

SEPTEMBER CLE's

8th

BANKRUPTCY SEMINAR

THE COUNTRY CLUB OF SIOUX FALLS

9:00 AM - 4:00 PM

9th

ESTATE PLANNING

THE COUNTRY CLUB OF SIOUX FALLS

8:00 AM - NOON



PLUS

LEADERSHIP SUMMIT

SD MILITARY ALLIANCE

SIOUX FALLS

SEPTEMBER 28

8:15 AM - 3:30 PM

9th

ADVANCED TRANSACTIONAL NEGOTIATIONS

MISSOURI RIVER ENERGY SERVICES, SIOUX FALLS

1:00 PM - 4:00 PM

FINALLY, LEGAL MALPRACTICE INSURANCE MADE EASY.

“ Renewal process was quick and easy. ”

— Jay R. Gellhaus, Gellhaus & Gellhaus, P.C., Aberdeen, SD

Proud to be endorsed by the State Bar of South Dakota!
Apply now and get back to what matters most.



www.alpsinsurance.com/sdlawyer



2023 ANNUAL MEETING & CONVENTION

SAVE
THE
DATE

June 21 - 23, 2023

MARK YOUR CALENDARS!
RAMKOTA HOTEL IN SIOUX FALLS

2023 ANNUAL MEETING & CONVENTION

State Bar of South Dakota

September 2022 *Newsletter* Issue 9

4 President's Corner
Lisa K. Marso

6 Young Lawyers News
Anthony P. Sutton

10 Dean's List: News From the Law School
Neil Fulton

24 Is Making a Referral Risky
ALPS Risk Manager Mark Bassingthwaighte

28 The View From the Other Side
Mrg Simon

8 Fellows of the South Dakota Bar Foundation

12 A2J Superheroes

14 General Announcements

22 USD Knudson School of Law's Public Interest Network Fellows

26 Proposed Amendments to the Local Bankruptcy Rules and Appendices

30 November 2022 Special Rules Hearing

32 In Memoriam

34 The Foundation for Natural Resources and Energy Law Report

36 Cheyenne-Eagle Butte School Lw School Recruitment Tour

38 Board of Bar Commission July Meeting Minutes

46 Supreme Court Electronic Filing Rules 19-01 thru 19-05

48 Parenting Class Requirement- Effective September 1

52 Career Center

62 Upcoming Events



PRESIDENT'S CORNER

Lisa K. Marso

Driving to work a few weeks back, on the radio was Matthew West's song "What if", which includes lyrics such as:

What if today's the only day I got?
I don't wanna waste it if it's my last shot

* * *

I'm gonna dream a little bigger
Burn a little brighter
Stand a little taller, closer to Your fire
Dig a little deeper
Reach a little further
Love a little harder

* * *

No regrets, in the end
I wanna know I got no what ifs

(watch/listen at:

<https://www.youtube.com/watch?v=o7X3kuTCz5c>).

The song got me thinking, how am I going to spend today? Everyday attorneys and judges balance helping our clients/working on cases and projects, engaging with our family and friends, and making a difference in our communities. We have all been created with and developed a unique mental capacity and passion to work through legal issues. That morning, my mind-set was re-focused thinking I've been given today and I'm not going to waste it. I hope these sentiments inspire you to do the same and connect with each other as well.

Two weeks after this drive, I sent an email to then Fifth Circuit Court Presiding Judge Jon Flemmer, asking him for his consent to include him in my President's

Corner spotlight on our Presiding Judges. Two hours after my email to him, I learned of his untimely death. The "What if" lyrics from a few weeks back rang in my mind. This month, I pause to pay tribute to Judge Flemmer as well as spotlight the Public Sector attorney Jenna Howell whom I find both live lives not wasted:

Judge Jon Flemmer: Hailing from Andover (Day County), Judge Flemmer was the longest serving Circuit Judge in our state prior to his untimely death last month. Judge Flemmer graduated from SDSU then from the USD School of Law in 1981. He served as a Deputy State's Attorney then later the State's Attorney in Clark County where he also provided legal services for a number of years along with his partner Don Syvertson in their general private practice until he was appointed in 1991 as a Magistrate Judge in the Fifth Judicial Circuit. In peaking his interest in serving as a judge, he fondly gave credit to his law school clinical program where he spent a lot of time appearing before Magistrate Judges who took time to educate him on the court system. While he generally worked in Brown County, then Magistrate Judge Flemmer did preside over cases in all ten of its counties. In 1998, he won a judicial election for his Fifth Circuit Court Judge position and moved to Webster where he added coaching baseball for ten years to numerous other activities in which he made an impact in the communities in which he lived. He became the Presiding Judge of the Fifth Circuit in 2021, and found joy in his serving over 31 years on the bench.

Jenna Howell: Jenna serves as Legal Counsel for the South Dakota Department of Human Services. She provides the legal support for its five divisions of Developmental Disabilities, Rehabilitation Services, the Developmental Center, Services to the Blind and Visually Impaired, and Long Term Services & Supports. Her prior work as the General Counsel for the State's Department of Public Safety well-prepared her for this more recent position where she is involved in working on tasks such as administrative rules, legislation, appeals, emergency guardianships, and representing Department Director Rechtenbaugh in final decision issues. While Jenna grew up in Minnesota, she transitioned to USD to obtain her J.D. and Masters in History in a joint degree program. After being a law clerk for Justice Zinter, and then working a bit in private practice, Jenna has found her passion in the public sector. She is very cognizant of the unique political system

we enjoy and finds her work in the public sector keeps her informed of current issues in the State. She is extremely humbled to work at DHS on issues to ensure our rule of law is well followed in DHS, to be involved in making a direct impact on individuals whom DHS serves, and making our world a better place in her role.

On a personal note, Attorney Howell's service is of particular importance to me as I have a 25-year-old daughter who since her middle school years wanted to work with abused and neglected children and is currently working as a Social Worker in Colorado on such cases. I am so appreciative of all attorneys who serve to support the families and social workers in these issues, and our judges who are involved in these challenging cases. Now, here's to living our best lives and having no "What ifs".

LEADERSHIP SUMMIT
 SEPTEMBER 28th 2022
 8:00 a.m. – 3:30 p.m.

Featuring

- Paul TenHaken, *Sioux Falls Mayor*
- Stacy Kooistra, *Sioux Falls City Attorney*
- Matthew Fairholm, *USD Professor*
- Stephanie Herseth Sandlin, *Augustana President*
- U.S. Magistrate Judge Veronica Duffy
- Curt Everson, *fmr SD Bankers Association President*
- Jason Tupman, *Federal Public Defender*
- Mark Vargo, *Attorney General*
- Judge Larry Long, *fmr Attorney General*
- Dennis Daugaard, *fmr South Dakota Governor*

Meeting Location

South Dakota Military Heritage Alliance
 1600 West Russel Street
 Sioux Falls, SD 57104

<https://www.southdakotaalliance.org/>

Registration Required

[Bar Members – CLICK HERE TO REGISTER](#)

[Law Students – CLICK HERE TO REGISTER](#)

Sponsored by the Public Sector Section, Administrative Law Committee, and the State Bar of South Dakota

State Bar of South Dakota
YOUNG LAWYER SECTION



Anthony Sutton
YLS President

For my September YLS President's message, I present a challenge. As I noted in my last message, August presents a time for new beginnings, especially for new lawyers. Not only is law school starting back up and welcoming in the class of 2025, but a new crop of young lawyers are starting clerkships or beginning their careers with their first job following the bar exam. Whether it be with the Class of 2022, 2023, 2024, or 2025, the YLS strives to get involved and make a difference for South Dakota's newest lawyers.

One way of involvement has been through our participation in the Bar Buddies program. This program is important for the YLS, which matches bar takers with mentors who have recently completed the bar examination. Although the program is voluntary, 16 members of the Class of 2022 signed up to participate in the Bar Buddies program, and 16 different young lawyers also agreed to step up and mentor these bar takers. The individuals who agreed to serve as mentors were: Aidan Goetzing, Alayna Holmstrom, Alex Halbach, Anthony Sutton, Ashley Brost, Brooke Schmidt, Cate Davis, Chelsea Wenzel, Chris Sommers, Kelsey Blair, Mae Pochop, Mallory Schulte, Ole Olesen, Rachelle Norberg, Thad Titze, and Whitney Denning. Thank you all so much for your willingness to step up and help with this program!

Although the bar exam takers do not yet know their results, I hope they found having a bar mentor, or in some cases just a bar exam cheerleader, a helpful part of the experience. If any individual, be it a bar taker or bar mentor, has suggestions for how to improve the program, the YLS would welcome your feedback. It is my hope that the relationships formed through the

Bar Buddies program do not stop with the bar exam. In the ideal sense, the Bar Buddies program is a gateway to mentorship and hopefully a mentorship that can exist throughout the careers of the bar exam taker and the bar exam mentor. I look forward to seeing several bar exam takers, and quite a few of their bar exam mentors, on October 21, 2022, in Pierre for the Nuts & Bolts CLE and the Statewide Swearing in Ceremony. All members of the Bar are welcome and encouraged to attend both events.

Here is my challenge – get involved and find ways to support or mentor South Dakota's future lawyers. Over the past month, the YLS has had several opportunities to engage at the USD Knudson School of Law by participating in the orientation activities for the Class of 2025 and participating on other panels at the Law School. One constant item of note that I hear from law students is that they are looking for more opportunities to engage with practicing lawyers and to start forming relationships with members of the Bar. The YLS is making efforts this year to increase our involvement with the Law School and to support and mentor its law students. The YLS would like to ask for your help as well. Thus, I challenge every member of the Bar to attempt to connect with our future lawyers and find a way to support our Law School, be it through a presentation to a class or student organization, judging an ADR or Moot Court tournament, volunteering at a VLEG clinic, or participating in another way.

I look forward to seeing the long-term benefits to the Bar that will occur if we increase our involvement with the USD Knudson School of Law to create solid foundations for our future professionals.

Statewide Swearing-In Ceremony

Please Join Us!

October 21, 2022
3:00PM CST

CAPITOL ROTUNDA
PIERRE SD

*The State Bar of South Dakota
Young Lawyers Section requests
the honor of your presence at the
State Wide Swearing-In
Ceremony for the new
South Dakota attorneys.*

*Reception to follow at the
Missouri Avenue Event Center*

Fellows of the South Dakota Bar Foundation

Sustaining Life Fellow - \$50,000 plus

Fred & Luella Cozad

Life Fellow - \$25,000 plus

Frank L. Farrar

Diamond Fellows - \$10,000 plus

Thomas C. Barnett, Jr.
Robert E. Hayes

Platinum Fellows - \$10,000

Hon. Richard H. Battey
Melissa Nicholson Breit
Chet Groseclose
Scott N. Heidepriem
Hon. John B. Jones
Scott C. Moses
Charles L. Riter
William Spiry
Hon. Jack R. Von Wald

Gold Fellows - \$5,000

Renee H. Christensen
Richard A. Cutler
William F. Day, Jr.
P. Daniel Donohue
Dana J. Frohling
Richard L. Kolker
Kimberley A.
Mortenson
Timothy J. Rensch

Silver Fellows - \$1,000 (per year)

Frankianne E. Coulter
Jeremiah J. Davis

Presidential Fellows - \$10,000

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

Fellows - \$500 (per year)

Hon. John Bastian	Laura Clark Rowe
Hon. John L. Brown	Hon. Bobbi J. Rank
Mary Jane Cleary	Robert C. Riter, Jr.
Andrew L. Fergel	Thomas Eugene Simmons
Neil Fulton	Jason R.F. Sutton
Tom E. Geu	Sarah L. Thorne
Craig A. Kennedy	Rodrick L. Tobin
Hon. Judith K. Meierhenry	Barry R. Vickrey

Raising the Bar: Our Profession. Our Responsibility.

YOU ARE INVITED TO JOIN!

Fellows of the South Dakota Bar Foundation

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

Full Name _____

Address _____

City _____ State _____ Zip Code _____

I would like to contribute:

in Lump Sum Annually Semi-Annually Quarterly Monthly

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

In Memoriam

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

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

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

Or you can email this form to:

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

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

DEAN'S LIST : NEWS FROM THE LAW SCHOOL



At the time you read this, students are back to school at the Law School. Students and faculty have been hard at work for almost a month in our newly renovated classrooms, getting to know each other and the law. Time really does fly when you are trying to understand the proximate cause!

Along with the new student faces in our classrooms, we have two more new faculty faces. Shirley Mays and Robert Miller are the newest members of the faculty. I am excited for many of you to get to know them. To get that off to a good start, I asked each of them to introduce themselves in their own words.

Robert Miller

I am joining the Knudson School of Law after practicing and teaching in Nashville, Tennessee. Before coming to Vermillion, I was a partner in the corporate restructuring department of Manier & Herod, P.C. I represented insurance companies in large national and international insolvency matters and chapter 11 trustees and unsecured creditors' committees in regional cases. I also taught the Business Associations class at the Nashville School of Law. Before practicing I served as the law clerk for the Honorable William L. Stocks of the United States Bankruptcy Court for the Middle District of North Carolina and graduated from Emory University School of Law.

I am excited to start teaching bankruptcy, secured transactions, and related courses. My current scholarly interests are the restructuring of heavily regulated entities (such as institutions of higher education and hydrocarbon producers) and the related conflicts between federal insolvency law and substantive state/

federal law and the constitutionality of the statutory mootness provisions of the Bankruptcy Code.

Along with me in the move from Nashville to South Dakota are my wife (one of the newest members of the SD bar) and our two children. I look forward to connecting with members of the State Bar, particularly those members who practice in the bankruptcy and insolvency space.

