

Review of qualified candidates will begin August 24.

VPS offers a competitive pay and outstanding benefits package based on experience. VPS is an employee owned ESOP. Please submit a resume and cover letter to Doug Eidahl, VP of Regulatory and Legal at [doug.eidahl@vantagepnt.com](mailto:doug.eidahl@vantagepnt.com). See [www.vantagepnt.com](http://www.vantagepnt.com) for more information about VPS

**Managing Attorney: Mission, South Dakota**  
DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, is accepting applications for a Managing Attorney position in our Mission, South Dakota, branch office. The Mission office serves the Rosebud Sioux Indian Reservation in South Dakota and Gregory, Jones, Mellette, Todd and Tripp counties in South Dakota.

**QUALIFICATIONS/RESPONSIBILITIES:** Applicants must have a JD degree and be licensed to practice, or by reciprocity be able to obtain a license to practice, in South Dakota, or be qualified to take the next South Dakota Bar Exam; must be a bright, motivated, self-starter; must have the tenacity to assume immediate practice responsibilities, including handling a significant caseload touching on many different areas of law with regular appearances in court; must demonstrate an interest in poverty law and working with Native American and low income clients.

Applicant must have at least one year's experience in the practice of poverty law or Indian law, with trial and appellate experience in state and federal courts or two years' experience in the general practice of law. If Applicant does not possess this experience we would consider Applicant for a staff attorney position until qualified to be a Managing Attorney.

**SALARY:** Competitive, depending on experience.

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

**CLOSING DATE:** September 15, 2018.

**APPLICATION INFORMATION:** Please submit a letter of interest and resume to: John J. Buchy, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, [dpls1@gwtc.net](mailto:dpls1@gwtc.net)

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

**STAFF ATTORNEY: SISSETON, SD**

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our Sisseton, South Dakota, office. The Sisseton office serves the Lake Traverse, Flandreau and Yankton Indian Reservations in South Dakota and Grant, Roberts and Charles Mix counties in South Dakota, as well as Native Americans in the eastern half of South Dakota.

**QUALIFICATIONS/RESPONSIBILITIES:** Applicants must have a JD degree and be licensed to practice, or by reciprocity be able to obtain a license to practice, in South Dakota, or be qualified to take the next South Dakota Bar Exam; must be a bright, motivated, self-starter; must have the tenacity to assume immediate practice responsibilities, including handling a significant caseload touching on many different areas of law with regular appearances in court; and must demonstrate an interest in poverty law and working with Native American and low income clients.

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

**CLOSING DATE:** September 15, 2018.

**APPLICATION INFORMATION:** Please submit a letter of interest and resume to: John J. Buchy, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, [dpls1@gwtc.net](mailto:dpls1@gwtc.net).

**MANAGING ATTORNEY: EAGLE BUTTE, SD**

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Managing Attorney position in our Eagle Butte, South Dakota, branch office. The Eagle Butte office serves Cheyenne River Indian Reservation in South Dakota and Dewey, Haakon, Potter and Ziebach counties in South Dakota.

**QUALIFICATIONS/RESPONSIBILITIES:** Applicants must have a JD degree and be licensed to practice, or by reciprocity be able to obtain a license to practice, in South Dakota, or be qualified to take the next South Dakota Bar Exam; must be a bright, motivated, self-starter; must have the tenacity to assume immediate practice responsibilities, including handling a significant caseload touching on many different areas of law with regular appearances in court; must demonstrate an interest in poverty law and working with Native American and low income clients.

Applicant must have at least one year's experience in the practice of poverty law or Indian law, with trial and appellate experience in state and federal courts or two years' experience in the general practice of law. If Applicant does not possess this experience we would consider Applicant for a staff attorney position until

qualified to be a Managing Attorney.

SALARY: Competitive, depending on experience.

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

CLOSING DATE: September 15, 2018.

APPLICATION INFORMATION: Please submit a letter of interest and resume to: John J. Buchy, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, [dpls1@gwtc.net](mailto:dpls1@gwtc.net)

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

#### Lead Estate Planning Attorney: Sioux Falls

Thompson Law, P.C. is an established, estate planning law firm in Sioux Falls whose mission is to provide families with quality estate planning resources. Our law firm specializes in estate planning for the unique needs of family businesses and farms. We help clients preserve their financial wealth through a holistic approach to estate planning where life stories and family heirlooms are prepared for future generations. Thompson Law is a great place to work for those who enjoy a family friendly environment where serving the clients' needs is the highest priority. It is a busy office where each staff member is valued and relied upon for team success. Career growth is encouraged, and opportunities are available for those who have the desire to succeed.

Position Description- The Estate Planning Attorney is the cornerstone of the law firm's service fulfillment efforts. This person is responsible for helping people achieve their estate planning goals. The Estate Planning Attorney consults with prospective clients, drafts and reviews estate planning documents and manages estate administration and probate matters. This person has a high degree of responsibility and directs the efforts of other staff in client support, document production and execution services. This person will be responsible to support the organization with expert knowledge of estate planning law and application.

Skills - Warm friendly person with excellent people skills and excellent counseling skills. Excellent listener who enjoys working with older people. Ability to explain estate planning subjects in layman's terms. Energetic, highly professional, team-oriented. Professional appearance and attire required. Excellent verbal and written communication skills. Familiarity

with MS Office Suite. Non-smoker preferred. Strong organization skills and attention to detail. Excellent customer service and communication skills – verbal and written. Ability to adapt easily to a constantly changing environment, juggle multiple tasks and prioritize work to maintain efficiency. Ability to take initiative and work as part of a team. Ability to think strategically and tactically. Creative problem resolution skills. Ability to consistently meet and exceed targeted business metrics. To Apply: Submit cover letter, resume and references to [joan@cathompsonlaw.com](mailto:joan@cathompsonlaw.com) or complete the online Employment Application found at [www.cathompsonlaw.com/employment-opportunities](http://www.cathompsonlaw.com/employment-opportunities). Opened until filled.

