

January 2023

State Bar of South Dakota

Newsletter

*Happy
New
Year!*

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

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Apply now and get back to what matters most.



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Attention

2023 Membership Fees

WERE DUE BY DECEMBER 31, 2022

Please include a 10% late fee in your dues amount.
Payments can be made online by logging in to your member hub
or mailed in for your convenience.

State Bar of South Dakota

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P R E S I D E N T ' S C O R N E R

Lisa K. Marso

As the New Year's Expression goes—Out with the Old, In with the New. I am sad to acknowledge the departure of our Executive Director, Andrew Fergel, and I look forward to Paul Cremer stepping in as the State Bar's new Executive Director. This month's spotlight deviates from highlighting one of our Presiding Judges to focus on these two Executive Directors and thank them for their service to our State Bar. If you have not done so, I also ask that you please take time to connect with them to thank and welcome them, respectively.



Andrew Fergel: Hailing from North Dakota, Andy has well-served the State of South Dakota and our residents for years. After graduating from UND law school, and having a private practice in Lemmon, SD, Andy's practice has been filled with public service positions.

Andy served as the Corson County State's Attorney, an ALJ for the Dept. of Social Services, a prosecutor for Hughes County, the Chief Prosecutor for Dept of Revenue, General Counsel for the Division of Insurance, Chief Legal Counsel for the Dept of Revenue, and then starting in 2018 the Bar's Executive Director. With his leadership as Executive Director (although he is the first to state only through the collaboration and engagement of Commissioners, Bar members, and Staff), numerous advances have been made. A full-time Lawyers Concerned for Lawyers staff member was hired, significant one-time funding for the Commission on Equal Access to Our Courts was obtained, growth in committee and sector sections occurred, and a solid Strategic Plan has been updated and goals achieved (to name a few). In visiting with the Public Sector Section recently, Andy expressed his gratitude for the ability to work with so many gifted attorneys through the years and hope for the Bar to continue to help attorneys achieve their personal and professional well-being and goals, as well as meet their clients' needs. Andy, you truly will be missed, and we wish you the best as you transition to your new in-house position in Bismarck, ND, surrounded by your parents, children, and grandchildren, as well as your wife Shirley (of 26 years) as she continues

her work for our South Dakota Supreme Court in Pierre. Andy, we look forward to seeing you at State Bar events in the future.

Paul Cremer: Paul grew up in Spencer, SD, and spent his college and law school years at USD. In 1996, he began employment with the SD Attorney's General Office, where he has served in various roles such as appellate work, criminal prosecution, the attorney for the Consumer Protection Division, and the Director of the Medicare Fraud Unit. In such positions, Paul has particularly enjoyed working closely with various federal, state, and local partners, Judges, and private practice attorneys. Additionally, he brings past lobbying experience with him. Notably, Paul has been very active for decades in various State

Bar committees and is passionate about supporting our State Bar members. Paul and his wife reside in Pierre, SD, and have two children. He is excited for the opportunity to serve as our new State Bar Executive Director, and we are truly grateful for his willingness to serve in this new role.

So as each of you think about the New Year ahead, I wish you peace, love, and joy. I also challenge you (as Andy and Paul have done) to take on new opportunities to serve each other and our SD residents. How truly blessed we have been and will be.



2023

GET MORE SLEEP
GET MORE EXERCISE
RELAX MORE
BE MORE POSITIVE
BE KIND
READ MORE
VOLUNTEER MORE

State Bar of South Dakota YOUNG LAWYER SECTION



Anthony Sutton
YLS President

With the start of a new year comes new opportunities or new beginnings. This is certainly true for the Young Lawyers Section and young lawyers generally. For some, like me, those new opportunities or new beginnings are in the form of a new job. (Note: I am joining Pamela Reiter at Reiter Law Firm in Sioux Falls as a Partner effective January 1, 2023.) For others, those opportunities or beginnings are setting personal goals such as working out more, eating healthier, spending more time away from the office, or finding time to relax. And for others, those new opportunities or beginnings are career focused: working to become a partner or get a promotion, having better time management/work-life balance, attending more CLEs, finding a mentor. Whatever your goals are for 2023, we hope that you meet them and that your 2023 starts off in the best possible way.

With a chance for new opportunities and new beginnings being presented, the YLS would like to inform you of a couple of the opportunities we currently have planned for 2023:

Young Lawyer Bootcamp

The first is our annual Young Lawyer Bootcamp, which will be on Friday, February 24, 2023 in Sioux Falls and Rapid City. Although the speakers are still being finalized, agendas are included in the Bar Newsletter. Anyone interested in general information or to RSVP for the Sioux Falls Bootcamp can contact Brooke Schmidt at bschmidt@dehs.com. RSVPs or questions for the Rapid City Bootcamp can be sent to Rachelle Norberg at rachelle@ggnlawfirm.com.

Hagemann-Morris Young Lawyer Mentorship Coin Program

The second opportunity is the Hagemann-Morris Young Lawyer Mentorship Coin program. Applicants interested in the program can apply by using the following link that will take you to our updated application:

<https://www.surveymonkey.com/r/KKR8XXR>.

The YLS is also in the process of updating the HM Mentorship Program Guidebook and plan to roll that out and share it with the Bar soon (look for the February or March newsletters to discuss this!). We are also looking for individuals who are interested in and willing to serve as mentors to young lawyers. If you are interested in serving as a mentor please contact either Mae Pochop at mae@meierhenrylaw.com or Rebecca Ronayne at rebecca@ronaynelawoffice.com.

ABA YLD Leadership Appointments

The third opportunity is one provided by the American Bar Association Young Lawyers Division. As many know, our own Tamara Nash is the incoming ABA YLD Chair. She is the first South Dakotan to serve in that position and is truly blazing a trail and representing South Dakota in areas where we have been severely underrepresented in the past. I encourage all lawyers to consider applying for positions to serve on the ABA YLD Leadership team. There are over 200 positions available that Tamara will have a key role in filling. Please help support Tamara's goal of "Welcome Home" and consider applying for one of these positions to make a difference in the lives of young lawyers across the country! More information can be found at:

https://www.americanbar.org/groups/young_lawyers/leadership/appointments/.

YLS Mission, Vision, and Priorities

Finally, the YLS Board is continuing the work we began in that I discussed in the August Newsletter by having another in-person retreat in January 2023. The goal of

this retreat will be to help us continue the process of reevaluating the role the YLS and young lawyers play in the future of the State Bar and working to redefine our vision and mission, how we can better serve the needs of young lawyers and law students, and how we can continue providing services to the public as part of the State Bar.

Here is a list of our board members for this year with updated contact information:

President	Anthony Sutton,	anthony@reiterlawfirmsd.com
President-Elect	Kelsey Blair	kelsey.blair@usdoj.gov
Secretary/Treasurer	Chelsea Wenzel	chelsea.wenzel@state.sd.us
1st Circuit Rep.	Mallory Schulte	mallory@birmcwachlaw.com
2nd Circuit Rep.	Brooke Schmidt	bschmidt@dehs.com
3rd Circuit Rep.	Tony Teesdale	tony@teesdalelaw.com
4th Circuit Rep.	Spencer Prosen	spencer@schlimgenlawfirm.com
5th Circuit Rep.	Rebecca Ronayne	rebecca@ronaynelawoffice.com
6th Circuit Rep.	Rachelle Norberg	rachelle@ggnlawfirm.com
7th Circuit Rep.	Katie Cook	katie@gpna.com
At-Large Rep.	Mae Pochop	mae@meierhenrylaw.com
USD SBA President	Alex Hoffman	alex.j.hoffman@coyotes.usd.edu

The YLS Board welcomes any feedback or questions that members might have and encourage members to reach out to their circuit representative.

I wish You and Yours a Happy New Year!

A graphic for the Association Healthcare Plan. It features a background image of a stethoscope and a pen on a medical chart. Overlaid on this is the text "ASSOCIATION HEALTHCARE PLAN" in large, bold, teal letters. Below this, a yellow banner with a black border contains the text "ENROLLMENT INFORMATION COMING SOON!". At the bottom, a teal banner contains the text "PLEASE LOOK FOR MORE INFORMATION ABOUT THE ASSOCIATION HEALTHCARE PLAN FOR THE STATE BAR OF SOUTH DAKOTA IN UPCOMING BAR NEWSLETTERS AND EMAILS." in white capital letters. A faint heart icon with a pulse line is visible in the bottom right corner.

**ASSOCIATION
HEALTHCARE
PLAN**

ENROLLMENT INFORMATION COMING SOON!

PLEASE LOOK FOR MORE INFORMATION ABOUT THE ASSOCIATION HEALTHCARE PLAN FOR THE STATE BAR OF SOUTH DAKOTA IN UPCOMING BAR NEWSLETTERS AND EMAILS.

Fellows of the South Dakota Bar Foundation

Sustaining Life Fellow - \$50,000 plus

Fred & Luella Cozad

Life Fellow - \$25,000 plus

Frank L. Farrar

Gregory A. Yates

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

Jerome B. Lammers

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

Hon. John L. Brown

Mary Jane Cleary

Paul L. Cremer

Andrew L. Fergel

Neil Fulton

Tom E. Geu

Craig A. Kennedy

Hon. Judith K. Meierhenry

Laura Clark Rowe

Hon. Bobbi J. Rank

Robert C. Riter, Jr.

Thomas Eugene Simmons

Jason R.F. Sutton

Sarah L. Thorne

Rodrick L. Tobin

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.

Raising the Bar
Our Profession. Our Responsibility.

DEAN'S LIST : NEWS FROM THE LAW SCHOOL



As the New Year arrives, our attention at the Law School increasingly turns to recruiting the next law school class. By March, most of our applicant pool will be in front of us. A majority of the incoming class will be admitted. My first column for 2023 is a good time to talk about recruiting initiatives and needs for both the immediate and long term.

The national trend in law school enrollment is downward. This is the third consecutive year of declining law school applications in the United States. Pair this with the reality that starting in 2025 there is a projected ten-year decline in college matriculants and this national trend in law school applications becomes very troublesome. Fewer college students are choosing law school and soon there will simply be fewer college students.

Fortunately, the Law School has bucked this recent trend. Our application numbers are up for the second year in a row. Two of our largest classes have entered the Law School in the last four years. We have attracted more students from outside South Dakota than ever before. It is important to stop and consider why that may be so.

The first reason is simply the excellent work by Director of Admissions Katey Ulrich and her staff. Admitted students consistently say that they get timely action on their applications, an engaging welcome during campus visits, and excellent information about the Law School from Katey and her staff. Faculty also deserve a tip of the cap for making potential students feel welcome and engaged during class visits and one-on-one meetings.

This engagement demonstrates what a connected community applicants would be joining.

Second, we provide students an excellent value. Our expanded curriculum and extracurricular programs prepare students very well to go to work. Low tuition makes us exceptionally affordable--US News ranks us #1 in the nation. Ongoing investment in scholarships remains imperative, however. Students are very cost conscious as they choose a law school. As national applications continue a downward trend, larger schools will try and buy up many of the students we seek to enroll. We need to continue to expand our scholarship offerings to make sure that we do not lose talented students who want to come here simply because a larger school offers them a larger scholarship. We also need scholarships so that our graduates have the freedom to go to work in public service or smaller South Dakota communities.