Shirley Mays

I am Shirley Mays, a graduate of Central State University in Wilberforce, Ohio and Harvard Law School. After law school I served as a law clerk to Chief Justice Thomas J. Moyer of the Ohio State Supreme Court. I then worked at the international law firm of Squire, Sanders & Dempsey and was General Counsel and Vice President for a national transportation company. In my legal academic career, I have taught and served administratively at Capital University Law School, Arizona Summit Law School, and as a visiting law professor at Nova Southeastern University, University of Kentucky, and Ohio State University. My teaching focuses on Contracts, Business Associations, UCC: Sales, Legal Drafting, and Gender and the Law. My scholarship focuses on addressing race and gender issues through the lenses of Biblical and Transitional Justice and analyzing the interrelationship between corporations as social activists and the governmental entities that charter them. I believe student and faculty diversity is important and look forward to working to attract students and new scholars into the legal profession. Among my professional awards, I have been named to the Top Minority Attorneys List, Most Influential Women of Arizona, and received awards for

excellence in education from the Positively Powerful Women, NAACP and Links, Inc. I enjoy hiking and cycling, dabble in interior design, and am looking forward to cheering on the 'Yotes football and basketball teams.

As you can see, Professor Mays and Professor Miller are excellent additions to the Law School faculty. I look forward to seeing their impact in the legal community through service and scholarship and particularly through their excitement to engage with students. Students who choose the Law School continue to cite the engagement and accessibility of our faculty as a reason they matriculate here. I love to say that we are a great value school, which means more than simply being low cost. It means getting a lot for what you pay for. For the Law School, that means having expert faculty who are engaged in your success and who put real energy into teaching and mentorship. That is a wonderful tradition at the Law School and it continues with a new generation of faculty. Each of us can cite faculty who inspired, encouraged, and advanced us. I could not be prouder to be part of this faculty that embraces that opportunity with passion.

On a final note, I really enjoy writing this column to provide everyone with some insight into what is happening at the Law School. It is hard to put you "in the room," however. I am providing two links to help break through that wall this month. First, I've included a group of photos of our updated classrooms. Renovating classrooms is one of the biggest steps in the ongoing renovation of the law school. If you're in the area, please do come check them out. Second, I love getting to share some initial thoughts with new students at orientation. I have attached the text of my remarks from this year's orientation. Reading them cannot replicate the nerves of the first morning of the first year, but maybe they will bring back some memories and give you some picture of where we are doing this year at the Law School.

Happy back to school to everyone! I hope to see many of you back on campus this fall.

Law School Renovations

– CLICK [HERE](#) TO VIEW ALL PHOTOS –



Check out Dean Fulton's Orientation Speech
- August 2022

[CLICK
HERE](#)



JUSTICE SQUAD

Thank you to the following attorneys that recently accepted a pro bono or reduced rate case from Access to Justice, Inc.! You are now a member of the A2J Justice Squad - an elite group of South Dakota lawyers who accept the responsibility to defend justice, uphold their oath and provide legal representation to those who need it.

Jim Craig
Timothy Dougherty
Amy Janssen
Craig Thompson

Special thanks to:

Beth Baloun
Joseph Hogue
Steve Huff
Kyle Krause
Denise Langley
Alison Ramsdell
Marwin Smith
James Taylor

For their help on SD Free Legal Answers!



ARE YOU INTERESTED IN BECOMING A LEGAL SUPERHERO AND MEMBER OF THE A2J JUSTICE SQUAD?

PLEASE SEND A MESSAGE TO ACCESS.TO.JUSTICE@SDBAR.NET



A2J

HERO



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

ANNOUNCEMENTS

Lynn, Jackson, Shultz & Lebrun, P.C.
is pleased to announce that

Josey M. Blare
has joined the firm.

Lynn, Jackson, Shultz & Lebrun, P.C.
110 N. Minnesota Ave., Suite 400
Sioux Falls, SD 57104

Telephone: (605) 332-5999

jblare@lynnjackson.com

Lynn, Jackson, Shultz & Lebrun, P.C.
is pleased to announce that

Aaron D. Eiesland
has joined the firm.

Lynn, Jackson, Shultz & Lebrun, P.C.
1909 St. Joseph Street, Suite 800
Rapid City, SD 57701

Telephone: (605) 342-2592

aeiesland@lynnjackson.com

Colbath and Sperlich Law Office
is pleased to announce that

Kyle Beauchamp
has joined the firm as an associate attorney.

Colbath and Sperlich Law Office
428 St. Joseph St
Rapid City, SD 57701

Telephone: (605) 718-2330

Facsimile: (605) 342-4740

kbeauchamp@acolbathlaw.com

Resolute Law Firm, P.C.
of Sioux Falls, SD
is pleased to announce that

Melissa Sommers
has joined the firm as an Associate effective
August 15, 2022.

Resolute Law Firm, P.C.
400 North Main, Suite 207
Sioux Falls, S.D. 57104

Telephone: (605) 275-4529

Facsimile: (605) 271-4101

MSommers@resolutelaw.org

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

Dillon D. Kober

&

Kurt Wm. Kingler

have joined the firm as associate attorneys.

Davenport, Evans, Hurwitz & Smith, LLP
206 West 14th Street
P.O. Box 1030
Sioux Falls, SD 57101-1030

Telephone: (605) 336-2880
Facsimile: (605) 335-3639
www.dehs.com

dkober@dehs.com
kkingler@dehs.com

Fuller, Williamson, Nelsen & Preheim, LLP
is pleased to announce that

Tierney C. Scoblic

former Law Clerk for the Second Judicial Circuit
has joined our firm as an Associate Attorney.

Fuller, Williamson, Nelsen & Preheim, LLP
7521 South Louise Avenue
Sioux Falls, SD 57108

Telephone: (605) 333-0003
Facsimile: (605) 333-0007

tscoblic@fullerandwilliamson.com

www.fullerandwilliamson.com

NOTICE OF CLOSING LAW PRACTICE --and-- CHANGE OF ADDRESS for ETHAN W. SCHMIDT

Effective immediately, attorney Ethan W. Schmidt closed his legal practice and
will no longer be affiliated with Schmidt Legal Services Prof LLC.
The e-mail address schmidtlaw@rushmore.com, law office telephone 605-341-0112,
and law office location 1719 W. Main Street **no longer exist**.

HIS NEW MAILING ADDRESS:

Ethan W. Schmidt
5010 Stoney Creek Drive
Rapid City, SD 57702

Telephone: (605) 431-8971

Ethan.schmidt@usbank.com

NUTS AND BOLTS

OCTOBER 21, 2022
MISSOURI AVENUE EVENT CENTER
217 W MISSOURI AVE | PIERRE

TENTATIVE LINEUP

- ETHICS
- WHAT LAWYERS REALLY NEED TO KNOW
- SUCCESS ON THE PRAIRIE
- SOUTH DAKOTA'S FEDERAL COURTS

#NUTSANDBOLTS

Register  HERE

REGISTER NOW

2022 FALL FORUM

October 6-7, 2022 · Sioux Falls, SD

SOUTH DAKOTA TRUST ASSOCIATION

Scan QR Code to Register



sdtrustassociation.org

NORTHERN PLAINS WEATHER SERVICES, LLC

Matthew J. Bunkers, Ph.D. | 605.390.7243

- **Certified Consulting Meteorologist (CCM)**
What does a CCM do? Check out:
<https://npweather.com/forms/CCM-article.pdf>
- 27+ years of weather/forecasting experience
- Consulting, reports, depositions, & testimony
- **Specialties:** forensic meteorology, weather & forecasting, radar, satellite, severe storms, rainfall & flooding, fog, winter weather, fire weather, applied climate & meteorology, ag weather, education & training, and technical editing



<https://npweather.com> | nrnplsweather@gmail.com

SEPTEMBER LAW FOR LUNCH



Change My
Name...



Change My
Name...

September 26, 2022

12:30 PM – 1:30 PM CST

This program will cover the name-change process for newly-married individuals as well as the statutory name change process for other individuals. We will provide an in-depth guide to both of these processes as well as several tips and tricks and emerging issues in this area of law for the practitioner.

Presenter:

Professor Hannah Haksgaard

University of South Dakota Knudson School of Law

**REGISTER
HERE**

2022 ESTATE PLANNING CLE

with Read M. Moore

- **The Secret Life of Powers of Appointment.** This presentation revisits tax law and property law basics of powers of appointment and addresses some lesser-known tax and property law rules related to powers of appointment.
- **Estate Planning for GST Nonexempt Trusts.** Most GST tax-related presentations, however, focus on how to ensure trusts are exempt from the GST tax whether by grandfathering or the application of GST exemption. Presentations on the GST tax, however, rarely cover how the GST tax on nonexempt trusts works. Since the GST tax was implemented in 1986, however, clients have set up thousands of trusts that are not exempt from the GST tax. This presentation describes how the GST tax applies to nonexempt trust and covers planning opportunities. Although the GST exemption has increased substantially in the last 20 years, there are lots of trusts out there with inclusion ratios of one created when the GST exemption was much smaller. Those trusts now will soon face GST tax-related issues even though the trust's assets may be less than the current GST exemption for a living person.
- **Estate Planning for QTIP Trust Assets.** Since 1981 clients have created a very large number of QTIP trusts in the name of estate tax deferral. However, all deferral comes to an end, so often estate tax-related planning is necessary for assets held in QTIP trusts. Planning of this kind, however, is considerably different than when an individual deals with estate planning for individually owned assets. Planning for assets in QTIP trusts involve considerations of fiduciary duties of the trustees to all beneficiaries as well as complicated tax issues related to how section 2044 and 2519 work. This presentation will address how these issues play out.

SEPTEMBER 9, 2022 - 8 AM - NOON

The Country Club of Sioux Falls

**Register
HERE!**



The In-House Committee invites you to an **advanced transactional negotiations CLE** on the afternoon of September 9 from 1-4 pm. Woods Fuller will host a social for all attendees after the CLE.

This event will be held at
Missouri River Energy Services
3724 W Avera Dr., Sioux Falls

STATE BAR BANKRUPTCY SEMINAR

Brought to you by the United States Bankruptcy Court for the District of South Dakota, the State Bar of South Dakota and the Committee on Continuing Legal Education

September 8, 2022

Frederick M. Entwistle & Stanton A. Anker, Co-Chairs

The Country Club of Sioux Falls

3400 W. 22nd St., Sioux Falls

- 9:00 a.m. to 9:15 a.m. **Welcome**
by the **Hon. Charles L. Nail, Jr.**, Chief Judge for the Bankruptcy Appellate Panel for the Eighth Circuit and Chief Judge for the United States Bankruptcy Court for the District of South Dakota.
- 9:15 a.m. to 9:45 a.m. **Smart moves for debtors' and creditors' attorneys in chapter 13 cases**
by Trustee **Dale A. Wein**.
- 9:45 a.m. to 10:15 a.m. **Ideal intake procedures and dealing with difficult clients**
by **Stan H. Anker**, Anker Law Group, P.C. of Rapid City.
- 10:15 a.m. to 10:30 a.m. **Morning break.**
- 10:30 a.m. to 11:00 a.m. **Emerging issues in debtor/creditor law**
by **Timothy M. Engel**, May, Adam, Gerdes & Thompson LLP of Pierre.
- 11:00 a.m. to 11:30 a.m. **Getting started as a debtors' attorney and how to fill the knowledge gaps**
by **Stanton A. Anker**, Anker Law Group, P.C. of Rapid City.
- 11:30 a.m. to 12:00 noon **Maximizing creditors' returns in Sub V Chapter 11s and Chapter 12s**
by **Anthony M. Hohn**, Davenport, Evans, Hurwitz & Smith, LLP of Sioux Falls.
- 12:00 noon to 1:00 p.m. **Bankruptcy Bar Lunch.**
- 1:00 p.m. to 1:45 p.m. **How to succeed in front of the BAP**
by the **Hon. Charles L. Nail, Jr.** and the **Hon. Anita L. Shodeen**, United States Bankruptcy Judge for the Southern District of Iowa.
- 1:45 p.m. to 2:15 p.m. **What the Office of the United States Trustee cares about and why**
by **Mary R. Jensen**, Acting United States Trustee for Region 12.
- 2:15 p.m. to 2:30 p.m. **Retirement farewell cake and coffee for Scheduling and Courtroom Deputy Nita L. Sarvis.**
- 2:30 p.m. to 3:00 p.m. **How to keep your chapter 7 trustee happy**
by Trustee **Lee Ann Pierce**.
- 3:00 p.m. to 3:30 p.m. **New Bankruptcy Judge time.**
- 3:30 p.m. to 3:45 p.m. **Looking to the future—near and far—of electronic filing**
by Clerk **Frederick M. Entwistle**.
- 3:45 p.m. to 4:00 p.m. **Closing remarks**
from the **Hon. Charles L. Nail, Jr.**

Register online at www.statebarofsouthdakota.com > Events & Education.

*South Dakota Law Review
cordially invites you to*

Wine Review

Join us for a wonderful evening of Heavy hors d'oeuvres, Wine, and a celebration as we present the Distinguished Alumnus Award to John P. Blackburn.



*Let's
celebrate!*

Saturday | November 5th
Mead Cultural Education Center
Yankton | South Dakota
Social Hour | 5-6 p.m.
Main Event | 6 p.m.

Tickets: **\$50**

Send checks to:
South Dakota Law Review
Attn: Managing Editor
414 East Clark Street
Vermillion, SD 57069
or, contact Ashley at ashley.theobald@coyotes.usd.edu



REACH *Beyond*

Power your law practice with industry-leading legal research. Fastcase is a free benefit to Dakota Disc subscribers.



LEARN MORE AT WWW.STATEBAROFSOUTHDAKOTA.COM

DOWNLOAD TODAY



Meet the 2022 University of South Dakota Knudson School of Law's Public Interest Network Fellows

This year, thanks to your support, the University of South Dakota Knudson School of Law Public Interest Network (PIN) annual fundraising auction raised an unprecedented \$12,000. The fundraising event is also notable because it is the first *live* auction PIN has held since 2019.

PIN is a student-led organization dedicated to supporting USD Knudson School of Law students who volunteer their time working unpaid, summer internships with public interest organizations (such as government agencies, nonprofits, Native American legal services, and public defender offices).