#### Deputy Public Defender: Deadwood, SD

The Lawrence County Public Defender's Office is seeking applications for a full-time Deputy Public Defender position. Duties of the position are as follows: Representation of indigent clients through all stages of the state court system in criminal and some civil matters. This includes pre-trial proceedings, motions, various court hearings and jury trials in criminal matters, appeals, habeas corpus proceedings, abuse and neglect actions, and juvenile proceedings. The successful applicant must possess a J.D. degree and be a current member in good standing or eligible for admission to the South Dakota Bar. Criminal trial experience or clinical program experience in criminal law are preferred. Applicant must be a resident of Lawrence County or willing to become a resident within eleven months of start date. Applications will be reviewed until position is filled with a start date dependent upon applicant's availability. Salary will be a range of \$60,197.40 - \$71,664.06. (Dependent upon experience) Lawrence County offers health, dental and life insurance, paid vacation and sick leave and retirement benefits. Please contact the Office of the Lawrence County Public Defender for more information at (605) 578-3000.

A résumé and writing sample can be submitted to: Amber L. Richey, Chief Deputy, Office of the Lawrence County Public Defender, 90 Sherman Street, Deadwood, SD 57732.





### 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@sdadvocacy.com](mailto:hooks@sdadvocacy.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.drSDLaw.org](http://www.drSDLaw.org).

### Deputy Director: Mission

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Deputy Director position in our Mission, South Dakota, office. DPLS provides free legal services to low income and elderly clients located primarily in the western half of South Dakota and to Native American clients located throughout South Dakota and on the Standing Rock Indian Reservation which extends into North Dakota.

**QUALIFICATIONS/RESPONSIBILITIES:** Applicants must be admitted to practice law in the courts of at least one state and be licensed to practice, or by

reciprocity be able to obtain a license to practice, in South Dakota, or be qualified to take the next South Dakota Bar Exam; have at least one year of experience in the practice of poverty law or Native American law with trial experience in state and federal courts or two years of experience in the general practice of law; have a demonstrated interest in poverty law and sensitivity to the legal needs of low income clients; have strong writing skills; and be familiar with budgets or be willing to learn.

The Deputy Director assists the Executive Director in overseeing the operation of DPLS and will have primary responsibility for fundraising, overseeing the Human Relations functions of DPLS, staff development and training.

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

**CLOSING DATE:** September 15, 2018.

**APPLICATION INFORMATION:** Please submit a letter of interest and resume to: John J. Buchy, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, [dpls1@gwtc.net](mailto:dpls1@gwtc.net).

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

### Staff Attorney: Sioux Falls

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our Sioux Falls, South Dakota, office. The Sioux Falls office serves primarily Native Americans in the vicinity of Sioux Falls and in the eastern half of South Dakota. This job requires at least two days of travel every week.

**QUALIFICATIONS/RESPONSIBILITIES:** Applicants must have a JD degree and be licensed to practice, or by reciprocity be able to obtain a license to practice, in South Dakota, or be qualified to take the next South Dakota Bar Exam; must be a bright, motivated, self-starter; must have the tenacity to assume immediate practice responsibilities, including handling a significant caseload touching on many different areas of law with regular appearances in court; and must demonstrate an interest in poverty law and working with Native American and low income clients.

**SALARY:** Competitive, depending on experience.

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CLOSING DATE: September 15, 2018.

APPLICATION INFORMATION: Please submit a letter of interest and resume to: John J. Buchy, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, [dpls1@gwtc.net](mailto:dpls1@gwtc.net). Native Americans, Women and Minorities are encouraged to apply. Dakota Plains Legal Services is an Equal Opportunity Employer.

#### 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.

#### 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](mailto: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](mailto:sara@swierlaw.com). All inquiries will remain confidential.

## 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.

## Tax Researcher

### H&R Block – Seasonal Tax Researcher (Remote Position)

Job Description: H&R Block, the nation's largest tax service provider, is looking for tax minded individuals who have a passion for service. As a researcher of The Tax Institute at H&R Block, you'll be working with your peers to research, analyze, evaluate, and answer tax questions from our Tax Professionals via live chat and online communication tools.

We are looking for curious individuals who enjoy tax; including, but not limited to, preparers, Enrolled Agents, CPAs, attorneys, students, and others, who can put their research and writing skills to work. You will assist our Tax Professionals by providing advice on tax law and regulations, explaining calculations, and issues with the IRS or a state's Department of Revenue.

Applications will be accepted from now till November 30th. To apply, please visit: [https://sjobs.brassring.com/TGnewUI/Search/Home/e?partnerid=25515&siteid=5710#jobDetails=2741264\\_5710](https://sjobs.brassring.com/TGnewUI/Search/Home/e?partnerid=25515&siteid=5710#jobDetails=2741264_5710)



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)

# September 2018

Disciplinary Board.....	September 13-14.....	Ramkota, Rapid City
Estate Planning CLE am.....	September 28.....	Ramkota, Sioux Falls
Ag Law pm.....	September 28.....	Ramkota, Sioux Falls
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