Third, we have developed targeted recruiting programs throughout the region. We have an honors admission program for up to five Northern State University students per year. We are exploring a similar program with Black Hills State to attract more students from western South Dakota. We regularly engage the prelaw programs at SDSU and USD to lock down the best students from South Dakota's two largest institutions. We have established a 3+3 agreement and active pre-law engagement with Morningside to pull more students from Siouxland into South Dakota. We are analyzing the decisions of our increasing number of out of state students to target our recruiting efforts. We need nationwide reach in our recruiting, but we need that

reach to be very targeted to maximize the impact of our limited staff and to attract students who appreciate our community and culture. Fundamentally, we are an affordable, effective, and connected law school community. We know who we are, and we work hard to effectively communicate that to students who want to be in a community like ours.

We cannot recruit the next generation of South Dakota's lawyer leaders alone, however. We need your help. One of our biggest challenges remains attracting students from and for all parts of South Dakota. Partnerships with State Bar members on Law Camp and Project Destination to expose high school and junior high students to careers in law are important and successful. The ongoing work of the State Bar Strategic Planning Committee in considering the problems and possibilities regarding the succession of our profession is vital. The engagement of many of you with local schools and teen courts encourages future lawyers from your area. As we face the impending demographic cliff, each of us needs to lend a hand in recruiting our successors into the profession. The generational turnover among lawyers and potential shortage of replacements facing the legal profession in South Dakota and beyond is an all hands on deck moment.

We need to work as local bar associations and practitioners to build connections with local colleges, high schools, and even middle schools to inspire more students to think about law school. We must build creative channels to develop student contacts and provide clear pathways to college, law school, and employment. We need to continue to invest in student scholarships for both merit and need. We all have a stake in the future of the profession, and we all need to turn our hands to the work of securing that future. That is a top priority for the Law School, but it simply is not something we can do alone. We need all of you as well.

As the new year begins, I challenge all of you to think about how you can help recruit the next generation of lawyers for South Dakota. Maybe it is one of the initiatives I've mentioned above. Maybe it is something nobody has thought of yet. Whatever it is, each of you has something to offer the future of the profession. It has never been more important for everyone to be involved. Make 2023 the year that you find a way to invest in recruiting your successor to the profession. Together, we can make the future of our profession a wonderful reality.



**USD Knudson School of Law would like to invite
firms seeking interns and associates to our Spring**

On Campus Interviews

which will take place February 2-3 and March 2-3.

Please register here.

If you have any questions, contact Career Services at Teramie.Hill@usd.edu.



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.

FORGET SOMETHING?

DID YOU VOLUNTEER THROUGH A2J IN 2022?

Rachel Mairose
Clint Sargent

Special Thanks to:

Beth Baloun
Steve Huff
Kyle Krause
Denise Langley
Jim Taylor
Linda Lea Viken

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

Resolute Law Firm, P.C.
is pleased to announce that

Morgan Erickson
has joined their firm as an Associate
effective December 5, 2022.

Resolute Law Firm, P.C.
400 N Main Avenue, Suite 207
Sioux Falls, SD 57104

Telephone: (605) 275-4529

Email: morgan@resolutelaw.org

May & Johnson, P.C.
is pleased to announce that

Jack W. Brown
has joined their firm as an Associate.

May & Johnson, P.C.
6805 S Minnesota Ave. #100
PO Box 88738
Sioux Falls SD 57109-8738

Telephone: (605) 336-2565
Facsimile: (605) 336-2604

Email: jbrown@mayjohnson.com

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

Richard Williams
has become a partner in the firm
effective January 1, 2023.

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

Telephone: (605) 342-1078

Email: rwilliams@gpna.com

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

Stacy Hegge
has become a partner in the firm
effective January 1, 2023.

Gunderson, Palmer, Nelson & Ashmore, LLP
111 W Capitol Ave Ste 230
Pierre, SD 57501

Telephone: (605) 342-1078

Email: shegge@gpna.com

Effective January 1, 2023,
Pamela Reiter will be starting her own law firm

Reiter Law Firm, LLC

Reiter Law Firm, LLC
5032 S Bur Oak Place, Suite 205
Sioux Falls, SD 57108

Telephone: (605) 705-2900

Email: pamela@reiterlawfirmsd.com

Website: www.reiterlawfirmsd.com

Reiter Law Firm, Prof. LLC
is pleased to announce that

Anthony Sutton

has moved his practice to the new firm
effective January 1, 2023.

Reiter Law Firm, LLC
5032 S Bur Oak Place, Suite 205
Sioux Falls, SD 57108

Telephone: (605) 705-2900

Email: anthony@reiterlawfirmsd.com

Website: www.reiterlawfirmsd.com

JANUARY
LAW FOR LUNCH



TAX UPDATE

January 19, 2023 12:30 PM - 1:30 PM (CST)

Presenters:

Leah Heidler
Melanie Jobgen
Lori Larson

- The Ins and Outs of Like-kind exchanges
- Ag Industry Update
- Series LLC vs. Multiple LLCs
- Small Business Tax Issues
- Trust and Estate Update



The Divorce Colony with author April White

All events are free and open to the public.

SOUTH DAKOTA'S HISTORY AS A DIVORCE DESTINATION

Author April White in conversation with Professor Hannah Haksgaard

Tuesday, January 31st

Law School Courtroom

7:00 PM

Register to join via Zoom:

<http://link.usd.edu/AprilWhite>

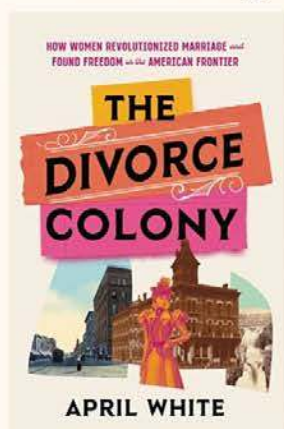
MEET APRIL WHITE OVER BRUNCH

Wednesday, February 1st

MUC 216/216A

10:00 AM

RSVP to wgss@usd.edu by January 25th



Interested in reading the book? Join an interdisciplinary read along hosted by Professor Hannah Haksgaard on February 9, 2022. For more information and to reserve a free copy of the book, contact wgss@usd.edu.

If you are a person with a disability and need a special accommodation to fully participate, please contact Disability Services 48 hours before the event at 605-658-3745.



UNIVERSITY OF
SOUTH DAKOTA
KNUDSON SCHOOL OF LAW



UNIVERSITY OF
SOUTH DAKOTA
COLLEGE OF ARTS & SCIENCES

Young Lawyers Section's 2023 Bootcamp Friday, February 24, 2023



Agenda

- 9:00-9:15: Registration
- 9:15-9:20: Welcome
- 9:20-10:05: Legal MythBusters: Starting a Career in Bankruptcy Law
- 10:05-10:50: Non-Compete Clauses: Transactional & Litigation Considerations
- 10:50-11:00: #Fit2PracticeSD- The Importance of Community
- 11:00-11:10: Break
- 11:10-11:55: Secondary Trauma Experienced by Lawyers

Lunch (Provided)

12:00-12:55: Judges Panel: Trial Presentation Tips, Judicial Qualifications Commission, & Experiences from the Bench

- 12:45-12:55: Registration
- 12:55-1:00: Welcome
- 1:00-1:45: Mediation 101
- 1:45-2:00: South Dakota Bar Foundation
- 2:00-2:45: Workplace Culture & Legal Ethics: Unique Challenges in a Lawyer's Workplace
- 2:45-3:25: #Fit2PracticeSD- Mentorship & Opportunities
- 2:25-2:40: Break
- 2:40-3:45: Setting Client Boundaries & Managing Expectations
- 3:45-4:20: Lawyers in the Community Panel: Different Roles Lawyers Play in the Community & Tips for Success

Circuit Mixer to Follow CLE – All Attorneys are Invited!

RSVP to Attend Bootcamp:

Sioux Falls RSVP to Brooke Schmidt, bschmidt@dehs.com
Rapid City RSVP to Rachelle Norberg, rachelle@ggnlawfirm.com

*Virtual attendance is available. Please note this preference your RSVP.

Location of In-Person Bootcamp:

Sioux Falls Location: Lumber Exchange Building, 101 S. Reid Street
Rapid City Location: Pennington County EOC Room, 130 Kansas City Street, #130A, Rapid City, SD 57701

Infotech

SOLUTIONS, LLC

Infotech is excited to pass along some information about Cyber Safe SD, a great opportunity for small businesses.

Cyber Safe SD is a FREE comprehensive cybersecurity program for small businesses in South Dakota. They offer cybersecurity assessments, cyber threat intelligence, security awareness training, and remediation activities.

As a partnership between Dakota State University, the Governor's Office of Economic Development, the Bureau of Information and Telecommunications, the South Dakota Fusion Center, the Consumer Protection in the South Dakota Attorney General's office, and the Small Business Administration, they are working to stop cyber-attacks before they happen.

Many of the remediation services will help with your Cyber Liability platform. Ideally, making your organization qualify for a better rate! We here at Infotech (the association's endorsed Cyber Security provider) would be more than happy to implement any remediation resources needed for your organization.

One of the best parts about this grant is, if you qualify (& funds are still available), Dakota State University will pay for up to a year of your organization's remediation services.

If you have any questions about remediation and what that means for your organization, please reach out to myself: Tyler.Ruhd@infotechsd.com

For more information on Cyber Safe SD, and to sign up, please visit: www.dsu.edu/sbacyber.

**CYBER
SAFE
SD**



SAVE THE DATE

APRIL 3, 2023

To further the goal of casting a wide net to attract the broadest possible pool of qualified applicants to serve as federal judges, the Judicial Conference Committees on the Administration of the Bankruptcy System and Magistrate Judges System present:

Roadways to the Bench:

April 3, 2023 at 3:00-4:30 p.m. (CT)

Diana E. Murphy United States Courthouse

300 South Fourth Street, Minneapolis, MN

- Interested lawyers and law students are invited to observe a national panel discussion and participate in local roundtables with bankruptcy, magistrate, district, and appellate judges about pathways to the federal bench.
- The panel will be moderated by Judge Carl E. Stewart (5th Cir.), and it is comprised of Judge Stephanie Dawkins Davis (6th Cir.); Judge Laura Taylor Swain (S.D.N.Y.); Judge Kesha Lynn Tanabe (Bankr. D. Minn.); and Magistrate Judge Mustafa T. Kasubhai (D. Or.).
- Registration may be limited due to space constraints.

Event Locations

Albuquerque, NM	Denver, CO	Nashville, TN	Portland/Eugene, OR
Atlanta, GA	Houston, TX	New Orleans, LA	Raleigh, NC
Austin, TX	Kansas City, MO	New York City, NY	Salt Lake City, UT
Boston, MA	Las Vegas, NV	Oakland, CA	San Juan, PR
Chicago, IL	Los Angeles, CA	Oklahoma City, OK	St. Louis, MO
Cincinnati, OH	Miami, FL	Orlando, FL	Seattle, WA
Cleveland, OH	Milwaukee, WI	Philadelphia, PA	Syracuse, NY
Columbia, SC	Minneapolis, MN	Phoenix/Tucson, AZ	Tampa, FL
Dallas, TX	Morgantown, WV	Pittsburgh, PA	Washington, DC

For more information, please contact Karl Johnson of Taft Stettinius & Hollister LLP, the Minneapolis Attorney Co-Chair, via email: kjohnson@taftlaw.com



ATTENTION!

2023 Member Fees
are Due by
December 31, 2022

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

Pay online by logging in to the
member hub and click on My Billing Info.

www.statebarofsouthdakota.com

Application for Pro Bono Emeritus Status

I, _____, an active member of the State Bar of South Dakota, do hereby apply for Pro Bono Emeritus Status, for the year 2023.