With the amount raised this year, six USD Knudson School of Law students were awarded fellowships to help cover the cost of living expenses as they completed their public interest summer internships. The 2022 PIN Fellows are: Erin Ballard (U.S. Attorney's Office); Bryce Drapeaux (U.S. District Court); Lilli Jasper (U.S. Attorney's Office); Mubarak Kadir (Federal Public Defender's Office); Alyssa Lorenzo (U.S. Attorney's Office); and Pierce Richardson (Collin County (TX) District Attorney's Office).



2022 PIN Fellows (left to right): Erin Ballard, Pierce Richardson, Bryce Drapeaux, Mubarak Kadir, and Lilli Jasper

PIN's auction was made possible by its indefatigable student leaders: Khritzyn Krininger (president, 2L); Diane Haiar (vice president, 2L); and James McCormick (1L representative). First-year law student Trevor Case served as the highly entertaining auctioneer at the event. PIN is also grateful to those who supported the auction by: donating money, volunteering their time and resources, giving items, and/or attending the auction.



PIN student leaders (left to right): Khritzyn Krininger, James McCormick, and Diane Haiar

We could not support these students' public interest service without you. Please see our list of sponsors and donors below and stay tuned for more information about PIN's 2023 fundraising activities.

With gratitude from USD's Public Interest Network

Event Co-sponsor

State Bar of South Dakota, Young
Lawyers Division, First Circuit

Sponsors

Platinum

Cadwell Law Firm
May Adam

Solid Gold

Ballard Spahr
Marlow, Woodward & Huff
Amber Hardy
Jeff Larson

Gold

Anonymous
Susan Benton
AJ Franken
Goosman Law Firm
Chris Hutton
Lynn, Jackson, Schultz & Lebrun

Silver

Tracy Hummel

Donors

AR Studio
Blue Monarch
Trevor Case
Club Pilates
Amber Cook
Coyote Twin Theatre
Critical Pass
Dakota Realty
Escape Float Spa
Henry Evans
Neil Fulton
Tom Geu
Grand Falls Casino & Golf Resort
Great Shots
Hannah Haksgaard
Wendy Hess
Tom Horton
Tracy Hummel
Intoxibakes
Jason Krause
Sara Locke
Steve Macias
Heather McDonald
Mike McKey
Mike McKnight

Nothing Bundt Cakes
Quimbee
Tyler Moore
NFAA Yankton Archery
Laura Rose
Row House
Scooters
Courtney Segota
Tom Simmons
Mrg Simon
Sip 'n Cycle
SkateCity
Skyzone
Sol Yoga Collective
Tom Sorenson
The Spa on Phillips
Becky Stavish
Sticks & Steel
Sun 'n Fun Specialty Sports
Marilyn Trefz
Ann Tweedy
Wynnie Mae's
Eric Young



UNIVERSITY OF
SOUTH DAKOTA
KNUDSON SCHOOL OF LAW

USD Knudson School of Law 2022 Fall On-Campus Interviews (OCI) Information

We are looking forward to on campus interviews this Fall. As a reminder, we invite 2L and 3L students to participate in the Fall OCI process. Our 1L students will participate beginning Spring 2023. We will be sending out employer registration information later this summer, but please see the dates below, so you can plan accordingly for what works best in your schedule!

Fall 2022 OCI:

- Round 1: August 18 and 19
- Round 2: September 8 and 9
- Round 3: September 29 and 30

SIGN UP HERE

If you would like to receive information regarding OCI and other opportunities through Career Services, please email LawCareerServices@usd.edu to be added to our contact list.

Referrals of all types are commonplace in the practice of law. They are often made after work is declined. Staff may pass a name along in response to a cold call or to a client who needs a service that your firm doesn't provide. Referrals can occur during dinner conversations, at social events, via email or text, or after a presentation given to the general public. Names may be passed along to family members, friends, colleagues, and especially clients. After all, what firm doesn't want to make sure their clients are well taken care of! Heck, if done judiciously, referrals can even be a useful tool in growing a practice.



Too often, however, referrals are made to a variety of professionals without any thought about the potential malpractice exposure. Is such casualness justifiable? Unfortunately, the answer is occasionally no. While I will readily admit that the risk is quite low, this doesn't mean the risk can be dismissed out of hand.

One reason why is the "hunt for a deep pocket" concern. Suppose you make a specific referral and the person the referral is given to relies on your "advice" to work with whoever it was you referred them to. This person is then harmed in some fashion due to the negligent acts of the person you referred them to, and it turns out that this professional is uninsured. It happens, and when it does a hunt for a deep pocket might mean that a negligent referral claim is about to land in your lap.

Still have doubts? Then consider this. Thinking just about our own profession, I can assure you that a significant number of attorneys actively practicing here in the US are indeed uninsured. Some attorneys don't believe that malpractice insurance is necessary. They prefer to protect their assets in other ways. Others simply can't afford the premium payment, particularly during economic hard times. And I have even had a few attorneys 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. I

know this is contrary to widely held beliefs, but it is true nonetheless.

A more serious concern is when an attorney accepts a referral fee. This is a concern because such fees are too easily viewed by a client as payment for your legal advice to have the client work with the other attorney. Remember, clients need to be made aware of fee splits, so acceptance of such a fee can come with liability for the other attorney's missteps — particularly if the misstep is a blown statute of limitations date and the other attorney is uninsured. To avoid this risk, never ask for a referral fee and if one is offered, it's best to decline or suggest that the referral fee be refunded to the client.

That said, if your practice is to accept referral fees, proceed fully aware of the risk involved and act accordingly. Be up front with the client about the arrangement because when you share fees, you share liability. Think about Rule 1.5 of the ABA Model Rules of Professional Conduct, which 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 attorney 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, at a minimum, it would seem 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.

Now, 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 her declaration page to her malpractice policy prior to ever making this kind of referral. Some attorneys rationalize this concern away by thinking this isn't necessary because the folks they refer to are all highly competent professionals. In response, know that competent professionals can and sometimes do make mistakes or miss critical deadlines. Again, it happens. 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. However, 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 ABA Model Rule 5.4(a) which prohibits the sharing of fees with a non-attorney.

Acceptance of a referral fee is not the only method of creating a liability from a referral. Referrals to specific individuals or a referral made with a promise such as "Ms. Jones is the finest (CPA, financial planner, personal injury plaintiff attorney, whatever the case may be) in the area and always gets great results" can also create liability. So, another way to avoid exposure for a negligent referral claim is to always provide a minimum of two to three names and make no promises. Of course, suggesting the individual contact a referral service, such as a state or local bar in the case of attorney referrals, would be another way to go.

Next, be extremely cautious when making a referral to

an officemate in an office-sharing situation. By their very nature office sharing arrangements create added vicarious liability for everyone in the space. Internal referrals just increase the risk. Here again, it's important to give at least two to three names, one of which can be an officemate. If so, be certain to disclose that one of the names provided is an officemate, make no promises about that person, and be certain that the individual receiving the referral understands that the officemate is completely independent from you. Of course, never refer someone to an officemate who is uninsured or underinsured. This risk simply isn't worth it.

The final issue concerns staff. Occasionally a firm will have a sound referral policy in place that all attorneys understand and follow yet some staff members may be completely unaware of the policy or 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 and others get the best help possible. Their motivation is to provide good service. These staff will sometimes 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 person they are referring someone to, for example, "Attorney X is a very good attorney and well respected by our firm." This is not something you want to have happen for all the reasons discussed above.

In order to avoid this problem, make certain that all staff understand your firm's policy and procedure for referrals and also the reasons why such a policy is necessary. 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 them recommend an appropriate referral service.



Authored by: Mark Bassingthwaight, Risk Manager

Since 1998, Mark Bassingthwaight, Esq. has been a Risk Manager with ALPS, an attorney's professional liability insurance carrier. In his tenure with the company, Mr. Bassingthwaight has conducted over 1200 law firm risk management assessment visits, presented over 400 continuing legal education seminars throughout the United States, and written extensively on risk management, ethics, and technology. Mr. Bassingthwaight is a member of the State Bar of Montana as well as the American Bar Association where he currently sits on the ABA Center for Professional Responsibility's Conference Planning Committee. He received his J.D. from Drake University Law School.

United States Bankruptcy Court District of South Dakota



Frederick M. Entwistle
Clerk

United States Courthouse
400 South Phillips Avenue, Room 104
Sioux Falls, South Dakota 57104-6851
Telephone: (605) 357-2400

Federal Building and U.S. Post Office
225 South Pierre Street, Room 203
Pierre, South Dakota 57501-2463
Telephone: (605) 945-4460

August 22, 2022

Andrew L. Fergel, Executive Director
State Bar of South Dakota
111 West Capitol Avenue, Suite 1
Pierre, SD 57501

Subject: Proposed Amendments to the Local Bankruptcy Rules and Appendices

Dear Mr. Fergel:

The Local Bankruptcy Rules Committee has recommended several amendments to the local bankruptcy rules and appendices. To assist the committee in soliciting public comment regarding the proposed revisions, please publish this letter in your next newsletter.

The proposed revised local bankruptcy rules and appendices are posted on the Court's website at www.sdb.uscourts.gov under the "News & Announcements" section. Interested parties are encouraged to review and comment on the revisions. Written comments should be submitted on or before September 20, 2022, to either Dale A. Wein, Chairman of the Local Bankruptcy Rules Committee, at dalewein@rw-law.net or P.O. Box 1329, Aberdeen, SD 57402, or Frederick M. Entwistle, Clerk of the United States Bankruptcy Court, at Rick_Entwistle@sdb.uscourts.gov or 400 South Phillips Avenue, Room 104, Sioux Falls, SD 57104.

Kay Cee Hodson, Judge Charles L. Nail's law clerk, and Vicky Reinhard, Chief Deputy Clerk, will hold an educational session for bankruptcy attorneys and their staff in each of the four court divisions during October 2022. They will discuss the changes to the federal rules of bankruptcy procedure that will take effect on December 1, 2022 and the changes to the local bankruptcy rules slated to take effect in October 2022. The dates and times for the sessions will be announced via the "Bankruptcy Update," the Bankruptcy Court's weekly electronic newsletter.

Thank you.

Sincerely,

Frederick M. Entwistle

Frederick M. Entwistle
Clerk, U.S. Bankruptcy Court

PLEASE JOIN US FOR
THE 2ND CIRCUIT
YOUNG LAWYER SECTION
FALL MIXER & RECEPTION

FOR

**ASHLEY
BLAKE**

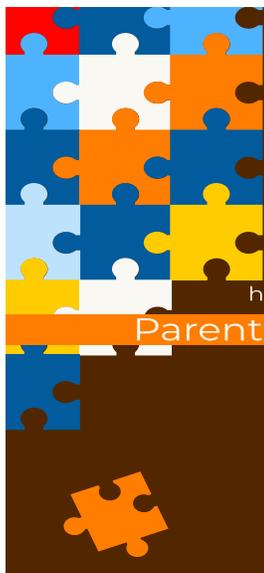


VINYL
GACO

3609 SOUTH WESTERN AVENUE
SIOUX FALLS

NOVEMBER 10, 2011
4:00PM - 6:00PM

PLEASE RSVP BY NOVEMBER 2ND
TO BSCHMIDT@DEHS.COM



Dava A. Wermers
Wantoch Law Office
has expanded her practice to include
Parent Coordination Services

Dava Wermers
Wermers Family Services
Parent Coordinator
221 East 3rd Ave
Mitchell, SD 57301
(605) 933-9981
wermersfamilysvs@gmail.com



**DeRouchey Agricultural &
Legal Consulting, LLC**

Roger DeRouchey
700 Broad Street Alexandria, SD 57311
605-770-8080
derouchey.agconsulting@tritel.net

- 34 years Farm Business Instructor at Mitchell Tech
- 4 years of Ag Lending
- 9 years Research, Deposition, Testifying
- Expert witness on agricultural issues

www.deroucheyagriculturallegalconsulting.com



THE VIEW FROM THE OTHER SIDE

BY: MRG SIMON

Last month, I had the opportunity to speak to a group of law students, along with members of the Bar's In House Counsel Section and the Young Lawyers about the Business Benefits of Organization. At the end, I joined a panel of practitioners in a Q&A with the law students. We shared different approaches to managing files, email and calendars and other professional obligations. And then the question came: What happens when all your efforts fail?

Ugh. While I had their rapt attention during my presentation, I realized it was lopsided. And then I realized that my columns have been, too. One-size fits all. So, let's set the record straight.

There are plenty of lawyers out there who practice in the midst of "organized chaos" and like it just fine, thank you. And there are quite a few who have assistants that apparently take care of all things organizational for them. I've been evangelizing about the benefits of organization to finding joy in our lives, but I'd like to discuss what happens in the real world.

You don't need an office or home that looks like it's ready for an Architectural Digest photo shoot to be an effective lawyer and find joy in all you do. It's up to each individual to define their own ideal future and what that specifically looks like. It's not my job as a consultant to do that for you; my job is to walk beside you and guide your decision-making process toward your ideal office or home. My ideal is something between modern minimalism and Martha Stewart – but that doesn't mean my client's end up with offices like that. Yours should honestly reflect you, how you're comfortable working and interacting with other office staff. At its best, the KonMari Method® of tidying is about what improves your life and what brings you joy, not me. My only job is to walk beside you and help you figure out what does work for you, and how to dispose of what doesn't so your life is tailored to fit your goals.

Several of the lawyers on the panel at the law school talked about being entirely comfortable working with stacks of papers and folders on their desks. They explained that they took steps to make sure everything is in a folder at the end of the day, not potentially exposing

confidential materials to the like of the cleaning staff or anyone who happens through the door. They have solid routines in place for how they plan the use of their time in any given week. And each of them is different. Tailored for them.

When I work with a client, I take the time up front to find out what works for them now in addition to identifying problem areas. Just like no two trial cases are identical, no two lawyers are going to have the same approach to effective organization and their visions for their futures. The key is to find your joy, not mine.

I'll be more mindful of the language I use when talking about joy and objectives in the future.

Mrg Simon is a certified professional organizer and a member of the State Bar of South Dakota.



For organizational solutions tailored to you and your professional needs, contact me today!

In-person and virtual sessions available.



*Mrg
Simon*

Mrg Simon, J.D.
Certified KonMari™ Consultant
mrg.simon@designed2stick.com

Contact Mrg for a free consultation at 605-929-1493

ATTORNEYS - OATH OF ATTORNEY

I do solemnly swear, or affirm, that:

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

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

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

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

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

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

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



Supreme Court of South Dakota

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

Shirley A. Jameson-Fergel
Clerk

Laura J. Graves
Chief Deputy

Amy Hudson
Deputy Clerk

Sarah L. Gallagher
Deputy Clerk

July 27, 2022

Mr. Andrew L. Fergel
Executive Director
State Bar of South Dakota
111 West Capitol Ave #1
Pierre SD 57501-2596

Re: November 2022 Special Rules Hearing

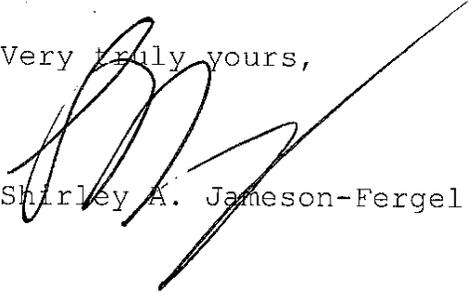
Dear Mr. Fergel:

A Supreme Court Rules Hearing will be held Wednesday, November 9, 2022, at 11:00 a.m., CT in the Courtroom of the Supreme Court, Capitol Building, Pierre, South Dakota.

An original and five copies of proposals for amendment or adoption of rules should be filed with the Clerk of the Court no later than September 12, 2022. Please comply with SDCL 16-3-5.1 when submitting proposals.

Please publish this letter in the August and September 2022 editions of the State Bar Newsletter.

Very truly yours,


Shirley A. Jameson-Fergel



Introducing Your Member Portal and App

Browse benefits. Request services.
Enjoy 24/7/365 access.

Your Assistance Program offers a wide range of benefits to help improve mental health, reduce stress, and make life easier—all easily accessible through your member portal and app.

Video, Chat, and Telephonic Access

24/7/365 access to request mental health sessions and life management referrals

Thousands of Self-Care Articles and Resources

Explore videos, provider resource locators, personal assessments, calculators, and tools

Events Calendar and Free Webinars

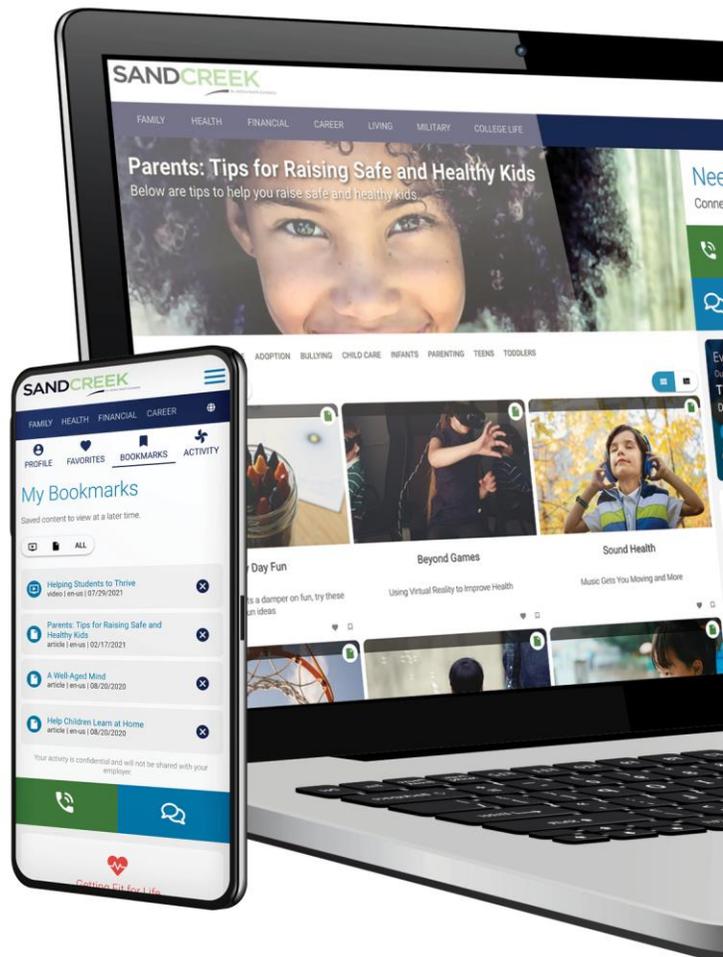
Sign up for the latest webinars and online training sessions

Exclusive Discounts

Save money on entertainment, gifts, travel, and consumer goods

Getting Started Is Easy

1. Visit your landing page, SandCreekEap.com, and click on "Select Portal & App" in the top menu
2. Register to create a new account using your company code: **SBSD1**. A confirmation email will be sent to complete the process



Contact Sand Creek EAP
Call: 1-888-243-5744
 Visit: SandCreekEap.com
 Code: **SBSD1**

In Memoriam



Walter D. Reed
June 1, 1924 — July 28, 2022

Walter D. Reed, 98, of Vermillion passed away on July 28, 2022, surrounded by his loving family.

A funeral service will be held at St. Paul's Episcopal Church in Vermillion on Tuesday, August 2, 2022, beginning at 10:30AM.

Walter D. Reed was born June 1, 1924, in Dallas Center, Iowa, one of four children. Following high school, he enlisted in the Army Air Corps in August 1943. He was assigned to B29 bomber group in, Salina, KS. Following WWII, he entered Drake University and graduated from the College of Commerce and the School of Law. While at Drake, he regularly went to the library to read the morning paper. That's where he met Dorothy Kelly. They married in Des Moines, Iowa, February 1, 1949.

He was recalled to active duty in 1951 and served as staff Judge Advocate in Korea. He returned to the U.S. in 1953 and worked in both military justice and civil law assignments. In 1962 he earned a Master of Law degree from McGill University.

From 1967 to 1969 he served as legal adviser to the US Ambassador to Thailand.

He was appointed The Judge Advocate General of the Air Force by President Carter 1 October 1977 and served until 31 August 1980.

Following his retirement from the Air Force, he served as Dean of the USD School of Law from 1980 through 1988.

Walter is survived by his wife of 73 years, Dorothy; his children Elizabeth (Bryce) Hopkins; William (Lynette) Reed; Joseph (Joan) Reed. Survivors also include his sister, Rosie Peters; 4 grandchildren, 4 great grandchildren and numerous nieces and nephews. He was preceded in death by his daughter, Anne.



Jon Flemmer
May 21, 1956 -
August 4, 2022

Jon Flemmer, 66, of Webster, SD, passed away at his home in Webster on Thursday, August 4, 2022.

Jon Somers Flemmer was born on May 21, 1956, to Gordon and Amy (Somers) Flemmer in Aberdeen, South Dakota. He was baptized and confirmed at the Zion Lutheran Church in Andover, South Dakota. Jon attended school at Andover from Kindergarten to 6th grade and later graduated from Groton High School in 1974.

He furthered his education at South Dakota State University where he earned his Animal Science Degree. While at SDSU he was a member of Sigma Alpha Epsilon, Statesmen, and Hobo Day Committee. While at SDSU Jon was challenged to take the LSAT exam. After taking the exam and earning a higher score than the challenger, he was inspired to further his education at the University of South Dakota where he earned his law degree, Juris Doctorate. Upon completion, he took a job as the Assistant States Attorney in Clark. He then went on to take over as States Attorney. After working in Clark, he accepted a job in Aberdeen as Magistrate Judge.

He was united in marriage to Jill Anderson on April 13, 1991, at the Courthouse in Watertown, South Dakota. A few years following their marriage the couple adopted their son, Seth. Jon later ran and won a position as Circuit Judge which brought the family to Webster where he has served as Circuit Judge for 21 years. Jon was a member of the South Dakota Bar Association.

He enjoyed watching the Minnesota Twins and Vikings teams, hunting, taking naps in his chair, International Harvester, and tractor memorabilia. He shared his enthusiasm for sports with his son by coaching him in baseball for many years.

Jon passed away on Thursday, August 4, 2022, at his home in Webster, at the age of 66 years.

Jon will be deeply loved and missed by his wife, Jill, of Webster, SD; one son, Seth (Rachel) Flemmer of Harrisburg, SD; one brother, Ross and Cristy Flemmer (Lucas and Jacob) of Dell Rapids, SD; one sister, Candace and Dan Kauffman (Chris, Beth, and Amy) of Minneapolis, MN.

He is preceded in death by his parents, maternal grandparents, paternal grandparents, and one brother, Kim Flemmer.



Attorney Health & Wellness Resources



IT'S
Okay
TO
Ask
FOR HELP

The text is arranged in a vertical stack. "IT'S" is in a small, white, sans-serif font. "Okay" is in a large, white, hand-drawn font with a black outline. "TO" is in a small, white, sans-serif font. "Ask" is in a large, white, hand-drawn font with a black outline. "FOR HELP" is in a large, white, hand-drawn font with a black outline.

SANDCREEK EAP

IT'S FREE & CONFIDENTIAL
AVAILABLE 24/7

LAWYERS CONCERNED FOR LAWYERS

A CONFIDENTIAL &
INDEPENDENT RESOURCE

LAW OFFICES OF
BENNETT MAIN GUBBRUD & WILLERT, P.C.
A PROFESSIONAL CORPORATION
618 STATE STREET
BELLE FOURCHE, SOUTH DAKOTA 57717
TEL (605) 892-2011
Email: bellelaw@bellelaw.com

MAX MAIN, Associate Emeritus*
DWIGHT A. GUBBRUD*
*LICENSED in SOUTH DAKOTA and WYOMING

Est. 1908

KELLEN B. WILLERT**
**LICENSED in SOUTH DAKOTA, WYOMING and COLORADO

July 25, 2022

VIA E-MAIL and U.S. MAIL

andrew.fergel@sdbar.net

Andrew Fergel
Executive Director and Secretary-Treasurer
State Bar of South Dakota
222 East Capitol Avenue, #3
Pierre, SD 57501-2596

RE: The Foundation for Natural Resources and Energy Law.

Dear Andrew:

The Trustees Council of The Foundation for Natural Resources and Energy Law held its Annual Meeting in Vail, Colorado, on July 18, 19, & 20, 2022. I attended the meeting as Trustee for the State Bar of South Dakota. Professor Sean Kammer attended the meeting as Trustee for the Knudsen School of Law.

During the past year, the Foundation sponsored two Short Courses, seven virtual Workshops and Webinars, six Special Institutes, and four Workshops, in addition to the Annual Institute. The Institutes, Short Courses, and Workshops were attended by over 3,000 registrants.

The Foundation's two Scholarship Committees awarded over \$281,683 in law school scholarships last year. The RMMLF Scholarship Recipient Attendance Program pays travel, accommodation, and incidental expenses for law students to attend Foundation Institutes and Short Courses. Applications for this assistance can be made through the law school Trustee. Since 1980, the Foundation's Scholarship Committees have awarded over \$3,955,000 in scholarships to 702 scholars.

The following officers were elected to serve for the coming year:

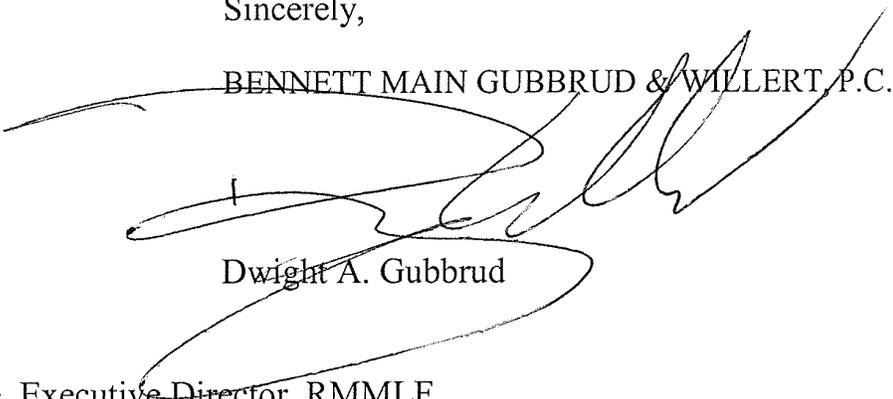
- President - Rachael E. Salcido, University of the Pacific, McGeorge School of Law, Sacramento, CA;
- Vice President - Jolisa Melton Dobbs, Holland & Knight LLP, Dallas, TX;
- Secretary - Carlos Vilhena, Pinheiro Neto Advogados, Brasília, Brasil;
- Treasurer - Connie L. Rogers, Terra Law Group, Lakewood, CO.

The Annual Meeting of the Trustees Council is held during the Foundation's Annual Institute. This year, 34 papers/topics were presented to approximately 800 registrants at the Annual Institute. The 2023 Annual Meeting and Institute will be held in Salt Lake City, Utah from July 20 to 22.

If anyone wants further information, please feel free to contact me. You can also learn more about the Foundation and its many programs and publications, by visiting www.fnrel.org. It was an honor to represent the State Bar on the Foundation's Trustees Council.

Sincerely,

BENNETT MAIN GUBBRUD & WILLERT, P.C.



Dwight A. Gubbrud

DAG/ak

cc: Alex Ritchie, Executive Director, RMMLF

CHEYENNE-EAGLE BUTTE SCHOOL LAW SCHOOL RECRUITMENT TOUR FRIDAY, SEPTEMBER 30, 2022

The dearth of Native American representation in the law today is the result of the lack of attention and resources dedicated to the full inclusion of Native Americans in the legal profession in spite of the focused attention on diversity and inclusion into the profession since the 1970s. While the number of Native American law school enrollees per year has generally risen over the years, from 392 in 1979 to 1,273 in 2009, the percentage of Native American enrollees in relation to overall law school enrollees has been miniscule, rising from .32% in 1979-1980 to .82% in 2009-2010.

- The Pursuit of Inclusion: An In-Depth Exploration of the Experiences and Perspectives of Native American Attorneys in the Legal Profession, Executive Summary, National Native American Bar Association (2015).