I understand that if approved, rather than pay regular dues for the year 2023, I will only be required to tender the sum of \$125 (same as inactive dues) but I will be entitled to all the rights and privileges of an active member of the State Bar.

Further, I recognize that this status means that I will be requested from time to time to take a referral from East River Legal Services, Dakota Plains Legal Services, or Access to Justice, and I am willing to accept at least one referral in the year 2023.

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

Dated this _____ day of _____, 20____

Signature_____

Printed Name_____

Address_____

City, State, Zip Code_____

Phone_____ Email_____

3rd Annual Diversity and Inclusion Award

Sponsored by: The Lawyers Committee on Diversity and Inclusion

On behalf of the State Bar of South Dakota's Lawyer's Committee on Diversity and Inclusion (LCDI), nominations are being sought for the 3rd annual Diversity and Inclusion Award.

Purpose

The Diversity and Inclusion Award serves to recognize members of the State Bar of South Dakota who actively promote diversity and inclusion in the legal profession. Recipients of the award contribute to and enhance the environment of inclusion in the legal profession, particularly in South Dakota.

Eligibility Criteria

To be eligible to receive the Diversity and Inclusion Award, an individual must be a member in good standing of the State Bar of South Dakota and must demonstrate an exceptional understanding of diversity and inclusion beyond the call of duty as represented by the following criteria:

- Enhances inclusion through positive communication between persons of different backgrounds
- Demonstrates a commitment to the values of diversity and inclusion through documented efforts that are above and beyond the routine expectations
- Develops innovative methods for increasing and valuing diversity through wide-ranging activities
- Demonstrates outstanding efforts to promote an environment free from bias and discrimination
- Organizes, creates, and facilitates various professional or community events promoting diversity, respect, and inclusion
- Shows efforts to recruit and retain individuals who increase the diversity of the State Bar of South Dakota
- Promotes the sponsorship of, or active participation in, programs, initiatives, or projects in the area of diversity and inclusion

Nomination Criteria

Individuals may nominate a member of the State Bar of South Dakota by submitting a Nomination Form. Completed Nomination Forms, and attachments thereto, may be emailed to access.to.justice@sdbar.net or mailed to:

Diversity & Inclusion Award Committee
C/O Access to Justice, Inc.
111 W. Capitol Ave. #1
Pierre, SD 57501

Deadline: Nominations must be received by **Friday, March 31, 2023.**

For further information, please contact Denise Langley, Access to Justice, Inc., at access.to.justice@sdbar.net or by phone at 855-287-3510.

Nomination Process and Presentation of Award

Every year in the spring, the Lawyers Committee on Diversity and Inclusion (LCDI) will publish an invitation in the South Dakota State Bar Newsletter soliciting nominations for the Award. To be considered, nominations must be received by LCDI no later than March 31st. Each nomination should include a brief synopsis of the nominee's commitment to diversity, inclusion, and equal participation in the legal profession. Each nominee's materials will then be reviewed by a subcommittee of the LCDI. The LCDI will then, by a majority vote, select one or more recipients who best exemplify the eligibility criteria. All recipients of the Award will be notified no later than May. The Award will be presented during the State Bar annual meeting in June. The Awards will be presented by a representative of the LCDI.



SDVOICES FOR PEACE

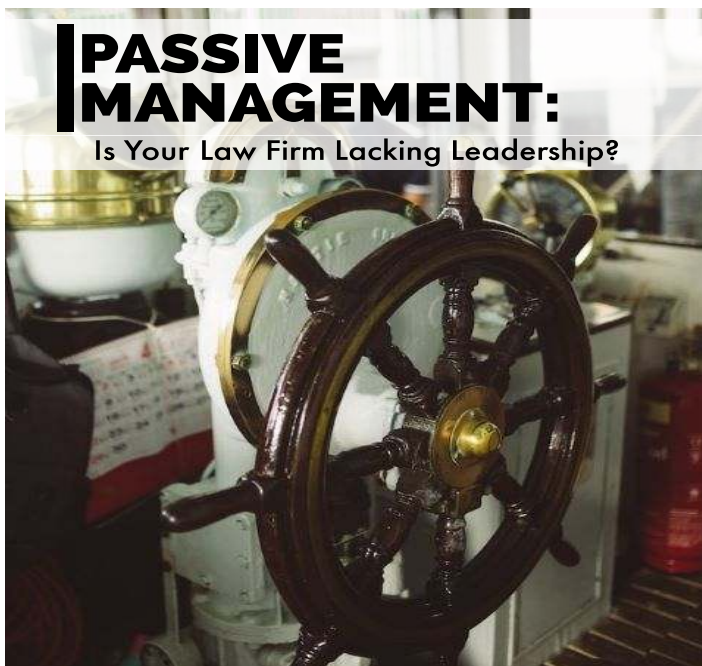
We provide the state's only
FREE immigration legal services to
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If you know of a child under 18 years old
who recently came to the United States
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A migrant who is a victim of a crime that
took place in the United States, please call
our office at **605.782.9560**
or email us at

info@southdakotavoicesforpeace.org
Spanish language access is available.

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PASSIVE MANAGEMENT:

Is Your Law Firm Lacking Leadership?

After having consulted with over twelve hundred law firms over the years, trust me when I say that more than a few small law firms around the country are being passively managed. From a malpractice risk perspective, this makes me nervous, particularly at a time when so many now work from home to varying degrees. In order to explain why, however, I need to start by defining what passive management means to me.

I define passive management as reactive decision making, meaning decisions are only made when there is no other choice. Here's one example of how this might play out. The designated "managing partner" position is considered part-time, and everyone knows there will be little to no compensation for serving in that role. Of course, one consequence of that reality is the position is one that most attorneys hope to avoid at all costs. As a result, no true firm leadership exists. To state it another way, no one is steering the ship.

This outcome occurs in smaller firms for a number of reasons.

- Some managing partners have concerns over how their actions may be perceived by the other partners. Such concerns might be due to a fear of being perceived as playing favorites, as overly protective, or as unduly harsh.
- Others do all they can to avoid having to make tough decisions, perhaps with the naïve hope that the problem will eventually go away if it is ignored

long enough. After all, heaven forbid anyone ever question the propriety of a decision!

- Sometimes there is an underlying problem of simply being afraid of jeopardizing the partner-to-partner friendships that originally brought the group together.
- And then, of course, there will always be those who simply have no idea what to do when a decision is called for.

Worse yet are those situations where the entire group of attorneys decides to manage by consensus. This is the ultimate when it comes to the lack of a ship's captain because, in these firms, decisions are made at the speed of molasses if they are made at all.

Could Passive Management Bring About a Malpractice Claim?

You bet. Consider a situation where a firm attorney has become depressed as a result of an ongoing difficult divorce. As time moves on, pressures mount, and this person turns to alcohol. Once the firm becomes aware, and think about how difficult that might be if this attorney works remotely full-time, personal friendships and even loyalty come into play. This person, who unbeknownst to the firm is actually on a path toward the development of a full-blown impairment, and receives support from others at the firm.

Now, while supporting someone through a personal crisis is admirable and quite appropriate, if any work-related ramifications of this crisis are minimized, dismissed, or ignored, a malpractice claim may be right around the corner. One reason why is impairments can lead to the neglect of client matters. In a perfect world, this person's files would be periodically reviewed, or their calendar monitored. These would be prudent steps to take under the circumstances. Unfortunately, such steps often won't happen in passively managed firms.

This example demonstrates one of the most significant risks of passive management, which is firms can fail to proactively address any developing crisis. Yes, when faced with a malpractice claim, many passively managed firms will respond by having management - in whatever form it exists - step in; however, that effort usually ends up being too little, too late. And unfortunately,

that sometimes means a change in the makeup of the firm is about to take place and know that this change isn't always limited to the firm divorcing itself from the "problem" attorney. Since accountability naturally falls on the managing partner, the outcome can be a firm split or even a dissolution.

In contrast, actively managed firms are proactive. They will take additional steps in an attempt to prevent possible claims from ever arising, think prioritizing wellness as just one example. Then, in response to the situation described above, an actively managed firm is going to do things like conduct file review at the first sign of trouble. If necessary, the firm might assign a mentor, or grant a temporary reduction in workload request until things get back on track. This is how you responsibly address the work-related ramifications of a personal crisis while still supporting an attorney who is struggling.

If substance abuse, as an example of a full-blown impairment, becomes a known and legitimate concern, additional steps such as requiring successful completion of an addiction treatment program as a necessary condition of remaining with the firm become essential. Without a doubt, this will be a more difficult road to go down. Just understand that such decisions are made with an intent to maintain the overall integrity of the firm coupled with a desire to see the subject attorney fully recover and remain a valuable firm asset.

How Can We Move Past a Passive Management Style?

If aspects of a passive management style exist at your firm, consider strengthening your firm's management and leadership capabilities. Steps that might be taken include:

- Formalizing a management position by creating a job description. Have an open, honest discussion

about the degree of authority that will be given to this individual, and then confirm that everyone will follow through by agreeing to respect that authority whenever it is exercised.

- Recognizing the value and importance of the management position with appropriate compensation, regardless of whether the position is full-time or part-time.
- Training. If no one at your firm has a complete set of management skills, there are resources available at a variety of price ranges, from well-written books to intensive off-site management courses that last several weeks. Seek them out.
- Hiring an experienced manager if no attorney has an interest in managing the firm. Again, make certain to give this individual the necessary authority; otherwise, it's just going to be wasted time, energy, and money.

I am a firm believer in the value of strong leadership and effective management within all law firms, regardless of size, because I believe it will reduce a firm's exposure to malpractice claims and also positively impact a firm's financial bottom line. I say this because when lawyers go into business together, they become their partner's keepers. Think about ABA MRPC 5.1 "Responsibilities of a Partner or Supervisory Lawyer" just for starters.

When it comes to the success or failure of the business, firm attorneys will sink or swim together. For those of you who practice in a firm that is passively managed, wouldn't having someone actually in charge of steering the ship be a better option, if for no other reason than to try and avoid ever having to sink or swim together? I don't know about you; but speaking personally, I'd rather be on the ocean than in it. The water can get pretty rough out there.



Authored by: Mark Bassingthwaighte, Risk Manager

Since 1998, Mark Bassingthwaighte, Esq. has been a Risk Manager with ALPS, an attorney's professional liability insurance carrier. In his tenure with the company, Mr. Bassingthwaighte 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. Bassingthwaighte 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.

Attorney Health & Wellness Resources

It's okay to ask for help

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rebecca.porter@sdlawyersconcerned.org

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2022

John R. Justice Student Loan Repayment Program

The John R. Justice (JRJ) Grant Program provides student loan repayment assistance for local, state and federal public defenders and local and state prosecutors who commit to extended service in those roles. All Applications and a Service Agreement along with a recent loan statement must be received or postmarked on or before January 31, 2023. A recent monthly statement from the borrowing agency is preferred over the generic “Loan Details” print out option as the monthly statement contains the pertinent information needed.

[JRJ 2022 Application](#)

[3 JRJ 2022 Service Agreements Options](#)

Eligibility: For the purposes of the JRJ Program, the following beneficiaries shall be considered eligible:

Prosecutor: full-time employee of a state or unit of local government (including tribal government) who is continually licensed to practice law and prosecutes criminal or juvenile delinquency cases at the state or local government level (including supervision, education, or training of other persons prosecuting such cases); prosecutors who are employees of the federal government are not eligible.

Public defender: an attorney who is continually licensed to practice law and is a full-time employee of a state or unit of local government (including tribal government) who provides legal representation to indigent persons in criminal or juvenile delinquency cases, including supervision, education, or training of other persons providing such representation.