In an attempt to recruit Native Americans to law school, the State Bar of South Dakota, National Native American Bar Association, South Dakota Indian Country Bar Association, the University of South Dakota School of Law, and countless other South Dakota lawyers toured universities and Reservation schools in the since 2015. In 2015, the group traveled to both Pine Ridge and Rosebud Sioux Reservations in South Dakota and presented to high school and college students about the benefits of attending law school. In 2016, the group traveled to the Cheyenne River Sioux Reservation and performed a mock trial, spoke to area high school and college students, and held a legal clinic. In 2017, the group held mock trial at near the Flandreau Santee Sioux Reservation. These experiences were incredibly well-received, and because of their success these organizations will be planning another trip this spring.

Additionally, the Young Lawyers Section of the State Bar, by and through the leadership of Tamara Nash, launched Project Destination, which is a nationally recognized program that began in 2017. Project Destination embodies the goal of recruiting k-12 students, specifically from tribal communities, to consider the practice of law. Project Destination's design is a moderated panel. Panelists consist of young lawyers who answer questions ranging from college to law practice. Specifically, panelists strive to generally field questions about law school, the application process, financial aid experiences, locating resources, areas of practice, and the law's dedication to the community. The role of the panelist, while critical, requires nothing more than attendance, engagement, and hopefully to inspire. For more information on Project Destination, please see: <https://www.statebarofsouthdakota.com/public-service-events/>.

The group will be visiting the Cheyenne Eagle Butte School District to further its recruitment effort in 2022. Not only does the group want to present to local schools, but also wants to do a presentation that would captivate younger students. The Honorable Judge Karen Schreier has graciously offered to provide the group with a “Goldie Locks and The Three Bears-Themed” mock trial she developed to present to the younger audience. The group will do mock trials to the 3rd to 6th grade students at the Cheyenne Eagle Butte Upper Elementary. Judge Schreier also has a mock trial that would be utilized for older students in the 7th to 12th grades for high school-aged student.

The tour will be on September 30, 2022, and we are looking for all interested attorneys, law students and other volunteers to assist in making this possible. For individuals who are interested, please feel free to reach out to Seth Pearman at (605) 200-1496 or spearman@fsst.org.

The State Bar of South Dakota, South Dakota Indian Country Bar Association, and the University of South Dakota School of Law appreciate your support of this event and hope you are able to participate.

PARTICIPATING ORGANIZATIONS:

1. State Bar of South Dakota
2. South Dakota Indian Country Bar Association
3. University of South Dakota School of Law
4. National Native American Law Students Association – USD Chapter
5. South Dakota Young Lawyers Section

SCHOOLS INVOLVED:

1. **Cheyenne Eagle Butte School Upper Elementary School**
Prairie Rd,
Eagle Butte, SD 57625

2. **Cheyenne Eagle Butte High School**
2004 E St.
Eagle Butte, SD 57625

CALENDAR OF EVENTS

THURSDAY - SEPTEMBER 29, 2022	
6:00 P.M. (CST)	Group Orientation in Pierre, South Dakota <i>Cattleman’s Club Steakhouse</i> 29608 SD Highway 34 Pierre, SD 57501 <i>**If you cannot make it to the Group Orientation, please feel free to just come to the event!</i>
FRIDAY - SEPTEMBER 30, 2022	
9 – 12 (MST)	Presentation/Mock Trial to Cheyenne Eagle Butte Upper Elementary
12 – 1 (MST)	Lunch at Ubetcha Watecha
1 – 3 (MST)	Presentation/Mock Trial to Cheyenne Eagle Butte High School



BOARD OF BAR COMMISSIONERS

Minutes, July 22, 2022
Clubhouse Hotel and Suites
Sioux Falls, South Dakota

President Lisa Marso called the meeting to order at 8:38 a.m. Central Time on Friday, July 22, 2022, in Sioux Falls, South Dakota. Present at the meeting were Marso, President Elect Heather Bogard, Commissioners Bell, Dougherty, Johnson (via Zoom), Matson, Olson, Pickar (via Zoom), and Richter. Also, present during all or part of the meeting were Executive Director/Secretary-Treasurer Andrew Fergel (via Zoom), Strategic Plan Coordinator Elizabeth Overmoe, Assistant Director Nicole Ogan, Communications Director Tracie Bradford, Access to Justice, Inc. Coordinator Denise Langley (via Zoom), LAP Director Rebecca Porter (via Zoom), YLS President Anthony Sutton, and Strategic Plan Committee Co-Chair Dick Casey.

After calling the meeting to order, President Marso discussed her plans and priorities for the year. Thereafter, she recessed the meeting at 8:48 a.m. to call the Access to Justice, Inc., Board of Directors Meeting to order. After adjourning the Access to Justice, Inc. Board of Directors Meeting, President Marso reconvened the Bar Commission meeting at 9:04 a.m.

Minutes of May 18, 2022 Meeting: Commissioner Matson moved to approve the minutes of the May 18, 2022, meeting held via Zoom. President Elect Bogard seconded the motion. Motion passed.

2022 Annual Meeting Minutes: Commissioner Bell made a motion to approve the minutes of the 2022 State Bar Annual Meeting and Convention. President Elect Bogard seconded the motion. Motion passed.

Discussion About Annual Business Meeting and Bar Convention Format: President Marso led a discussion about the format of the of the Annual Convention and Business Meeting and the possibility of making changes for the coming year. As a result of the discussion, President Marso asked President Elect Bogard and several commissioners to meet with herself and Bar staff to put together a plan for the Bar Commission to review at an upcoming meeting.

Minutes of June 24, 2022 Meeting: Commissioner Matson made a motion to approve the minutes of the June 24, 2022 Bar Commission Meeting. Commissioner Olson seconded the motion. Motion passed.

Lawyers Assistance Program Report: Lawyers Assistance Program Director Rebecca Porter reported on the activities of the LAP program and her work for the

program since her last report as well as an explanation regarding the goals and activities of the Lawyers Assistance Committee and the Lawyers Concerned for Lawyers volunteer group. As part of her report, Ms. Porter gave general statistics on call numbers, and her plans for the upcoming months, that included working with the South Dakota Bar Foundation on a project to make a counselor more available for Bar members in times of need. Ms. Porter's oral report was supplemented with a written report that was included in the Commission's meeting materials.

Update on the Strategic Plan for the State Bar: Strategic Plan Committee Co-Chair Dick Casey gave a report on the work of the Strategic Plan Committee over the years and its recent work during the Committee's retreat in May of 2022 that focused on how the Bar, with partners, might proceed to ensure it has enough people entering law school and all other law related professions given the fact that between 2025 and 2035 there will be a sharp drop in high school graduates (Pathway Challenge), and Elizabeth Overmoe presented proposed changes the Committee is recommending to Goal 4 of the current Strategic Plan. After the presentation, a motion was made by Commissioner Olson to approve the revisions to Goal 4 of the Strategic Plan as recommended by the Strategic Plan Committee and set forth in the May 20, 2022 State Bar of South Dakota Strategic Planning Session Summary. President Elect Bogard seconded the motion. Motion passed.

Thereafter a motion was made to approve the Strategic Plan Committee's objective and bar role as noted on the written report from the Committee. The motion died for lack of a second. Thereafter, Strategic Plan Committee Co-Chair Casey suggested someone make a motion to approve the Executive Director work with the Unified Judicial System and USD Law School on phase one of the Pathways Project as noted in the Strategic Plan report, with no immediate commitment of funding or Bar member involvement. Following the suggestion by Casey, Commissioner Olson made a motion to approve items 1 through 3 of the Initial Phase as set forth in the May 20, 2022 State Bar of South Dakota Strategic Planning Session Summary (summary attached). President Elect Bogard seconded the motion. Motion passed.

Young Lawyers Section Report: Anthony Sutton, President of the Young Lawyers Section reported on his and the YLS Board's plans for the Section this year.

Option for Printed and Mailed Newsletter to Members for Fee: President Marso led a discussion on member requests for a subscription plan for a printed newsletter. Communications Director Tracie Bradford presented the costs to the Bar for producing and mailing a print newsletter and the minimum subscribers needed to begin the production process. Executive Director Fergel also noted the estimated extra staff time to produce a separate print newsletter and that more resources would be needed to compensate assigned staff for that time. After the staff presentation, President Marso asked for a motion to authorize the creation of a

print and mailed version of the State Bar newsletter to begin January 1, 2023, on trial basis for six months provided at least 225 members committed to a \$180 six-month subscription by October 1, 2022 and paid the subscription fee by December 1, 2022. Commissioner Bell made the motion which was seconded by Commissioner Matson. Discussion followed, along with a verbal vote that was split. Thereafter, a roll call vote was taken which resulted in a tie. Therefore, the motion failed.

Financial Report: Nicole Ogan presented a financial report to the Commission that included information about fund balances in all the operational accounts for the State Bar of South Dakota. Commissioner Matson made a motion to accept the financial report as presented. President Elect Bogard seconded the motion. Motion passed.

Fiscal Year 2022-2023 Budget for the State Bar of South Dakota: Following the financial report, Fergel and Ogan presented the proposed FY 2022-2023 budget for the State Bar of South Dakota. After the presentation, a discussion ensued about the budget process and the need for more board involvement. Thereafter, President Elect Bogard made a motion to approve the budget as presented, with a correction to the ABA Delegates line item that had been transposed with the amount budgeted for last fiscal year. Commissioner Matson seconded the motion. A roll call vote was taken, and the motion passed.

Appointments to the Bar Commission's Finance and Audit Committee: President Marso appointed Commissioners Bell, Dougherty, and Strait to the Commission's Finance and Audit Committee. President Marso asked that the appointed Commissioners meet with Bar staff and the Bar's outside auditors by November of 2022.

Commission Meeting Schedule for FY 2022-2023: The Commission selected the following meeting dates and locations for the upcoming fiscal year:

- October 21, 2022, Pierre, South Dakota
- January 5, 2023, Pierre, South Dakota
- April 13, 2023, Sioux Falls, South Dakota
- June 23, 2023, Sioux Falls, South Dakota
- Commission meetings will be held via Zoom on the third Wednesday at 9:00 a.m. Central Time in the months of August, September, December, February, March, and May.

Management Contract between SBSD and SDBF for FY 2022-2023: A contract was presented to the Commission for the State Bar to provide services to the South Dakota Bar Foundation for a nominal fee. A motion was made by Commissioner Pickar to have President Marso execute the contract, as presented, on behalf of the State Bar of South Dakota to be effective August 1, 2022, for FY 2022-2023. Commissioner Matson seconded the motion. Motion passed.

Proposed Rule to Increase Transcript Page Rate for Court Reporters: The Court Reporter's Association requested support from the Bar Commission for a proposed Supreme Court Rule that would increase the page rates for court reporters. The proposed rule reads as follows:

The fee for the preparation of a transcript from a court reporter's notes of evidence is three dollars and sixty cents per page for the original. The fee for a copy, furnished on request, is sixty-five cents per page, to be paid to the officer of the court who prepared the transcript.

Commissioner Olson made a motion that the Commission support adoption of the proposed rule. President Elect Bogard seconded the motion. The motion passed unanimously.

Association Healthcare Plan Update: Executive Director Fergel informed the Commission that the State Bar of South Dakota Association Healthcare Plan is on track to launch October 1, 2022.

Recent Appointments by State Bar President: President Marso listed the appointments she has made to various boards and commissions since her induction as President of the State Bar. The appointments made were as follows:

- Kirsten Aasen, Disciplinary Board of the State Bar of South Dakota
- Margo Julius, Commission on Equal Access to Our Courts
- Tom Welk, Commission on Equal Access to Our Courts
- Margaret Gillespie, South Dakota Code Commission
- Lindsey Rider-Rapp, South Dakota Code Commission

Budget Recap Concerning the Jackrabbit Bar Conference: Nicole Ogan reported on the financials for the Jackrabbit Bar Conference that took place June 2nd through June 4th, 2022. It was noted that revenues for the conference slightly exceeded expenses and therefore the State Bar incurred no cost in hosting the event.

Project Destination Reboot: President Marso discussed "Project Destination" and the plans to reboot the program which was paused the past few years due to the COVID-19 pandemic.

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

Respectfully submitted,

Andrew L. Fergel
Executive Director/Secretary-Treasurer

State Bar of South Dakota Strategic Planning Session

May 20, 2022 – Sioux Falls

Final Takeaways from the Legal Pathways Discussion

Objective: To build public awareness and interest in legal and law-related careers

Overarching approaches:

- Collaborative
- Law-related
- Consistent/concise messaging is critical (e.g. “elevator speech”)
- Since it is critical to public trust for individuals to see those like them represented in the legal system, DEI considerations should be a component of this (connected to our Goal 4 discussion)
- Since it is unlikely that the law school will be able to produce enough lawyers to meet South Dakota’s legal needs (especially given the declining numbers of individuals interested in People Law), this issue should be part of a larger discussion about re-envisioning the delivery of legal services in South Dakota

Bar’s role:

- Key partner; bar leadership and staff are representatives, along with representatives from UJS and the USD Knudson School of Law
- Communicator/Educator (possible audiences: members, policy makers, public)
- Coordinating effort and information
- Every individual SBSB member also has a role in communicating about this issue

1-2 Year Outcomes

- Structure for addressing the problem, including funding/hiring of a “Pathway Czar” for two phases referenced below
- Clear identification of the issue; case statement backed up with data (Can we narrow the focus so that we can better prioritize?)
- Identify partners and funding (e.g., bar foundation, UJS role, potentially)
- Buy-in from other stakeholders in structure and approach
- Determine how to measure our impact
- Build awareness of the issue
- Begin to develop solutions/programming

5-Year Outcomes

- Entity or person in place to lead
- We have sustained relationships with our partners
- We are proactively addressing and implementing solutions
- Consistent (institutionalized) efforts/programming
- We’re seeing connections between members (who are helping to carry the message) and our target audience
- We’re consistently measuring our progress

State Bar of South Dakota Strategic Planning Session

May 20, 2022 – Sioux Falls

Initial Phase

1. Present concept to Bar Commission for approval to proceed
2. Key representatives from the UJS, SBSB and USD Knudson School of Law meet as the core organizing group. This group will:
 - a. Create a case statement (issue, repercussions, supporting data; preliminary thoughts about scope and audiences)
 - b. Explore ways to fund an interim position to lead the effort; create an RFP
3. Begin to raise awareness among the SBSB membership (e.g., State of the Issue at the Annual Meeting)
4. Engage in an RFP process and identify person/entity to lead the effort

Second Phase

5. Information gathering
 - a. What existing information exists on this issue?
 - b. What are other state bar associations doing?
 - c. What resources currently exist with partners and/or stakeholders? (e.g., Dept of Labor/Dept of Education resources)
 - d. What information exists about the perception of the profession among people who are real candidates? Does enough information exist or do we need more/better information? (e.g., survey of high school/college students)
6. Develop communications/programming plan

Specific ideas:

- Rethink YLS public service programming (i.e., past projects like Speakers Bureau) and how the State Bar can holistically utilize their framework for this issue
- Strategies for law firms; tools to be proactive

State Bar of South Dakota Strategic Planning Session

May 20, 2022 – Sioux Falls

Reconsidering Goal 4

The State Bar of South Dakota builds public trust in the justice system, the legal profession and the law.

We will achieve this goal by:

1. Raising the public's awareness of individual's legal rights and our democratic institutions
2. Providing lawyers with opportunities to serve as educators

Key Takeaways

- Bottom line, Goal 4 is still important
- Bar can help to establish a message, members are our key communicators
- Embrace the USD Knudson Law School focus of **excellence, service, leadership** and show examples of what that looks like in practice
- UJS is an important partner in communicating this message, as well
- A reflection inward is the essential first step: "We have to take care of our own house first."
 - Enhance the culture of the profession and civility; heightened responsibility to set a good example. Raise up examples of individuals to emulate.
 - Continue to create community to increase civility (e.g., continue to support local bar activity)
 - Mentoring has an important role, but do we need to reconfigure/reinvigorate our approach to this?
- Organizational audience: encourage focus from firms/employers/law-related organizations
- Community-facing efforts
 - Trust requires a relationship. How can we leverage existing member relationships with the community to achieve that? Can we highlight lawyer impact on communities? What other positive stories can we tell?
 - Do we need to show/teach lawyers to be better ambassadors in the community going forward? Can leadership message why this is important?
 - Can we capitalize on Law Day successes for our civic education efforts?
 - Endeavor to collaborate with nonlawyer stakeholders (potentially seen as more objective) to stress the importance of the justice system
- Given our reconfiguration of this goal, are there any initiatives that are not effectively advancing what we want to achieve? Can anything be shifted, scaled back or eliminated? No efforts identified at the session, but staff will weigh in on this, given their familiarity with the availability of volunteers and resources expended.

State Bar of South Dakota Strategic Planning Session

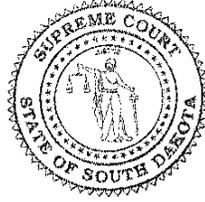
May 20, 2022 – Sioux Falls

Proposed Rewrite of Goal 4:

The State Bar of South Dakota builds public trust in the justice system, the legal profession and the law.

We will achieve this goal by:

1. Collaborating with the UJS and USD Knudson School of Law to build awareness of the legal profession as an accessible, meaningful, and rewarding career path
2. Providing lawyers with opportunities to lead and serve in their communities
3. Raising the public's awareness of individual's legal rights and our governmental institutions



Supreme Court

STATE OF SOUTH DAKOTA

Steven R. Jensen
CHIEF JUSTICE

August 29, 2022

Re: Supreme Court Electronic Filing Rules 19-01- thru 19-05

Dear Members of the South Dakota Bar:

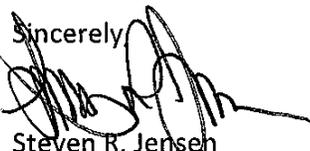
On February 25, 2019, the Supreme Court amended several rules concerning the filing and service of all documents with the Court. These amendments included SDCL 15-26C-1 [Electronic filing] in Rule 19-01; SDCL 15-26C-2 [Electronic document formats] in Rule 19-02; SDCL 15-26C-3 [Time of filing] in Rule 19-03; SDCL 15-26C-4 [Electronic service] in Rule 19-04; and SDCL 15-26A-79 [Number of copies of briefs to be served and filed] in Rule 19-05.

These changes were made in anticipation of the Court's eventual move to Odyssey for its case management and electronic filing system and each Rule provides that it will become effective upon further order of this Court entered after July 1, 2019. Attached to this letter is the order that begins implementation of these Rules as a part of the transition to Odyssey File & Serve effective September 1, 2022. The appellate system will be very similar to the Odyssey File & Service system currently in use in the circuit courts.

Pursuant to the attached order, Rules 19-01, 19-02, 19-03, 19-04, and 19-05 become effective on September 1, 2022 for all appeals numbered 30000 and above. In other words, starting on September 1, 2022, attorneys must submit their Supreme Court case filings and briefs through Odyssey File & Serve and in accordance with these rules for cases numbered 30000 and above.

However, for any appeals numbered 29999 and below, you should continue to file and serve all documents and briefs with the Court under the existing Rules. The existing rules will remain in effect for these appeals during this period of transition to Odyssey File & Serve.

For questions on the use or training for Odyssey File & Serve, please contact ujssupport@ujs.state.sd.us. If you have other filing-related questions, please contact the Clerk of the Supreme Court.

Sincerely

Steven R. Jensen
Chief Justice

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

AUG 30 2022

Shif A. Johnson Legal
Clerk

* * * *

IN THE MATTER OF THE AMENDMENTS) RULES 19-01, 19-02, 19-03,
SDCL 15-26C-1, 15-26C-2, 15-26C-3,) 19-04, AND 19-05
15-26C-4, and 15-26A-79)
)

On February 25, 2019, the Court amended the following rules: SDCL 15-26C-1 [Electronic filing] in Rule 19-01; SDCL 15-26C-2 [Electronic document formats] in Rule 19-02; SDCL 15-26C-3 [Time of filing] in Rule 19-03; SDCL 15-26C-4 [Electronic service] in Rule 19-04; and SDCL 15-26A-79 [Number of copies of briefs to be served and filed] in Rule 19-05.

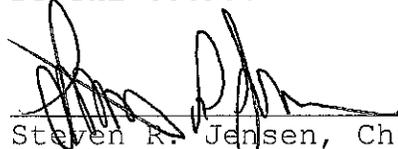
The Court, having amended SDCL 15-26C-1 in Rule 19-01 to be effective upon further order of this Court entered after July 1, 2019 and having ordered that Rules 19-02, 19-03, 19-04, and 19-05 become effective upon further order of this Court entered after July 1, 2019, now, therefore, it is

ORDERED that Rules 19-01, 19-02, 19-03, 19-04, and 19-05 become effective as to cases numbered 30000 and above on September 1, 2022.

IT IS FURTHER ORDERED that SDCL 15-26C-1, 15-26C-2, 15-26C-3, 15-26C-4, and 15-26A-79 as such rules read prior to the amendments in Rules 19-01, 19-02, 19-03, 19-04, and 19-05 remain effective as to cases numbered 29999 and below.

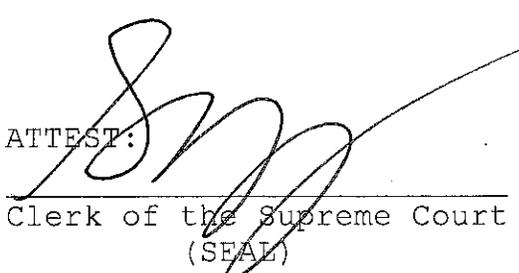
DATED at Pierre, South Dakota, this 30th day of August, 2022.

BY THE COURT:



Steven R. Jensen, Chief Justice

ATTEST:



Clerk of the Supreme Court
(SEAL)

Effective September 1st Supreme Court Rule 22-09 requires that the parties to any action involving issues of child custody or parenting time are required to complete a court-approved course to educate the parents on the impact these proceedings can have on the involved children. The full text of the rule can be found here:

https://ujis.sd.gov/uploads/sc/rules/SCRULE_RSRC_20220228163902.pdf

IMPORTANT THINGS TO KNOW ABOUT THE IMPLEMENTATION OF THIS RULE:

What proceedings does this apply to?

The rule applies to any action initiated after September 1, 2022, which involves the issues of child custody or parenting time. However, the rule does not apply to a protection order proceeding or termination of parental rights proceeding.

When must the course be completed?

The course must be completed within 60 days following service of the summons and complaint, petition or motion for any action involving child custody or parenting time initiated after September 1, 2022.

Who has to complete the course?

Each party to a proceeding involving child custody or parenting time unless it is excused by the court for “good cause.”

What is “good cause” to waive the parenting course requirement?

“Good cause” includes but is not limited to a default by one of the parties or a showing that the parties have previously participated in a court-approved course or its equivalent within the past 5 years. If good cause is found the court may order that the information be provided to the parties in an alternative format.

How does a party seek a waiver of the parenting course requirement?

A request to waive the requirement must be approved by the court. Those seeking a waiver should complete an “Affidavit on Court-Approved Parenting Course” available on the UJS website [UJS 364 - Affidavit on Court-Approved Parenting Course.pdf \(sd.gov\)](#) and serve that on the other parties to the action.

What happens if the class is not completed?

A final decree shall not be granted or a final order shall not be entered until both parties have complied with this requirement.

Who arranges the course for the parent?

Each party is responsible for making arrangements for their participation in the course.

Where do I find a court-approved course?

The UJS website has a list of approved parenting classes here: https://uj.s.sd.gov/Parenting_Education/Default.aspx

If a provider is not on this list they are not court-approved. From the UJS Homepage there is an icon on the bottom that links to “Parenting Classes.”

Who pays for the course?

Each party is responsible for the payment of their course.

What if someone cannot afford the course?

Many of the courses offer reduced or discounted prices to those with limited means. Contact the providers directly to ask them their policy. The clerk of courts or court cannot waive this fee.

What happens after the course is completed?

Upon completion, the participant will be provided a certificate of completion. That certificate should be provided to the clerk of courts in the county where the court case is pending. Each party is responsible for filing the certificate with the court.

What if one party does not complete the course?

A good cause waiver may be sought from the court as a result of the default by the other party using the “Affidavit on Court-Approved Parenting Course” available on the UJS website [UJS 364 - Affidavit on Court-Approved Parenting Course.pdf \(sd.gov\)](#) and serve that on the other parties to the action.

PUBLIC NOTICE

REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE

The current appointment of Magistrate Judge Sarah Morrison is due to expire on January 2, 2023. Magistrate Judge Morrison serves in the Seventh Judicial Circuit.

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

Pursuant to UJS policy members of the bar and the public are invited to comment as to whether Magistrate Judge Sarah Morrison should be reappointed to another four-year term. Written comments should be directed to:

Chief Justice Steven R. Jensen
Supreme Court
500 East Capitol
Pierre, SD 57501

Comments must be received by October 4, 2022.

PUBLIC NOTICE
REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE

The current appointment of Magistrate Judge Todd Hyronimus is due to expire on February 25, 2023. Magistrate Judge Todd Hyronimus serves in the Seventh Judicial Circuit.

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

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

Written comments should be directed to:

Chief Justice Steven R. Jensen
Supreme Court
500 East Capitol
Pierre, SD 57501

Comments must be received by: November 27, 2022

Career Center

STATE BAR OF SOUTH DAKOTA CLASSIFIEDS

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



Attorney - Rapid City

Goodsell + Oviatt Law Firm is seeking a Litigation Associate, as either lateral or new associate, in Rapid City, SD. Primary work will be personal injury, construction, insurance law, with some family law and business law/commercial matters. This position requires research, brief writing, trial preparation and complex litigation before state and federal courts in South Dakota and North Dakota. Strong academic credentials and excellent communication skills (both oral and written) required. The firm offers a comprehensive benefit plan and an opportunity for professional development and growth. Compensation DOE. Confidential inquiries, including résumé and cover letter detailing experience, should be directed to Nathan Oviatt, Attorney or Sherry Dwyer, Business Manager, Goodsell + Oviatt Law Firm, 246 Founders Park Drive, Suite 201, Rapid City, SD 57701 or by email at nate@goodselloviatt.com or sherry@goodselloviatt.com

Deputy State's Attorney - Watertown

The Codington County State's Attorney's Office is inviting applicants for the position of Deputy State's Attorney. The position will be responsible for the prosecution of adult misdemeanor and felony cases occurring in Codington County, South Dakota. Duties include charging determinations, bond arguments, preliminary and grand jury hearings, drafting and arguing motions, court/jury trials, witness preparation, and briefing the court on relevant case law. Additional duties include assisting in the prosecution of abuse and neglect cases, juvenile cases, and representation in the Codington County Drug Court and the Veteran's Treatment Court, when necessary.

Qualifications:

Applicants must possess a Juris Doctorate degree from an accredited law school and be licensed to practice in South Dakota or willing and qualified to sit for the next available South Dakota bar examination. Working knowledge of civil and criminal law and methods and practices of pleadings; court procedures and rules of evidence; principles, methods, materials and practices utilized in legal research; and general law and established precedents.

Salary: Starting salary \$73,434.00. Codington County also offers a comprehensive benefits package including vacation leave, sick leave and paid holidays; health, dental and life insurance and inclusion in the South Dakota Retirement System (SDRS).

Please submit resume to: Rebecca Morlock Reeves, Codington County State's Attorney, 14 1st Ave. SE, Watertown, SD 57201

Opening and Closing dates: May 24, 2022 – July 30, 2022, or until filled.