A full-time employee of a nonprofit organization operating under a contract with a state or unit of local government who devotes substantially all of the employee's full-time employment to provide legal representation to indigent persons in criminal or juvenile delinquency cases including supervision, education, or training of other personnel providing such representations.

A full-time federal defender attorney in a defender organization pursuant to subsection (g) of section 3006A of Title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

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

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

CERTIFICATE OF COMPLIANCE

INSTRUCTIONS

The certificate of compliance for the year 2022 must be submitted to the State Bar of South Dakota by **January 31, 2023**.

IMPORTANT INFORMATION concerning compliance with trust accounting records and procedures, including the reporting form, appear immediately following this notice. All attorneys who were **ACTIVE members of the State Bar of South Dakota in 2022 must file the compliance form** with the State Bar no later than January 31, 2023. **This rule includes retired lawyers, lawyers engaged in teaching, banking, insurance, full-time government employees, etc.** This reporting requirement does NOT include those who were inactive lawyers in 2022, nor does it include Judges (Federal or Unified Judicial System) who are full time and did not have private clients.

Andrew L. Fergel
Secretary-Treasurer

TRUST ACCOUNT COMPLIANCE FORM INSTRUCTIONS

Immediately following these instructions, a model form has been reproduced. The form may be modified to accommodate multiple signatures where a number of or all partners in a law firm utilize a single trust account. Please type the name of the sole practitioner or, if using a common firm trust account, the names of all lawyers utilizing the trust account. For the balance of the form, fill in the blanks, check the spaces, or leave blank or mark n/a where appropriate.

- 1 - check (a), (b), or (c) if applicable
- 2 - self explanatory (usually appropriate for inactive or retired members)
- 3 - self explanatory (usually exclusive or full-time corporate, legal aid, or public sector lawyer. Please identify the employer.)
- 3(a)- self explanatory (usually appropriate for part-time Bankruptcy trustees)
- 4 - self explanatory (usually appropriate for the employee or associate of a law firm who does not have trust account writing authority.) At this point, inactive, retired, full-time corporate, legal aid, or public sector lawyers, and associates without trust account check writing authority may sign the form and stop.

All others should have trust accounts and must provide the following information:

- 5 - state the name, address, and account number of trust account financial institution
- 6 - the blanks should be completed with the most recent monthly trust account reconciliation.

Keep in mind monthly reconciliations are required. For example, if this form were completed on 12-15-10, you would insert the closing date of the most recent bank statement (i.e. 11-30-10).

6(a)-(h), and 7 - type or print yes or no in space provided. If you can answer "yes" to each of these questions, you are in compliance with Supreme Court Rule 91-10. If you must answer any of these in the negative, you need to make changes in your trust accounting system. A negative answer will result in further inquiry.

8 - This question merely requires you to confirm that a monthly reconciliation was performed and if there were errors/inconsistencies in the reconciliation, to explain the same. I remind you that the effective date of this rule was July 1, 1991. It is not too late to perform the monthly reconciliations from and after July 1, 1991, through the date of completion of this form; however, monthly reconciliations must be performed prospectively.

I have heard from a number of lawyers who have said that their trust account has an odd amount, such as \$4.54, which has been in the account for ages and the client has disappeared. The compliance report should so note the amount and reason (lawyer unable to disperse the sum of \$4.54 belonging to a client because client is not able to be located).

Thereafter, if the amount remains constant (\$4.54 as in this example), no further explanation is necessary in subsequent compliance forms.

The rule does not require, nor do we want the amounts held in trust, the identities of clients, or any other confidential information. If all partners in a law firm use a common trust account, one form may be submitted provided all partners sign the form. Please type your name under your signature. This will avoid nuisance phone calls or letters trying to ascertain who signed the forms.

All lawyers must submit the compliance form no later than January 31, 2023. **Please submit compliance forms after reviewing your December bank statements.** If you have questions, please give me a call. ALF

2022 CERTIFICATE OF COMPLIANCE

TO: The Secretary-Treasurer, **The State Bar of South Dakota, 111 West Capitol Avenue, Suite 1, Pierre, SD 57501**

Dear Sir: I/we (Please list all persons signing the form here) _____

member(s) of the State Bar of South Dakota certify that during the 12-month period preceding the date of this report:
(Check the following items where applicable and/or fill in the blanks.)

1. I (we) have engaged in the private practice of law in South Dakota as:

_____ (a) a sole practitioner;

_____ (b) a partner or shareholder of a firm practicing under the name of;

_____ (c) an associate of a sole practitioner or of a firm, as the case may be, practicing under the name of _____;

and I maintain separate books, records and accounts showing all legal business performed by me.

_____ 2. I have not engaged in the practice of law in South Dakota, and I have neither handled nor been responsible for either clients' trust funds or clients' trust property in South Dakota.

_____ 3. I have practiced law in South Dakota exclusively as an employee of (designate name of government agency, corporation, or other non-member of the Bar) _____

and I do not handle or become responsible for money or property in a lawyer-client relationship, other than money or property received in the course of official duties and disposed of in accordance with regulations and practices of (designate name of government agency).

_____ a. I have served as a trustee in one or more cases under Title 11 of the United States Code, and I am accountable for all funds I handled in connection therewith to the Office of the United States Trustee, which office is statutorily charged with the responsibility for reviewing and supervising my trust operations; therefore, my handling of such funds is not separately accounted for herein in connection with my private practice of law, and I further certify that I am in compliance with all such accounting requirements of said Office.

_____ 4. I have engaged in the practice of law in South Dakota as an employee or as an associate of a sole practitioner or of a firm, as the case may be, practicing under the name of _____

and to the best of my knowledge all legal business performed by me is shown in the books, records and accounts of such sole practitioner or firm.

(Only lawyers checking categories 2, 3, 3a, or 4 may sign below. See instructions.)

(Signature)

Full Name (Print or Type)

Business Address

City, State, Zip

Date _____, 2023

Please state the total number of hours of pro bono service, as defined by the South Dakota Rules of Professional Conduct 6.1, that you (or the whole firm) provided in 2022. Enter 0 if none. Total Hours:_____.

Rule 6.1. Voluntary Pro Bono Public Service

A lawyer should render public interest legal service.

A lawyer may discharge this responsibility by: (a) providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations; or (b) by service without compensation in public interest activities that improve the law, the legal system or the legal profession; or (c) by financial support for organizations that provide legal services to persons of limited means.

(Attorneys checking categories 1a, 1b, or 1c must answer the following questions. See instructions.)

5. My (our) trust account(s) or the trust account(s) of the firm or association of which I am a partner or shareholder is (are) at the (name and address of banking institution) _____

(and bears the following name(s) and number(s) _____

6. During the fiscal period ended _December 31, 2022,_ to the best of my (our) knowledge I (we), or the firm of which I am a member, as the case may be, maintained books, records and accounts to record all money and trust property received and disbursed in connection with my/our practice, and as a minimum I/we maintained:

- a. A separate bank account or accounts located in South Dakota, in the name of the lawyer or law firm and clearly labeled and designated a "trust account." _____(Yes or No) *(An out of state member may strike "South Dakota" and insert the state where his/her trust account is located.)*
- b. Original or duplicate deposit slips and, in the case of currency or coin, an additional cash receipts book, clearly identifying the date and source of all trust funds received, and specific identification of the client or matter for whom the funds were received. _____(Yes or No)
- c. Original canceled checks or copies of both sides of the original checks produced through truncation or check imaging or the equivalent, for all trust disbursements. _____(Yes or No)
- d. Other documentary support for all disbursements and transfers from the trust account. _____(Yes or No)
- e. A separate trust account receipts and disbursements journal, including columns for receipts, disbursements, and the account balance, disclosing the client, check number, and reason for which the funds were received, disbursed or transferred. _____(Yes or No)
- f. A separate file or ledger, with an individual card or page for each client and matter, showing all individual receipts, disbursements and any unexpended balance. _____(Yes or No)
- g. All bank statements for all trust accounts. _____(Yes or No)
- h. Complete records of all funds, securities and other properties of a client coming into my/our possession, and rendered appropriate accounts to my/our clients regarding them. _____(Yes or No)

7. During the same fiscal period identified in section 6 above, I, or the firm of which I am a member, complied with the required trust accounting procedures, and as a minimum I/we prepared monthly trust comparisons, including bank reconciliations and an annual detailed listing identifying the balance of the unexpended trust money held for each client or matter. _____(Yes or No)

8. In connection with section 7 above, I or the firm of which I am a member, have completed the following procedures during the fiscal period herein: compared each month the total of trust liabilities and the total of each trust bank reconciliation, and there were (check one of the following)

- _____no differences between the totals, excepting those determined to be the result of bank error;
- _____differences. (Give full particulars below, identifying the months in which there were differences, the amounts involved, and the reason for each item contributing to a difference. Attach additional pages if necessary.)

9. a. _____The undersigned lawyer(s) do not have professional liability insurance; ***(If you checked box 9(A), you must attach a representative copy of the letterhead you used to disclose the lack of insurance to your clients.)*** or

b. _____The undersigned lawyer(s) have professional liability insurance, the name of the insurance carrier, policy number and limits are as follows: _____

10. If you are a solo practitioner, have you made arrangements with another lawyer to secure your files and trust account and protect your clients in the event of your death or disability? Yes _____No _____

(This is not currently a requirement, but very much encouraged. Please check out the state bar website for checklists and forms for solo practitioners planning for unexpected death or disability.)

I am a member of the State Bar of South Dakota filing this report, and to the best of my knowledge and belief the facts as reported herein are accurate, and I certify that I have at all material times been in compliance with Rule 1.15 of the Rules of Professional Conduct entitled Safekeeping Property and SDCL 16-18-20.1 and 16-18-20.2.

(All partners, shareholders, or associates checking categories 1a, 1b, or 1c must sign here. Attach additional signature pages if necessary.)

(Signatures)	(Printed Name)
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 , 2023
Date

Additional signature and attachment is needed if responding lawyer checked box 9(A) : The undersigned lawyer(s) not having insurance, do hereby certify that pursuant to Rule 1.4(c), I have advised my clients of the lack of professional liability insurance during the reporting period and I have attached hereto a copy of my law office letterhead disclosing the lack of insurance, in the required format, pursuant to Rule 7.5 of the Rules of Professional Responsibility.

All Responding Lawyer Signatures:

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 , 2023
Date

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE PROPOSED)	NOTICE OF RULES HEARING
AMENDMENT TO THE APPENDIX TO CHAPTER)	
16-16 REGULATIONS OF THE BOARD OF)	NO. 149
BAR EXAMINERS STATE OF SOUTH DAKOTA)	
5. ACCEPTANCE OF MULTISTATE BAR)	
EXAMINATION RESULTS FROM OTHER STATES)	

A petition for the amendment of an existing section of the South Dakota Codified Laws having been filed with the Court, and the Court having determined that the proposed amendment should be noticed for hearing, now therefore,

NOTICE IS HEREBY GIVEN THAT ON January 10, 2023, at 11:00 A.M., C.T., at the Courtroom of the Supreme Court in the Capitol Building, Pierre, South Dakota, the Court will consider the following:

1. Proposed Amendment to the

APPENDIX TO CHAPTER 16-16
REGULATIONS OF THE BOARD OF BAR EXAMINERS
STATE OF SOUTH DAKOTA

5. Acceptance of Multistate Bar Examination Results from Other States

In its discretion, the Board of Bar Examiners may accept an applicant's previous score on the MBE administered in a jurisdiction other than South Dakota if taken within two years

prior to the next scheduled examination, and if the score on the MBE is a scaled score of 135 or above, ~~and if the applicant passed the entire bar examination in the other jurisdiction.~~ The Board of Bar Examiners may accept an applicant's MPRE score if taken within twenty-eight months prior to the next scheduled examination and if the score is a scaled score of 85 or above.