Assistant Investigator - Northern and Southern Districts of Iowa

The Federal Public Defender for the Northern and Southern Districts of Iowa is accepting applications for the position of Assistant Investigator to be located at its Sioux City office. The Federal Public Defender, a branch of the United States Courts, operates under authority of the Criminal Justice Act, 18 U.S.C. § 3006A, to provide defense services in federal criminal cases and related matters by appointment from the court to individuals unable to afford counsel. JOB

DESCRIPTION: An Assistant Investigator provides support services to Assistant Federal Public Defenders (AFPDs), Investigators, and other Federal Public Defender staff. Duties will include review of case-related discovery and drafting summary reports of discovery materials; meeting with and interviewing clients; locating and interviewing witnesses; transporting clients and witnesses; and any other task assigned by AFPDs, Investigators, or other staff. Day travel will be required.

REQUIREMENTS AND QUALIFICATIONS: The ability to communicate with and have compassion for individuals from diverse social classes and lifestyles is required. The successful candidate must be skilled with use of audio and video from various media types. To qualify for the position of Assistant Investigator, a person must be a high school graduate or the equivalent and have a minimum of three years of general experience. Some higher education may be substituted for general experience. Applicant must be a U.S. citizen or eligible to work in the United States.

SELECTION CRITERIA: In addition to meeting the position requirements and qualifications, the successful applicant will have a working knowledge of law office operations, methods, and techniques, and an understanding of criminal law and procedure. Preference will be given to applicants with paralegal or investigative criminal law experience.

SALARY: The starting salary for the position falls within a range of \$36,118 (JSP-5, step 1) to \$54,727 (JSP-9, step 1). The salary of the successful applicant will be commensurate with the person's qualifications and experience, and is payable by Electronic Funds Transfer (direct deposit). This is a full-time position with federal government benefits.

BACKGROUND CHECK: The selected candidate will be subject to a background check as a condition of employment. Employment will be considered provisional until a satisfactory background check and favorable suitability determination is confirmed.

APPLICATION PROCESS: Electronically submit cover letter, resume and three references by August 17, 2022 to Denise_Fest@fd.org. The email subject line must read: Position announcement 2206. Preference will be given to applications received by August 17, 2022, however position open until filled. Only applicants

considered for an interview will be contacted. No telephone calls please.

The Federal Public Defender is an Equal Employment Opportunity Employer

Associate Attorney - Sioux Falls

The Sioux Falls law firm of May & Johnson, P.C. is seeking an associate attorney to focus on civil litigation matters. Experience in private practice is desired. All inquiries will be kept confidential. Send resume and references to: jshanks@mayjohnson.com.

Part-time – Health Law - Mitchell

MorganTheeler LLP seeks a part-time attorney to join its Health/Employment Law Practice Group. The ideal candidate would have experience in physician employment arrangements, provider licensure, anti-kickback laws, and self-referral laws. Additional experience with corporate and transactional matters for health care providers is preferred. The candidate should have a demonstrated interest and/or experience in practicing health law and the ability to communicate effectively with physicians.

Hybrid (remote and in office) work environment. Base salary plus performance bonus. Benefits vary based on FTE status. Please submit applications to 1718 N. Sanborn Blvd, Mitchell, SD 57301 or kclaussen@morgantheeler.com. No calls please.

Staff Attorney's-Sioux Falls

East River Legal Services (ERLS) is seeking to hire several Staff Attorney's. These positions are in our Sioux Falls, South Dakota office. We are a non-profit law firm serving low-income individuals in the 33 Eastern South Dakota counties. ERLS exists to better the lives of the over 52,000 people living in poverty in Eastern South Dakota. We offer free legal services to our community's veterans, older Americans (60+), individuals with disabilities, victims of crime, and all those facing financial insecurity and/or homelessness.

General Responsibilities:

Under the supervision of the Managing Attorney, the Staff Attorney will represent victims of crime in all areas of law including housing, family law, protection orders, landlord/tenant disputes, evictions, utilities,

public benefits, consumer, and other civil matters. The types of services provided include legal advice, brief service, and/or extended representation. Aside from direct representation, the Staff Attorney may also, from time-to-time, prepare and deliver client training and other community education, appear in administrative and judicial forums, and contribute to special legal and community projects.

Duties and Responsibilities:

- Conduct and oversee client interviews, investigation, field investigations, and fact gathering;
- Provide high-quality legal representation or advice to clients on housing, family law, protection orders, guardianships, and other related matters in state court and administrative proceedings in Eastern South Dakota;
- Handle a full range of litigation activities including drafting pleadings, conducting depositions, completing discovery, negotiations, motions practice, and representing ERLS clients at trial;
- Provide education and outreach to members of the community, service providers, and community organizations;
- Work in collaboration with community organizations that provide rental assistance, domestic violence support, and other services available to support our clients;
- Keep well-informed of the applicable laws and case laws as they develop and change to ensure that ERLS is applying new laws properly;
- Keep accurate records of case activities and provide the necessary information to meet grant and other reporting requirements;
- Perform other duties which may be assigned from time to time by the Managing Attorney or Executive Director.

Knowledge, Skills, & Abilities:

- JD admitted to practice in South Dakota or be eligible for admission to the South Dakota State Bar;
- Strong written and oral communication skills;
- Ability to spot legal issues in cases while providing real-time counsel, comfort, and advice;
- Experience working independently with minimal supervision;
- Excellent negotiation and organizational skills;
- Ability to relate well and work with low-income clients;
- Ability to collaborate with community organizations;
- Capacity to work in a high-volume environment with a changing court and policy landscape.

Salary and Benefits:

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

Pay:

\$53,000.00 - \$65,000.00 per year

To Apply:

Interested applicants should send their Cover Letter and Resume to:

East River Legal Services

Attn: Melissa Frericks

335 N. Main Ave., Suite 200

Sioux Falls, SD 57104-6038

Or Email to:

Melissa@erlservices.org

Closing Date: Open Until Filled

Managing Attorney-Sioux Falls

East River Legal Services (ERLS) is seeking to hire a Managing Attorney. This position is in our Sioux Falls, South Dakota office. We are a non-profit law firm serving low-income individuals in the 33 Eastern South Dakota counties. ERLS exists to better the lives of the over 52,000 people living in poverty in Eastern South Dakota. We offer free legal services to our community's veterans, older Americans (60+), individuals with disabilities, victims of crime, and all those facing financial insecurity and/or homelessness.

General Responsibilities:

Under the supervision of the Executive Director, the Managing Attorney provides high quality legal services to low-income individuals. The Managing Attorney will supervise, evaluate, and handle personnel-related matters for staff in the legal department. They also manage and monitor progress on implementing the program's mission, priorities, principles of advocacy, and various work plans. The Managing Attorney also maintains an active caseload and/or other advocacy.

Duties and Responsibilities:

Client Representation and Advocacy:

- Provide and ensure high quality legal representation to individuals and groups in accordance with East

River Legal Services (ERLS) standards of practice and supervision and the Rules of Professional Conduct. This includes interviewing clients, conducting research, performing factual investigation, preparing pleadings, negotiating case resolutions, executing discovery and motion practice, and representing clients in court and administrative hearings;

- Provide counseling, advice, and other brief services and referrals, as appropriate;
- Co-counsel with other Attorneys and work with Paralegals;
- Represent clients and client groups in litigation, administrative advocacy, and other advocacy forums;
- Engage in appellate work, complex and major litigation, and other special projects;
- Develop and implement litigation and/or advocacy strategies to address systemic legal problems;
- Analyze and comment on pending legislation and regulations consistent with the requirements of all funding sources.

Leadership:

- Manage legal work in the office, including monitoring and regulating workloads;
- Supervise employees with ongoing feedback and performance reviews;
- Manage office systems such as conflict checks, filing, and workflow;
- Foster positive work relationships and promote cooperation within the program;
- Monitor case work of Attorneys to ensure that staff are operating efficiently and producing quality legal work;
- Monitor the balance of time spent by Attorneys on cases involving direct services to individual clients and to cases involving law reform, policy advocacy, or other legal work benefiting the larger population of low-income clients;
- Participate in management and administrative decision-making at ERLS involving personnel issues and program policy and help to implement such decisions;
- Provide supervision and evaluation of support staff assigned to the legal department, in coordination with the Executive Director;
- Supervise and enforce ERLS policies and procedures;
- Convey staff concerns about relevant office issues to management staff;
- Keep program staff apprised of important issues and new developments in the community;
- Keep program staff apprised of new developments within the substantive legal areas in which the Attorney

practices (updates via written communication and/or training);

- Engage in local, state, regional and/or national legal services and the advocacy community.

Community Work:

- Participate in other activities related to poverty law including community education, outreach, writing of publishable materials, and permissible legislative and administrative advocacy, in accordance with Legal Aid policy and applicable laws and regulations;
- Participate in Legal Aid and state-wide task forces and work groups;
- Participate in bar activities and establish effective working relationships with the bar;
- Ensure Legal Aid develops and maintains relationships with partner organizations, including the private bar and judiciary, other non-profits, grass roots organizations, government agencies and elected officials.

Other:

- Compliance with LSC, VOCA, and other funding agencies' rules and regulations;
- Participate in training activities as trainee or trainer for professional growth;
- Report to Legal Aid management any bar association grievances, disciplinary proceedings, or malpractice claims involving their practice and cooperate with Legal Aid's liability insurers;
- Attend program meetings and ensure office meetings are effective.

Knowledge, Skills, & Abilities:

- Juris Doctor (JD);
- License to practice law in South Dakota;
- Experience in a legal services/non-profit environment is preferred, but not required;
- Working knowledge of recent developments in state and federal case, statutory, and regulatory law related to the interests of Legal Aid's clients;
- Excellent organizational, cross-cultural communication skills;
- Proficient at the use of technology including, but not limited to: word processing, spreadsheets, internet-based programs, and computer-based legal research;
- Excellent written and communication skills;
- Ability to work constructively with others;
- Excellent management and leadership skills.
- Ability to work effectively as part of a team and independently;
- Able to establish effective working relationships with a variety of individuals;

- Organized, able to prioritize work, plan and problem-solve, meet deadlines and work well under pressure;
- Skills and experience in interacting with persons of various social, racial, cultural, economic, and educational backgrounds;
- The ability to speak more than one language is a plus, but not required.

Salary and Benefits:

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

To Apply:

Interested applicants should send their Cover Letter and Resume to:

East River Legal Services
 Attn: Melissa Frericks
 335 N. Main Ave., Suite 200
 Sioux Falls, SD 57104-6038

Or Email to:

Melissa@erlservices.org

Closing Date: Open Until Filled

Assistant U.S. Attorney - Sioux Falls

The U.S. Attorney's Office for the District of South Dakota is seeking an experienced attorney to work in the Civil Division located in our Sioux Falls Office. Assistant U.S. Attorneys in our Civil Division handle civil matters on behalf of the United States, including defensive torts, medical malpractice cases, constitutional claims, employment discrimination, appeals under the Administrative Procedures Act, bankruptcy, prisoner litigation, federal debt collection, foreclosures, FOIA and Privacy Act litigation, and IRS summons enforcement. The successful candidate may also handle other civil matters, including affirmative civil litigation and civil appeals.

This full vacancy announcement and other attorney vacancy announcements can be found at:

<https://www.justice.gov/legal-careers>.

More information about the U.S. Attorney's Office, South Dakota can be found at: <http://www.justice.gov/>

usao/sd/.

Applicants must possess a J.D. degree, be an active member of the bar (any U.S. jurisdiction) and have at least one year of post-JD legal or other relevant experience. Be a U.S. citizen or National. In addition, applicant must also be a member, or be eligible to become a member, of the federal district court bar. If the successful candidate is not a member of the South Dakota Bar, he or she must become a member of the South Dakota Bar within twelve months.

Applicants must handle matters in court persuasively and justly on behalf of the United States of America and be devoted to excellence. Applicants must demonstrate superior analytical ability; strong research, writing and courtroom skills; exercise fair and sound judgment; follow all Department of Justice and United States Attorney's Office policies; exhibit the ability to work collaboratively in a supportive and professional manner with other attorneys, support staff, and law enforcement agencies.

Assistant United States Attorneys pay is administratively determined based, in part, on the number of years of professional experience. The range of basic pay is \$56,983 to \$149,044, plus a locality payment of 16.20%. Relocation expenses will not be authorized. All initial attorney appointments to the Department of Justice are made on a 14-month (temporary) basis pending favorable adjudication of a background investigation.

Provide cover letter, resume, writing sample (not to exceed 20 pages), and list of three professional references with contact information. All documents should be submitted electronically in one continuous .pdf attachment and include the announcement number (22-SD-CIVIL-003) in the subject line of your email. Email address to submit application package: USASD.applications@usdoj.gov.

Applications must be received by close of business, 5 p.m. (CST) Monday, October 17, 2022.

Senior Associate Attorney - Sioux Falls

The law firm of Ogborn Mihm Quaintance, PLLC (www.OMQLegal.com) is seeking a general practice lawyer with five years or more of business and transactional law experience to assume an immediate role in an active practice. Candidates should have strong organizational, writing and communication skills.

Salary and Benefits: Competitive, depending upon experience.

To Apply: An Interested applicant should send a cover letter and a resume with references to: Mike Ogborn, Mike.Ogborn@omqllegal.com. All applications will be kept confidential.

Staff Attorney - Pierre

Job ID: 20124

Agency: Unified Judicial System, State Court Administrator's Office

Location: Pierre

Salary: \$80,972.64 - \$85,023.36/annually, depending on experience

Closing date: Open Until Filled

For more information on the Unified Judicial System, please visit <http://uj.s.sd.gov>.

The Mission of the South Dakota Unified Judicial System is to provide Justice for All!

Our employees are our most valuable resource and crucial to accomplishing our mission. We seek talented and motivated individuals to be the face of the court system and help ensure that the Court and all the people that come before it receives the highest level of service. Our dedicated staff work to enhance community safety and ensure victim's rights while treating all individuals with dignity and respect.

The Unified Judicial System offers a comprehensive benefits package consisting of 10-12 paid holidays every year, extensive sick and vacation leave, paid family leave, military training leave, health and flexible benefits, regular working hours, continuing education opportunities, retirement benefits, a great working environment, and more.