Explanation for the Proposal

This proposed amendment is submitted to the Court by the Secretary of the Board of Bar Examiners. Regulation 5 allows for the transfer of MBE scores to South Dakota under certain circumstances. This proposed amendment deletes the requirement that the applicant must have passed the entire bar examination in the other jurisdiction. In 2014, Regulation 4 was amended to allow for an independent passing score on the MBE and an independent passing score on the MPT/MEE/ILQ in South Dakota. An applicant who failed a portion of the exam may elect to retake the portion the applicant failed or retake the entire exam. Regulation 5 was not amended consistent with the change made in 2014 permitting an applicant to separately pass each portion of the bar examination. The proposed amendment to Regulation 5 makes it consistent with the current practice under Regulation 4 and is a housekeeping amendment. The amendment, if adopted, is intended to apply to any application currently pending before the Board or the Court.

- - - - -

Any person interested may appear at the hearing and be heard, provided that all objections or proposed amendments shall be reduced to writing and the original and five copies thereof filed with the Clerk of the Supreme Court no later than January 3, 2023. Subsequent to the hearing, the Court may reject or adopt the proposed amendments of any rule germane to the subject thereof.

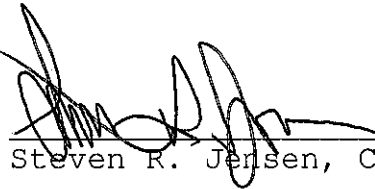
Notice of this hearing shall be made to the members of the State Bar by electronic mail notification, by posting notice at the

Notice of Rules Hearing No. 149 - January 10, 2023

Unified Judicial System's website at
<https://ujls.sd.gov/Supreme Court/Hearings.aspx> or the State Bar of
South Dakota's website <https://www.statebarofsouthdakota.com>.

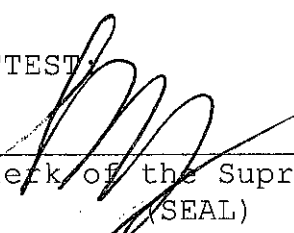
DATED at Pierre, South Dakota this 6th day of December,
2022.

BY THE COURT:



Steven R. Jensen, Chief Justice

ATTEST:



Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

DEC - 6 2022


Clerk

Need an Expert Witness, A Person to Do Research for You on Agricultural Cases?

Roger DeRouchey

Roger DeRouchey of Alexandria, SD would be glad to help you as an expert witness, a person to complete research and provide you with narrative, documented research, and an opinion as to potential loss of income in agricultural related cases. Utilizing his 34 years of experience at Mitchell Technical College as a Farm/Ranch Business Management Educator, 3 years of Agricultural Banking experience, 9 years of Agricultural & Legal Consulting experience, he can provide your law firm a non-bias report at a reasonable cost, to you and your clients. He also has 5 years of experience of working with the South Dakota Department of Agriculture and Natural Resources as an Ag. Finance Counselor for the Mediation Program.

Roger has worked for lawyers from Sioux Falls to Hot Springs and from Watertown to Yankton on agricultural cases in the past 9 years.

Mark O'Leary, Tim Bottum, and Paul Tschetter have helped Roger develop his Agricultural and Legal Consulting expertise as to where it is today. Tim Bottum states on the DeRouchey Website: I have used Roger DeRouchey's expert witness services in multiple cases centered on agricultural issues. Mr. DeRouchey has provided expert reports, been deposed and testified in trial in divorce and civil litigation cases. Roger is

down-to-earth and provides real world experience with practical application all at cost efficient rates. You can see other Testimonials on the DeRouchey website from Kara Semmler and Gary D. Jensen.

If you would like to contact with Roger DeRouchey, you can call him at 605-770-8080 or email him at derouchey.agconsulting@triotel.net.



DeRouchey Agricultural & Legal Consulting, LLC

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

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 INVIOLEATE 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.**



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

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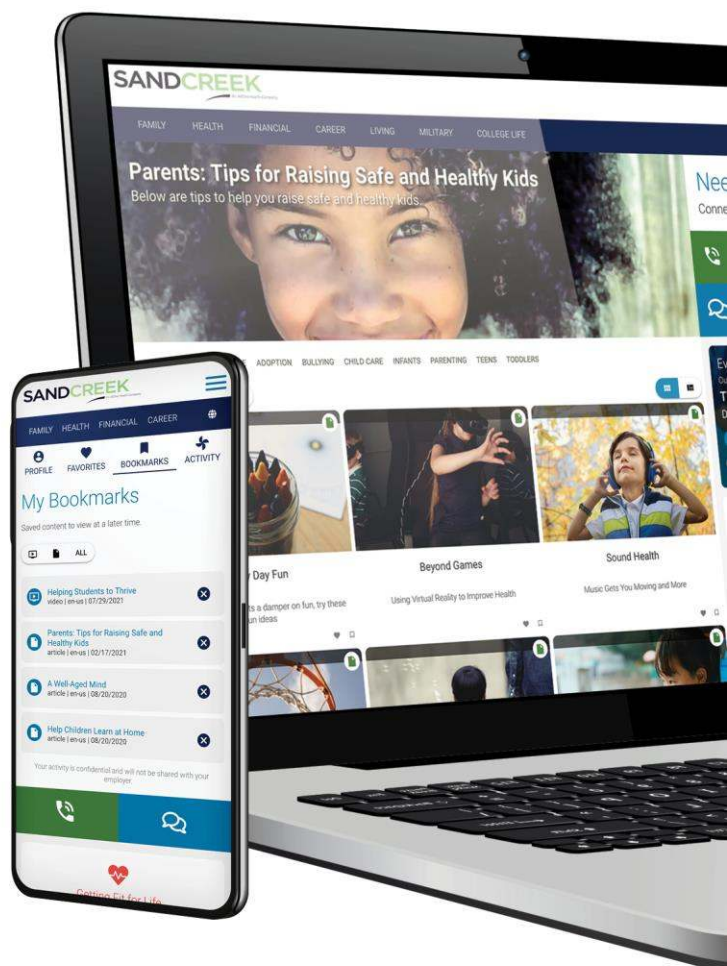
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In Memoriam



Steve Rabuck

Steve Rabuck, age 69, passed away December 16, 2022, at Sanford USD Medical Center. Steven was born September 29, 1953, to Glen and Maybelle

(Aslesen) Rabuck in Aberdeen, SD. He was baptized at Egeland Lutheran Church in rural Waubay, SD. Steve was a member of Our Savior's Lutheran Church in Redfield, SD and was confirmed there. He attended Redfield Public Schools graduating in 1971. While in high school and college he worked summers at the city pool as a lifeguard and managing the pool. Steve belonged to Boy Scouts and attained the rank of Eagle Scout.

He attended University of South Dakota and was member of the Beta Theta Pi fraternity. He graduated with a degree in Social Work and worked at South Dakota Development Center and for Clay County Social Services.

Steve then decided to pursue law and graduated with a Juris Doctorate degree from University of South Dakota. He first practiced law in Chamberlain, SD with Leonard Andera. There he met and married his wife Catherine Thomas and gained a stepdaughter, Jaki. To this union one daughter, Mollie, was born.

They moved to Sioux Falls, SD and Steve joined the practice of Nichols and Rabuck. He practiced family, business, and criminal law. Steve's social work degree was always beneficial in his practice as he worked with his clients.

Steven met the love of his life in Sioux Falls and married Linda Reiners on September 14, 2002. They just celebrated 20 years of marriage. He was blessed with 5 stepchildren through Linda.

Over the years Steve enjoyed golf, watching Green Bay Packers and New York Yankees, singing, and reading. His greatest enjoyment came from serving his Lord through his church, bible study, the Gideons and singing

in the Men's Ensemble. He also loved being around his nieces and nephew and grandchildren.

He was preceded in death by his parents, grandparents, mother and father-in-law and brother-in-law Jerome and grandson Ian.

He will be greatly missed by his wife Linda, daughter Mollie (Chastity), sister Dawn (Kerry), and stepchildren Kris (Keith), Keith (Jodi), Collin (Gina), Clark (Natosha) and Katie (Greg), 14 grandchildren, 2 great grandchildren and brother-in-law Wayne (Ann Marie).

Funeral services will take place at Abiding Savior Free Lutheran Church on Wednesday, January 4, 2022, at 11:00 a.m. with a luncheon to follow. Family will be present one hour prior for visitation before the funeral service.



Celia Suzanne Miner

Celia Suzanne (Fritts) Miner, age 81, of Yankton, South Dakota passed peacefully into Spirit on December 20, 2022, with her husband and daughters by her side. What a joyous heavenly reunion of the Fritts family (Stan, Blanche, Tom, and

Nancy) it must have been.

Celia was born on October 24, 1941 in Oakland, Nebraska to Stan and Blanche Fritts. A few short months after she arrived in this world, her family moved to Elizabeth, New Jersey, where she enjoyed growing up as the oldest of three children immersed in the world of professional musicians and the entertainment industry in New York City during the Korn Kobbler era.

The Fritts family moved to Yankton, SD, during Celia's middle school years, and she went on to graduate from Yankton High School in 1959. She was an avid singer, pianist, oboe player, and debater, and she still maintains a core group of loyal friends from those wonderful days at YHS.

Especially noteworthy during her high school debate career was meeting a debater from Watertown High

School by the name of James Miner. The two met at All State Chorus, debated against each other in high school, then eventually went on to Huron College where they fell in love and imagined a life together. Celia graduated from Huron with degrees in Music and English, and she married Jim Miner in August of 1963.

The couple moved to Ithaca, NY, so Jim could pursue his Master's degree at Cornell University. Celia started her teaching career in nearby Dryden, NY, while Jim was in grad school. They then moved back to Yankton, SD, where they both taught at Yankton High School starting in 1964 until she returned to grad school to pursue her Master's degree in Music at USD.

In February 1967, Jim and Celia's twin daughters, Amy and Elisabeth were born, and the Miner family adventures began. Later that year, Celia joined the faculty at Mount Marty College teaching music and interdisciplinary studies, taking a brief sabbatical during this time to obtain a certificate in education management at Harvard University through a Bush Foundation fellowship. Through the years, Celia served Mount Marty as a faculty member, a member and long-time chair of the Board of Trustees, and then came out of retirement in 2014 to serve as the Academic Dean. Her treasured relationship with the Benedictine Sisters of Sacred Heart Monastery was of paramount importance her entire life.

In 1971, the family moved to Thorndon, England, while Jim taught at Northgate School as part of a Fulbright Scholar exchange. This experience forever changed the Miners' outlook on travel as a way of life, and it introduced cherished friendships for Celia and Jim, many of which continue to this day.

Upon their return from England, Jim and Celia adopted their son, Jeremy, and with the family complete, there were many adventures that followed.

Celia was an advocate to her very core which led her back to law school at USD in 1980. Upon her graduation in 1983, she clerked for United States District Court Judge Fred J. Nichol. Celia then joined the Yankton law firm of Brady, Reade, and Johnson, which later evolved to the firm of Johnson, Miner, Marlow, Woodward & Huff. Celia was an active member of the South Dakota State Bar, was on the board for the South Dakota Trial Lawyers Association, and volunteered for many years

as a director for East River Legal Services. Countless former clients have reached out regarding the positive impact she had on them as their attorney and adviser; she always loved being a champion for a good cause.

One of Celia's great passions was travel, and she wanted to experience as much of this world as humanly possible. She was an avid reader who loved to explore history, art, literature, and music in the world around her. She enjoyed many trips to England, Wales, Scotland, Ireland, France, Italy, Switzerland, Turkey, and Greece, and even found her way to Tanzania and Kenya. The Miner/Walser travel team journeyed to St. Petersburg, Russia, several years ago which was among her life's favorite trips. Celia also cherished extensive time in Hawaii with her family and friends and looked forward to those trips annually.

In addition to travel, Celia also had a passion for service. She believed in the importance of education, serving on and as President of the South Dakota Board of Regents, co-chairing the South Dakota Education Review Panel, and participating in numerous South Dakota state education groups including the South Dakota Planning Commission for Education and Cultural Affairs, and the Task Force for Indian Education. In Yankton, she helped to spearhead the YSD Foundation and create the YHS Fine Arts Hall of Fame. In retirement she joined the school board for Ka'ohao Elementary in Kailua, Hawaii. In addition to her work with education groups, Celia was a director for First Dakota National Bank for over a decade, was a founding member of Interchange, was active in PEO and Beta, and was a director for the Lutheran Social Services Foundation. Along with dear friends Colleen Schurrer and Colette Abbott, Celia worked tirelessly to bring the Susan G. Komen Foundation a South Dakota Chapter and establish a Race for the Cure for breast cancer in South Dakota.

Anyone who knew Celia knew that she didn't approach things at 110% but rather at 1,110%. Following her first bout with breast cancer in 2000, Celia found power and healing in yoga. As her interest, skills, and friendships developed in the small but mighty Yankton yoga community, she decided to develop her own yoga practice and train as a teacher. She attended yoga institutes all over the world, including Kripalu, Sedona and Lesvos, Greece, and she brought a specialized yoga practice to the Yankton Wellness Center which enabled her to help students with medical and physical

challenges to embrace yoga. It is not an exaggeration to say that her life (as well as the lives of many others) was positively transformed by her devotion to ensuring that yoga was accessible to all in this community.

While Celia was a busy woman with many professional talents and pursuits, she was never happier than when she was with her family. She and Jim spent much of their early life together traveling around the world, and it was their greatest joy to take their kids and grandkids on lengthy and immersive family trips both near and far. On their 50th anniversary trip in Italy, their granddaughter thanked them for, "showing us the world, and teaching us to get lost in it." Celia wanted to pass on a legacy of love for music, art, literature, history, reading, and adventure, and it is safe to say she created exactly that for her family.

Whether the Miners were in some distant location or hanging out together in Yankton, Celia raised us with profound love and bountiful joy. She was fierce, tireless, brilliant, engaging...one of the most interesting people we will ever know, and she was 1,110% devoted to loving her kids, grandkids, and great grandson to the extreme. It has been the blessing of a lifetime to be raised in the circle of love that Celia created for her family, and for that, we will be eternally grateful.

Celia is survived by her husband, Jim; daughters, Amy Miner (Julie Amsberry) and Elisabeth O'Toole (Bill); son, Jeremy Miner (Kathy); granddaughters: Eilish O'Toole (Josh Forseth) and Emelia O'Toole (Podge Twomey); great grandson, Jonah Forseth; fairy godchild, Amanda (Tolsma) Gieske; along with a number of step-grandchildren, extended family members, and our 'Ohana.

She was preceded in death by her parents, William Stanley and Blanche Fritts; and siblings, Tom Fritts and Nancy Oyen.

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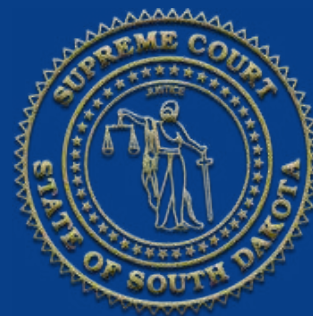
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Improvement Program

Training



TRAUMA-INFORMED COURT SYSTEM

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These trainings are supported by the [UJS Court Improvement Program](#) which assesses and improves handling of court proceedings related to child abuse and neglect in South Dakota.

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Trainings are held the last Wednesday of the month, with some variation based on holidays and other events, from 12-1 CST via Zoom.

UPCOMING TRAININGS

[Wed Oct 26: Multidisciplinary Teams \(MDTs\) in South Dakota](#)

[Wed Nov 30: TBD](#)

[Wed Dec 28: TBD](#)

[Wed Jan 25: Mandatory Reporting](#)

[Wed Feb 22: Independent Living & Young Voices](#)

[Wed March 29: TBD](#)

[Wed Apr 26: Child Abuse Awareness Month, training in conjunction with the State Bar](#)

For more information or to suggest future training topics, email cpcm@usd.edu or visit www.sdcpcm.com/ciptraining

Our High Calling

by: Rory King
Bar Commissioner, 5th Circuit

After our October Bar Commission meeting, I had the opportunity to attend the ceremony for the swearing-in of a large number of law school graduates who had recently passed the bar examination. Lisa Marso, the State Bar President, and Anthony Sutton, the President of the Young Lawyers Section, joined Chief Justice Jensen in welcoming the newly sworn members. It took place in the Rotunda of the Capital building, with all the families and friends of the new lawyers in attendance. It was an inspiring experience—and a reminder that we lawyers need once in a while—of our high calling.

We need this reminder of how great an honor it is for us to practice law, a reminder of how much we can, and do, accomplish, not only for our own clients, but in the intellectual and moral leadership of our nation, our State, and our communities. The legal profession has sustained some blows in the last decades, which have tarnished our image to the public. But we must remind ourselves that, for every lawyer who violates the public trust in high-profile scandals, there are thousands who quietly serve their clients, act in the role of advocates and peacemakers in the judicial system, lead their national, state, and local governments, help to guide their community organizations, and sustain the common good in our culture. Periodically, we need an “Atticus Finch” moment-- to remind us of the quiet, day-do-day heroism of which our profession is capable

The swearing-in ceremony was that kind of experience for me. Sitting in the Rotunda of the Capital building, where so many lawyers have served so well, as Justices, Governors, Legislators, State officers and employees, appellate advocates, and lobbyists, I was reminded of the great moral responsibility we have, as lawyers, to see that this great system of government, the high point of human history and the envy of the world, works as it should. We are the beneficiaries of the greatest system of government ever devised by man. But this great experiment in what George Washington called “ordered liberty” does not run itself.

There is one area where we lawyers, and I am

particularly speaking for myself, can do a better job of implementing that system of “ordered liberty.” There is a desperate need for attorneys to serve the needs of the poor in our country. The Legal Services Corporation estimated in 2022 that, of the 1.9 million poor who sought legal representation, 1.3 million, or 70%, did not receive any, or enough, legal assistance. State studies consistently show that 80% of the civil legal needs of eligible recipients are not being met. Denise Langley, the director of our State Bar pro bono program, Access to Justice (A2J), indicated that A2J was forced to turn down 75 eligible applicants in 2021 because it did not have the attorneys available to assist these cases.

Doing our part to represent the poor is not optional for us. I was reminded that this is our sworn duty when Chief Justice Jensen administered the Oath to the new lawyers. The Oath is stark and direct: “I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed.” SDCL 16-16-18.

So, as an attorney in his fiftieth year of practicing law, I challenge all of us to examine our consciences and ask ourselves if we are doing what we can for the poor among us. I challenge us older attorneys to look at the legacy we would like to leave, to our children, to our fellow attorneys, and to our entire society as we end our careers.

There is one scene in “To Kill a Mockingbird” that always sticks out in my memory. After receiving the guilty verdict upon his young black client, as Atticus Finch leaves the Courtroom, all the black people segregated to the balcony of the courtroom stand in honor of his courage. The black minister, the leader of the black community, looks down at Atticus’ daughter, Scout, and says to her, “Stand up, Scout! Your Father is passing!”

For me, as I finish my career as a practicing attorney, there could be no greater compliment than for someone to tell my children, “Stand up, children. An ‘attorney’ is passing.”



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BOARD OF BAR COMMISSIONERS

Minutes, November 16, 2022

Zoom Meeting

President Lisa Marso called the meeting to order at 8:30 a.m. Central Time on Wednesday, November 16, 2022. Present at the meeting were Marso, President Elect Heather Bogard, Commissioners Dougherty, Matson, Olson, Pickar, Richter, Srstka, Strait, and Tiede. Also, present during all or part of the meeting were Executive Director/Secretary-Treasurer Andrew Fergel, Strategic Plan Coordinator Elizabeth Overmoe, Assistant Director Nicole Ogan, Access to Justice, Inc. Coordinator Denise Langley, and Dan Maguire.

Minutes of October 21, 2022 Meeting: Commissioner Pickar moved to approve the minutes of the October 21, 2022 meeting. President Elect Bogard seconded the motion. Motion passed.

October 11, 2022 Special Meeting Minutes: Commissioner Pickar moved to approve the minutes of the October 11, 2022 special meeting. President Elect Bogard seconded the motion. Motion passed.

Association Healthcare Plan Update: Danny Maguire with Black Hills Insurance joined the Commission meeting to provide an update on the Association Healthcare Plan for the State Bar of South Dakota. Mr. Maguire informed the Commission that the plan will be ready for launch in January 2023. However, he would need the Commission to decide whether plan renewals would take place in September or January. He informed the Commission that if the Commission committed to September renewals the insurer offering the plan would commit to a no more than 4% premium increase upon first renewal and that September renewals would allow producers to better serve the Bar's members utilizing September renewals. After Mr. Maguire's presentation, Commissioner Pickar made a motion to elect September renewals. President Elect Bogard seconded the motion. After discussion, the motion passed. Commissioner Dougherty abstained from voting on the motion.

Update on Quotes Received for Audit and Tax Preparation Services: Fergel and Ogan informed the Commission that only one accounting firm has submitted a quote for audit and tax preparation services. Fergel and Ogan also informed the Commission that they were aware of a couple of other firms that had committed to providing quotes and that they would contact those firms to see if they could submit them in the near term. Members of the Finance and Audit Committee felt it was important to receive more than one quote before retaining a firm. The whole Commission shared that sentiment and decided to defer retaining a firm until after additional quotes are obtained for its consideration.

Proposed Amendment to SDCL 16-17-2: The Commission reviewed and discussed a

proposal to amend SDCL 16-17-2 (Purpose of State Bar). After discussion it was the consensus of the Commission to defer any action on the proposal to the Commission's December 21, 2022 meeting.

Proposed Options for Draft Legislation to Provide Immunity for Directors and Officers of the State Bar of South Dakota: The Commission reviewed proposed options for draft legislation to provide directors and officers of the State Bar immunity like the immunity provided to others that work or volunteer for nonprofit entities under SDCL Chapter 47-23. After discussion, it was the consensus of the Commission to put the preferred option into bill form and defer any action until the Commission's meeting on December 21, 2022.

Proposed Charter for Finance and Audit Committee and Proposed Budget Policies and Process for the State Bar of South Dakota: A proposed charter for the Finance and Audit Committee and proposed budget policies and process for the State Bar of South Dakota were presented to the Commission for its consideration and adoption. After review, Commissioner Pickar made a motion to adopt both the Charter for the Committee and the Budget Policies and Process for the State Bar of South Dakota. President Elect Bogard seconded the motion. Motion passed. See attached charter document and budget policies and process document.