Position Purpose:

To provide administrative legal advice for the Unified

Judicial System (UJS) employees, Judges, projects, and programs by providing oversight for business practices; providing guidelines for program management; developing operational policies and procedures; and facilitating actions of committees and taskforces to improve court operations and enhance access to justice and public trust.

Duties may include:

- supervising and managing the Rural Attorney Recruitment program to ensure program goals and objectives are realized;
- supervising and managing the child support referee program to ensure child support decisions are received with prescribed timeframes;
- staffing various UJS committees to represent UJS interests and providing legal guidance;
- performing various legal research and advisory projects to give legal opinions and advice that are accurate and timely and in the best interest of the UJS; and
- performing other work as assigned.

Minimum Qualifications:

Graduation from an ABA accredited law school and possession of a juris doctorate. Licensed to practice law in South Dakota or successful completion of the first South Dakota bar examination following employment with the SCAO. Experience working in the courts in the legal profession such as a trial court attorney, family law attorney, or a related field is preferred but not necessary. Successful completion of a criminal background investigation is required for employment.

Knowledge, Skills and Abilities

Knowledge of:

- family law and the law in general;
- methods of legal research and analysis;
- laws and procedures regarding development of legislation and lobbying.

Skill in:

- legal writing;
- organizational management;
- time management.

Ability to:

- communicate effectively with various personalities both orally and in writing;;
- establish and maintain effective working relationships with a wide variety of people;

- convey ideas and future directions clearly;
- conduct legal research, analyze results, and write pertinent legal recommendations;
- interpret and apply the law and UJS policies to various situations;
- understand computer system capabilities at a professional level.

The State of South Dakota, Unified Judicial System does not sponsor work visas for new or existing employees. All persons hired will be required to verify identity and eligibility to work in the United States and complete an Employment Eligibility Verification, Form I-9. The Unified Judicial System as an employer will be using E-Verify to complete employment eligibility verification upon hire.

You may view our benefits information at https://uj.s.sd.gov/uploads/pubs/Come_work_for_us.pdf.

Apply at: <https://sodakprod-lm01.cloud.infor.com:1443/lmghr/xmlhttp/shorturl.do?key=J86>

Unified Judicial System
500 East Capitol Avenue
Pierre, SD 57501-5070
Phone: 605.773.4867
"An Equal Opportunity Employer"

Deputy/Senior Deputy Public Defender - Sioux Falls

GENERAL INFORMATION:

Interested in appellate practice? The Minnehaha County Public Defender's Office is looking for a dedicated Deputy/Senior Deputy Public Defender with excellent advocacy skills who is committed to ensuring justice to indigent clients seeking post-conviction relief in Minnehaha County. Our office places a high value on diversity of experiences and perspectives and encourages applications from all qualified individuals from all ethnic and racial backgrounds, veterans, LGBT individuals, and persons with disabilities. We are currently seeking someone who is passionate about appellate advocacy, may have participated in moot court or trial team, or has experience filing post-conviction motions. The ideal candidate will be self-reliant, motivated, and possess advanced computer literacy skills, including experience with legal research, and electronic court filing. The research and brief writing will involve a wide variety of constitutional and statutory issues.

In addition to filing post-conviction motions at the circuit level, and representing clients in direct appeals to the South Dakota Supreme Court and post-conviction motions at the circuit court level, the appellate attorney for the Minnehaha County Public Defender's Office will also gain the valued experience of presenting oral arguments before the State's highest Court. Apply now to be considered for this opportunity to grow your criminal defense practice, access our expansive document library, and surround yourself with skilled criminal defense attorneys.

Please attach a cover letter to the online application.

The hiring range is \$3,167.20 - \$3,582.40/biweekly with full earning potential up to \$4,363.20/biweekly.

This posting will remain open until filled. Review of applications begins on Wednesday, July 20th, 2022.

CLOSING DATE: Continuous

All applications must be submitted by 5:00 p.m. on the date the position closes.

EXAMPLES OF DUTIES INCLUDE:

Advocate on behalf of individuals charged with felonies and misdemeanors through all phases of litigation to include pre-trial, trial, and litigating all aspects of the case through disposition. Coordinate efforts with a support team of paralegals and other staff to ensure the responsible handling of a demanding caseload through disposition of the case. Maintain client communications by telephone, office appointments, and institutional visits. Keep client apprised of investigations, negotiations, and court rulings. Appear at regularly scheduled court dockets and appearances related to an assigned caseload. Conduct legal research and draft motions and pleadings. Interview witnesses. Review legal documents, police reports, transcripts, and related correspondence. Attend professional development training both within and outside the office.

MINIMUM QUALIFICATIONS:

Graduation from a college of law and attainment of a Juris Doctorate degree from an accredited law school. Admission by the Supreme Court of South Dakota to practice law in the State of South Dakota or be licensed to practice law in any other state and able to take the next bar examination offered in South Dakota. This

opportunity is also open to recent law school graduates who are eligible to sit for the next available South Dakota bar examination. Comparable combination of education and experience may be considered. Possession of a valid driver's license and must maintain a safe driving record with Minnehaha County. Must successfully complete pre-employment background process. Working knowledge of civil and criminal law, court procedures, and the principles and practices of legal research. Ability to work with a diverse population and be attentive to the needs of the clientele. Working knowledge of the principles, methods, materials, and practices utilized in legal research. Working knowledge of general law and established precedents. Ability to speak and write effectively in the preparation and presentation of legal matters. Ability to maintain effective working relationships with co-workers, clients, other agencies, and the public. Ability to maintain professional appearance and demeanor. Consideration for appointment as a Senior Deputy Public Defender requires a minimum of two years of relevant work experience.

PREFERRED QUALIFICATIONS:

Demonstrates a commitment to working with the indigent accused and to providing social advocacy to the clientele served by the Public Defender's Office.

Minnehaha County is an Equal Opportunity Employer and does not discriminate on the basis of race, color, religion or creed, national origin or ancestry, citizenship, sex or gender including pregnancy, sexual orientation and gender identity, marital status, age, disability, veteran's status, genetic information, or any other legally protected status. Arrangements for accommodations required by disabilities can be made by contacting Human Resources at (605) 367-4337.

APPLICATIONS MAY BE FILED ONLINE AT:

<http://jobs.minnehahacounty.org>

OUR OFFICE IS LOCATED AT:

415 N Dakota Avenue
Sioux Falls, SD 57104
605-367-4337

jobs@minnehahacounty.org

Job #22-72

DEPUTY/SENIOR DEPUTY PUBLIC DEFENDER
MH

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 Native American clients in the counties of Aurora, Beadle, Bon Homme, Brookings, Brown, Charles Mix, Clay, Codington, Day, Davison, Deuel, Douglas, Edmunds, Faulk, Hamlin, Hand, Hanson, Hutchinson, Jerauld, Kingsbury, Lake, Lincoln, Marshall, McCook, McPherson, Miner, Minnehaha, Moody, Sanborn, Spink, Turner, Union and Yankton, along with the Flandreau and Santee Indian Reservations.

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. Some travel is required.

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

CLOSING DATE: Open until filled.

APPLICATION INFORMATION: Please submit a letter of interest and resume to: Thomas S. Mortland, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, tmortland@dpls.org.

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

Legal Counsel - Pierre

Job ID: 20122

Agency: Unified Judicial System, State Court
Administrator's Office

Location: Pierre

Salary: \$89,470.80 to \$114,192.72/annually, depending
on experience

Closing date: Open Until Filled

For more information on the Unified Judicial System,
please visit <http://ujls.sd.gov>.

The Mission of the South Dakota Unified Judicial
System is to provide Justice for All!

Our employees are our most valuable resource and
crucial to accomplishing our mission. We seek talented
and motivated individuals to be the face of the court
system and help ensure that the Court and all the people
that come before it receives the highest level of service.
Our dedicated staff work to enhance community safety
and ensure victim's rights while treating all individuals
with dignity and respect.

The Unified Judicial System offers a comprehensive
benefits package consisting of 10-12 paid holidays
every year, extensive sick and vacation leave, paid
family leave, military training leave, health and flexible
benefits, regular working hours, continuing education
opportunities, retirement benefits, a great working
environment, and more.

Position Purpose:

Provides timely, accurate, consistent, and reliable
leadership, advice, information, and analysis in
support of the Unified Judicial System (UJS) employees
and programs while increasing the public's trust
and confidence in the UJS through proactive policy
development, legal consultation, and public relations.

Duties may include:

- serving as Legal Counsel for the UJS by researching
complex legal issues and representing staff to ensure
legal compliance and eliminate liability;
- preparing legal memorandums and opinions;
- reviewing draft legislation;
- negotiating and drafting contracts;
- participating in various committees and meetings to
carry out division objectives; and
- performing other works as assigned.

Minimum Qualifications:

Graduation from an ABA accredited law school and
possession of a Juris Doctorate. Licensed by the South
Dakota State Bar to practice law in South Dakota
and five (5) years of progressively responsible work
experience in the legal field, policy administration, or
lobbying or legislative arena, and supervision of staff; or
a related field; or an equivalent combination of related
education and experience.

Successful completion of a criminal background
investigation is required for employment.

Knowledge, Skills and Abilities:

Knowledge of:

- the law;
- the court system;
- functions of the court;
- the legal and judicial system;
- legislative process and procedures;
- budgeting fundamentals;
- supervisory and leadership techniques and tools.

Skill in:

- organizational and time management;
- project management;
- critical thinking.

Ability to:

- provide supervision, leadership, coaching, and
mentoring to staff;
- manage expectations of staff and constituents;
- develop and provide public presentations and training;
- be diplomatic, self-motivated, persuasive, decisive,
consistent, and assertive;
- effectively manage highly stressful situations and
remain patient and calm;
- research, administer, establish, and interpret rules,
policies, guidelines, and procedures;
- act as liaison with other courts, executive branch, and
outside entities to build networks and consensus and
foster collaborative relationships;
- communicate in a clear and concise manner both
orally and in writing;
- establish credibility and integrity;
- maintain confidentiality of personnel issues and
records.

The State of South Dakota, Unified Judicial System does
not sponsor work visas for new or existing employees.
All persons hired will be required to verify identity and
eligibility to work in the United States and complete

an Employment Eligibility Verification, Form I-9. The Unified Judicial System as an employer will be using E-Verify to complete employment eligibility verification upon hire.

You may view our benefits information at https://uj.s.sd.gov/uploads/pubs/Come_work_for_us.pdf.

Apply at: <https://sodakprod-lm01.cloud.infor.com:1443/lmg/hr/xmlhttp/shorturl.do?key=J88>

Unified Judicial System
500 East Capitol Avenue
Pierre, SD 57501-5070
Phone: 605.773.4867
"An Equal Opportunity Employer"

STAFF ATTORNEY – PINE RIDGE

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our Pine Ridge, South Dakota, office. The Pine Ridge office serves the Pine Ridge Reservation and Bennett, Jackson and Shannon 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; 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: Open until filled.

APPLICATION INFORMATION: Please submit a letter of interest and resume to: Thomas S. Mortland, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, tmortland@dpls.org.

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

STAFF ATTORNEY – FORT THOMPSON

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our Fort Thompson, South Dakota, office. The Fort Thompson office serves the counties of Brule, Buffalo, Hyde and Lyman, along with the Lower Brule and Crow Creek Reservations.

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: Open until filled.

APPLICATION INFORMATION: Please submit a letter of interest and resume to: Thomas S. Mortland, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, tmortland@dpls.org.

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

UPCOMING EVENTS

- September 8 | September Bankruptcy CLE | The Country Club of Sioux Falls
- September 9, 8-noon | Estate Planning CLE | The Country Club of Sioux Falls
- September 9, 1-4pm | Advanced Transactional Negotiations CLE | Missouri River Energy Services, Sioux Falls
- September 21 | Bar Commission Meeting | Teleconference
- September 22-23 | Disciplinary Board Meeting | TBA
- October 21 | Bar Commission Meeting | Pierre
- October 21 | Nuts and Bolts CLE | Pierre
- October 21 | Statewide Swearing-In Ceremony | Capitol Rotunda, Pierre
- November 5 | Wine Review | Mead Cultural Education Center | Yankton
- November 16 | Bar Commission Meeting | Teleconference
- November 17 | Law for Lunch - Consumer Protection
- December 15 | Law for Lunch - Cybersecurity
- December 21 | Bar Commission Meeting | Teleconference
- January 5, 2023 | Bar Commission Meeting | Pierre
- January 19, 2023 | Law for Lunch - Tax Update
- February 15, 2023 | Bar Commission Meeting | Teleconference
- February 16, 2023 | Law for Lunch - Administrative Law Process
- March 15, 2023 | Bar Commission Meeting | Teleconference
- March 16, 2023 | Law for Lunch - Appellate Process Do's & Don'ts
- April 12, 2023 | Bar Commission Meeting | Sioux Falls
- May 17, 2023 | Bar Commission Meeting | Teleconference
- May 18, 2023 | Law for Lunch - 2023 Legislative Updates
- June 23, 2023 | Bar Commission Meeting | Ramkota, Sioux Falls

LAWPAY[®]

AN AFFINIPAY SOLUTION



State Bar of South Dakota

Member
Benefit
Provider

“I love LawPay! I’m not sure why I waited so long to get it set up.”

– Law Firm in Ohio

Trusted by 50,000 law firms, LawPay is a simple, secure solution that allows you to easily accept credit and eCheck payments online, in person, or through your favorite practice management tools.



22% increase in cash flow with online payments



Vetted and approved by all 50 state bars, 70+ local and specialty bars, the ABA, and the ALA



62% of bills sent online are paid in 24 hours

YOUR FIRM LOGO HERE

**Trust Payment
IOLTA Deposit**

New Case Reference

**** * 9995 ***

TOTAL: \$1,500.00

VISA



POWERED BY
LAWPAY

eCheck

DISCOVER

PAY ATTORNEY

**PAYMENT
RECEIVED**



Get started at
lawpay.com/sbsd
866-730-4140

Data based on an average of firm accounts receivables increases using online billing solutions.

LawPay is a registered agent of Synovus Bank, Columbus, GA., and Fifth Third Bank, N.A., Cincinnati, OH.