Bylaws Change for Nominating President Elect: Fergel presented proposed amendments to Article V of the State Bar bylaws that would require a nominating petition process for president elect candidates like that required of at-large commission candidates. Thereafter, Commissioner Pickar made a motion to present the proposal as drafted to Bar membership at the business meeting during the 2023 State Bar Convention in June. Commissioner Strait seconded the motion. See attached document depicting the proposed bylaws changes.

Adoption of Member Benefits Policy and Disbanding of Member Benefits Committee: The Commission reviewed a Member Benefits Policy developed by the Member Benefits Committee and discussed whether the work of the Member Benefits Committee was complete upon the policies development. The consensus of the Commission was that the Committees work was complete. Thereafter, Commissioner Pickar made a motion to adopt the Member Benefits Policy as presented and to disband the Member Benefits Committee. President Elect Bogard seconded the motion. Motion passed. See attached Member Benefits Policy.

Appointment of Commissioner/Directors as Liaisons to Access to Justice, Inc.: President Marso informed the Commission that she appointed Commissioners King and Olson as liaisons/subcommittee of the Commission to work with the A2J Coordinator and the A2J Program.

Executive Session: At 9:49 a.m. Central Time Commissioner Matson made a motion

to go into executive session to discuss the executive director search and transition. Commissioner Pickar seconded the motion. The motion passed and the Commission went into executive session. No action was taken after the executive session.

Adjourn: After coming out of executive session, President Marso adjourned the meeting.

Respectfully submitted,

Andrew L. Fergel
Executive Director/Secretary-Treasurer

STATE BAR COMMITTEE CHARTER

Finance & Audit Committee

Purpose

In addition to Article VIII, subsection 8.6.a.ii of the State Bar of South Dakota Bylaws the purpose of the Finance & Audit Committee is to provide oversight, direction, and recommendations for board approval of major financial matters, including policies and procedures for the annual budget, quarterly financial statements and investment of funds, selection and engagement of an independent auditor, and review of the annual audit report and federal tax return. The committee will act in an advisory capacity and report its activities to the board.

Membership

The president shall appoint three commissioners to serve on the Finance & Audit Committee. The president may serve as an ex officio member of the committee. The terms of the committee members will be staggered so that not all the member's terms expire in the same year. The president may fill vacancies and may remove a committee member anytime without cause.

Meetings

The committee will meet at least two time per year. A majority of the committee members constitutes a quorum. The committee members shall select a chair. The committee chair will preside at committee meetings. The committee chair may invite any commissioner, State Bar staff, accountant, auditor or other advisor to attend a committee meeting. The committee shall appoint a committee member or State Bar staff to keep minutes of each committee meeting and provide a copy of the minutes to the board.

STATE BAR OF SOUTH DAKOTA

Budget Policies and Process

Budget Policies

- Budget should be based on conservative income and expense projections.
- Income and expenses should include the budget impact of any strategic initiatives.
- The Board and staff should strive to achieve a balanced budget, i.e., expenses should not exceed income.
- Budget should include an operating reserve to provide liquidity and financial flexibility for emergencies, temporary cash flow fluctuations, or unplanned reductions in revenue or increased expenses.
- Budget should include a capital investment reserve for replacing or upgrading office furniture and equipment, expanding office space, special projects, etc.

Annual Budget Process

1. December/January:

- President will meet with each Bar committee chair to determine whether the committee intends to undertake any projects and incur any expenses in the next fiscal year.

2. February/March:

- President will meet with Bar staff to review programs, strategic goals and priorities for the next fiscal year.
- Staff will prepare expense projections for the next fiscal year based on:
 - a. Cost of maintaining existing programs and staff, including any adjustment for inflation;
 - b. Cost of expanding any existing programs; and
 - c. Cost of adding any new programs or staff.
- Staff will prepare income estimates for the next fiscal year based on:
 - a. Anticipated revenue from membership dues; and
 - b. Anticipated revenue from other sources.

- Staff will prepare an initial draft of the annual budget and distribute it to the Finance & Audit Committee.

3. April:

- Finance & Audit Committee will meet with staff to review initial draft of the budget and recommended any changes.
- Staff will prepare second draft of the budget and distribute it to the Finance & Audit Committee.
- Finance & Audit Committee will meet to review and approve the second draft of the budget.

4. May:

- Staff will present the Finance & Audit Committee's recommended draft of the budget to Board for review and discussion.
- Staff will make any changes to the budget proposed by the Board and distribute a final draft of the budget to the Board.

5. June:

- Board will adopt a budget for the next fiscal year.

**PROPOSED AMENDMENTS TO "ARTICLE V - STATE BAR ELECTED OFFICERS"
OF THE STATE BAR OF SOUTH DAKOTA BY-LAWS**

5.1. **Officers.** The State Bar elected officers are President and President Elect (individually "State Bar Officer" and collectively "State Bar Officers"). Only Active Members may be elected to either of these offices.

5.2. **President Elect Nomination.** To qualify as a President Elect candidate, the candidate must be an Active Member and complete a nominating petition containing signatures of at least fifteen Active Members. Candidates must file completed nominating petitions with the Executive Director at least 10 days before the Annual Meeting.

~~5.2.~~5.3. **Installation, Election, and Term.** The President will install the President Elect as President before the Annual Meeting adjourns each year. The Active Members at the Annual Meeting will then, by majority vote, elect the next President Elect. The President will serve a one-year term. The President Elect will serve in that capacity until installed as President the following year.

~~5.3.~~5.4. **Duties.** The State Bar Officers' duties are as follows:

- a. **President.** The President may:
 - i. preside at all State Bar and Bar Commission meetings;
 - ii. execute, with the Executive Director, all State Bar contracts and instruments as authorized by the Bar Commission;
 - iii. appoint Members to standing and ad hoc committees;
 - iv. be an ex-officio, non-voting Member of all committees except as specified otherwise herein;
 - v. perform all duties incident to the office of President and such other duties as may be assigned by the Bar Commission; and,
 - vi. perform the duties of the Executive Director in the event the Executive Director is unable to perform. The President may appoint someone to serve as the Executive Director if the President is unwilling or unable to perform those duties. The President or the President's appointee will serve until the Bar Commission hires a new Executive Director or until the current Executive Director is able to return to and perform the duties of that position.
- b. **President Elect.** The President Elect will perform and be vested with all the powers and duties of the President in the event the President is absent or otherwise unwilling or

unable to perform. The President Elect may perform such duties as may be assigned by the President and Bar Commission.

~~5.4.5.5.~~ **Vacancy.** If the office of President becomes vacant for any reason, the President Elect will complete the remainder of the President's term. After completing the President's unfulfilled term, the President Elect will serve his or her full term as President. If the office of President Elect becomes vacant for any reason, the Bar Commission, by majority vote, will fill that vacancy. The person appointed to fulfill the President Elect's remaining term will hold office until the next President Elect is elected at the Annual Meeting of the State Bar.

X.XX GUIDELINES FOR BAR ENDORSEMENT/PARTICIPATION PROGRAM

(a) Requests for Endorsement.

(1) All requests for endorsement will be referred to the Bar Commission or a State Bar Presidential designee for review and recommendation to the board for approval.

(2) The foremost factor considered when reviewing requests for endorsement is whether the endorsement will result in a significant and unique benefit to the members of the bar. Endorsement should not be granted if it impairs or appears to impair the integrity or reputation of the bar.

(3) Prior to granting an endorsement, a reasonable survey of market conditions should be conducted to determine if the benefits offered are significant, unique, and/or otherwise unavailable to members of the bar.

(b) Participation in Member Benefits Program.

(1) All requests for participation in a member benefits program will be submitted to the Bar Commission or a State Bar Presidential designee for review and recommendation to the board.

(2) The foremost factor considered on review of a request for participation is the nature of the benefit to the members of the bar. Participation will not be granted if it impairs or appears to impair the integrity or reputation of the bar.

(3) Participation may be approved regardless of whether contracts are on an exclusive basis.

(c) Agreement for Participation or Endorsement. An agreement to participate in a member benefits program with or endorsement of a third party-vendor must be by written contract and include:

(1) a provision for disclaimer of bar responsibility for the service or service related products;

(2) the specific terms and details of the benefit or endorsement to be offered;

(3) an agreement to indemnify the bar, its board members, committees, officers, staff and members, for any liability resulting from the endorsed service and agreeing to hold the bar harmless; and

(4) a statement of the rights and responsibilities of each party under the endorsement agreement.

SOUTH DAKOTA BAR FOUNDATION
Minutes of Meeting held November 18, 2022
Sioux Falls, South Dakota
Start Time: 9:30 AM Central Time

South Dakota Bar Foundation (“SDBF”) President Pamela Reiter called the meeting of the Board to order at 9:30 a.m. Central Time. Board members present were President Pamela Reiter, Vice President Reed Rasmussen, and Directors Renee Christensen, Tom Frieberg, Pat Goetzinger (via Zoom), William “Bill” Garry, Steve Huff, Eric Schulte (joined at 12:45 p.m.), and Carrie Srstka. Also present at the meeting were Secretary-Treasurer Andrew Fergel, SDBF Immediate Past President Stephanie Pochop, Nicole Ogan, and Elizabeth Overmoe.

Minutes of October 13, 2022, Meeting: Vice President Rasmussen made a motion to approve the minutes of the October 13, 2022, South Dakota Bar Foundation board meeting. Director Garry seconded the motion. Motion passed.

Financial Report: Secretary-Treasurer Fergel and Nicole Ogan presented a financial report to the Board. The financial report included information on the following items:

1. Foundation account balances.
2. Grants awarded for FY 2022-2023 and grant funds transmitted to date.
3. Status of Fellows Program, Opt-Out, and IOLTA.
4. Bar Foundation endowment fund balance with SD Community Foundation.

IOLTA Process, Procedure, History, and Current Status: After the financial report, Fergel and Ogan gave a detailed presentation on IOLTA process, procedure, history, and status of the program. After the report, the Board discussed the information presented, asked questions, and thought about how to develop more funds through the IOLTA program.

Approval of Strategic Plan: The Board reviewed the draft strategic plan developed during planning sessions on the 12th and 13th of October. Changes were made to the draft plan during the review. Thereafter, Director Christensen made a motion to adopt the 2023-2024 South Dakota Bar Foundation strategic plan as amended during the Board’s review. Director Srstka seconded the motion. Motion passed. See attached 2023–2024 South Dakota Bar Foundation Strategic Plan.

Adoption of 2023 South Bar Foundation Priorities: After adopting the 2023-2024 strategic plan, the Board reviewed draft priorities (do outs) under the plan for 2023. After making changes to the draft priorities, Director Frieberg made a motion to adopt the 2023 priorities as amended during the Board’s review. Director Garry seconded the motion. Motion passed. See attached 2023 priorities.

IOLTA Enhancement Campaign Proposal from Flaherty Consulting: The Board considered a proposal from Flaherty Consulting, to assist the Bar Foundation in establishing an IOLTA Enhancement Campaign to increase revenues from IOLTA.

After discussion, it was the consensus of the Board that it would pursue an IOLTA Enhancement Campaign but not hire a consultant at this time to assist with the campaign.

Draft RFP for a Marketing and Fundraising Consultant: Fergel provided a draft RFP for the Foundation's use once it decides to hire a consultant to assist with marketing and fundraising activities. No formal action was taken concerning the draft RFP.

Subcommittee Appointments and Breakout Sessions: President Reiter established the following three subcommittees for the purpose of advancing the strategic plan:

Revenue Enhancement Subcommittee:

Kim Mortenson
Pat Goetzinger
Stephanie Judson
Bill Garry

Programming/Grants Subcommittee:

Renee Christensen
Eric Schulte
Pamela Reiter

Communication & Engagement Subcommittee:

Carrie Srstka
Steve Huff
Tom Frieberg
Reed Rasmussen

Each subcommittee met separately during the meeting to establish three to four goals for the year to advance the strategic plan. After meeting each committee shared its goals with the entire Board.

Grant Request from Public Sector Section: The Public Sector Section submitted a grant request for \$850, to be used for prizes, to conduct a Law Day Essay Contest in 2023. The contest would be open to all undergraduate college students attending a higher education institution in South Dakota. Those entering the contest would submit an essay on the theme "Cornerstones of Democracy: Civics, Civility, and Collaboration in the Legal System." After discussing the request, Director Huff made a motion to approve the grant for the purpose requested. Director Frieberg seconded the motion. Motion passed.

Adjourn: There being no further business, President Reiter adjourned the meeting.

Respectfully submitted,

Andrew L. Fergel
Secretary-Treasurer

2023 2024

South Dakota Bar Foundation
Raising the Bar
Our Profession. Our Responsibility.

MISSION

To support and fund access to justice, lawyer well-being and professionalism, and legal education for the public.

STRATEGIC GOAL #1

Expand revenue to advance SDBF's program priorities

1. IOLTA Enhancement Campaign to Elevate Civil Legal Aid Funding

- Execute a campaign designed to leverage an honor roll concept with banks

2. Expand Private Bar Fundraising Efforts

- Increase Dues Campaign Participation/100% club
- Emphasize donor cultivation at every level
- Expand donor recognition
- Promote Planned giving
- Contract Labor Assistance

STRATEGIC GOAL #2

Refine and promote the SDBF story.

1. Identify SDBF priorities

- Advance a stronger justice system (Access to Justice, Project Rural Practice, Ask-A-Lawyer, Teen Court, Pro Se Mediation, SDPB State House coverage)
- Advance the Inclusivity, Vibrancy, Professional Satisfaction and Composition of the South Dakota Legal Community (Well-being, Legal Pathways, Project Destination)

2. Tell Our Story!

- Present Where Lawyers Gather (Develop Video)
- Improve Intentionality in Member Communications ("Our Foundation")
- Increase Opportunities for Engagement and Participation (Beyond Donating, Young Lawyers)

STRATEGIC GOAL #3

Assess Board Governance Needs

1. Explore Structure Improvement where necessary

2. Evaluate Grantee Oversight, Grant-making Processes, and Accountability

3. Create Committees and SDBF Priorities

Approved by the South Dakota Bar Foundation Board of Directors on November 18, 2022

2023 PRIORITIES – THE BIG FOUR

- 1. Consider retaining assistance to coordinate fund development activities**
- 2. Execute IO LTA Enhancement Campaign to Bolster Civil Legal Services Funding**
- 3. Tell the SDBF Story**
 - i. Offer three new outreach activities at the Annual Meeting
 - ii. Showcase Foundation work to bar members at appropriate times (i.e., Build a Better Profession Week, Lawyer Well-Being Week, Celebrate A2J Week, etc.)
- 4. Launch Board Committees**
 - i. Revenue Development
 - ii. Program Work
 - iii. Communications & Marketing

**MINUTES OF SPECIAL BAR COMMISSION MEETING HELD
VIA ZOOM ON DECEMBER 1, 2022
Start Time: 9:30 AM Central Time**

President Lisa Marso called the meeting to order at 9:30 a.m. Central Time on Thursday, December 1, 2022. Present at the meeting were Marso, President Elect Heather Bogard, Commissioners Bell, Dougherty, Foral, Johnson, King, Matson, Olson, Pickar, Richter (joined meeting for executive session), Skjoldal, Srstka, and Strait. Executive Director/Secretary-Treasurer Andrew Fergel and Nicole Ogan were also present until the Commission went into executive session.

Selection of New Audit and Tax Preparation Firm for the State Bar of South Dakota and the Bar's Associated Entities (SD CLE, Inc., and A2J, Inc.): Executive Director Fergel summarized the quotes received from three accounting firms for audit and tax preparation services. Fergel informed the Commission that the Finance and Audit Committee of the Commission reviewed the quotes prior to the meeting and recommends retaining ELO. Thereafter, the members of the Finance and Audit Committee each gave a short explanation about why they were recommending ELO. Based upon the recommendation of the Finance and Audit Committee and ELO's quote, Commissioner Matson made a motion authorize the executive director to retain ELO CPAs and Advisors for audit and tax preparation services. Commissioner Pickar seconded the motion. Motion passed.

Executive Session: At 9:12 a.m. Central Time the Commission went into executive session to discuss personnel. The Commission came out of executive session at 10:27 a.m. Central Time. No action was taken by the Commission after coming out of executive session.

Adjourn: Commissioner King made a motion to adjourn the meeting. Commissioner Johnson seconded the motion. The motion passed and the meeting was adjourned.

Respectfully submitted,

Andrew L. Fergel
Executive Director/Secretary-Treasurer

PUBLIC NOTICE

REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE

The current appointment of Magistrate Judge Francy Foral is due to expire on June 9, 2023. Magistrate Judge Foral serves in the Fourth 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 Francy Foral 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 March 11, 2023.

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



Turst Officer – Sioux Falls

South Dakota Trust Company has a great opportunity for an experienced Trust Officer in the Sioux Falls Office.

About the position:

The Trust Officer position requires a legal degree, accounting degree, and/or have a minimum of five years of related or similar experience. Actual trust account administrative experience is also required. This position is responsible for the day to day administration of a wide variety of complex personal trust accounts and will work closely with the account advisors, family office managers as well as the individual clients. An understanding of estate planning, taxes and fiduciary law is preferred, as well as foreign trust experience.

The ideal candidate must be a self-starter, who can work independently at a high-level, and must be able to take initiative to ensure deadlines are met. Strong writing and verbal communication skills, time management, scheduling, organization and office skills, along with contributing to a team effort, are also necessary. Ability to multi-task is critical.

What we offer:

A competitive salary, our benefits package includes health, dental, and life insurance, retirement plan with company match, short term and long term disability, 11 paid holidays and generous paid vacation and sick time.

South Dakota Trust Company is an Equal Opportunity Employer.

For more information and to apply, visit <https://www.sdtrustco.com/careers/>.

Financial Examiner– Sioux Falls or Pierre

Division of Banking Financial Institution Examiner
Job ID: 20584

Salary: \$50,000 annually

Closing Date: Open Until Filled

This is a Full-Time 40 Hours Weekly position with the South Dakota Division of Banking, part of the Department of Labor & Regulation. For more information on the Division of Banking, please visit <https://dlr.sd.gov/banking>. The Division of Banking regulates the state's banking, trust, and financial services industries to assure that our citizens have confidence in our state's financial markets and services. We are seeking an inquisitive individual with analytical and communication skills to join our team of professional Financial Institution Examiners in either Pierre or Sioux Falls.

Examiners at the Division of Banking enjoy:

- Training – Effective on-the-job training is combined with annual off-site training at locations such as Hilton Head, SC; Arlington, VA; and Boston, MA.
- Pay Advancements – Salary increases are offered for successful work performance and completion of formal trainings.
- Positive working environments – Enjoy having your own office while still working as part of a knowledgeable and supportive team.
- Personal growth – Develop comprehensive knowledge of the financial industry while developing leadership and communication skills.
- Advancement – Successful examiners will receive numerous certifications with internal promotional opportunities available.

As part of a team, you will:

- determine the financial condition of state-chartered banks, trust companies, and licensed financial institutions;
- evaluate adequacy of financial institutions' internal control procedures;
- determine compliance with State and Federal statutes related to banking, trust, licensing, and consumer protection;
- evaluate loan and investment portfolios to determine quality and suitability;
- make recommendations on findings;
- investigate consumer complaints related to supervised financial institutions.

The ideal candidate will have:

- A bachelor's degree in banking, finance, accounting, or a related field with an advanced degree preferred. Professional experience that leads to mastery of the following knowledge and abilities will be considered.
- Knowledge of accounting and auditing principles and procedures; the organization of banks and other financial institutions; banking work environments; fiduciary principles; consumer protection statutes and regulations; and Microsoft Office products and management information systems.
- Skill to communicate concisely and effectively with co-workers, financial institution staff and officials, and examiners from other agencies; gather, interpret, report, and use financial information; understand and interpret federal and state banking regulations.

Additional Requirements: To be considered, attach your resume, letter of interest, writing sample & post-secondary transcripts

This position is exempt from the Civil Service Act.

This position is eligible for Veterans' Preference per ARSD 55:10:02:08.

Successful applicant(s) will be required to undergo a background investigation. An arrest/conviction record will not necessarily bar employment.

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

The State of South Dakota offers employer paid health

insurance plus ten paid holidays, generous vacation and sick leave accrual, dental, vision, and other insurance options, and retirement benefits. You can view our benefits information at <https://bhr.sd.gov/job-seekers/work-for-state-government/>. This position is a member of Class A retirement under SDRS.

Must apply online: <https://sodakprod-lm01.cloud.infor.com:1443/lmgbr/xmlhttp/shorturl.do?key=JST>

You must apply online, emailed resumes or submissions will not be accepted.

Deputy Public Defender – Deadwood

The Lawrence County Public Defender's Office is seeking applications for a full-time Deputy Public Defender position. Duties of the position are as follows: Representation of indigent clients through all stages of the state court system in criminal and some civil matters. This includes pre-trial proceedings, motions, various court hearing and trials in criminal matters, appeals, habeas corpus proceedings, abuse and neglect actions and juvenile proceedings.

Applicant must possess a J.D. degree and be admitted by the Supreme Court of South Dakota to practice law in the state; or be licensed to practice law in any other state and able to take the next available South Dakota bar examination; or be a recent or imminent law school graduate, eligible to sit for the next available South Dakota bar examination. Criminal trial experience or clinical program experience in criminal law are preferred.

Applicant must be a resident or Lawrence County or willing to become a resident within eleven months or start date. Applications will be reviewed until position is filled with a start date dependent upon availability. Salary will be a range of \$66,394.64-\$79,054.82 annually (DOE). Lawrence County offers health, dental and life insurance, paid vacation and sick leave and retirement benefits and is an equal opportunity employer. Please contact the Lawrence County Public Defender's Office for more information at (605)578-3000.

A resume with references and writing sample should be submitted no later than January 20, 2023 to: Amber L. Richey, Director, Lawrence County Public Defender Office, 90 Sherman Street, Deadwood, SD 57732 or arichey@lawrence.sd.us.

Lateral Attorney – Sioux Falls

BOYCE LAW FIRM, LLP, in Sioux Falls, South Dakota has an opening in its TRUSTS & ESTATES practice area for a lateral attorney with 3-10 years of experience in private practice or relevant experience in the trust industry. Qualified candidates will have a background in advanced estate planning and/or trust administration, superior communication skills, and be highly self-motivated. Ideal candidates will have an existing book of transferable business and LLM in Taxation. Boyce Law Firm LLP is a top-rated, multi-specialty law firm.

Compensation will be commensurate with education and experience. Benefits include generous 401K, health insurance, annual CLE tuition, professional dues and memberships and numerous incidentals.

Confidential inquiries, including resume and cover letter should be directed to Paul Tschetter, Boyce Law Firm, LLP, PO Box 5015, Sioux Falls, SD 57117-5015 or to pwtschetter@boycelaw.com.

For more information about Boyce Law Firm, please visit www.boycelaw.com.

Staff Attorney – Ft. Yates, ND

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our Ft. Yates, North Dakota office. The Ft. Yates office serves Campbell, Corson and Walworth counties in South Dakota and the Standing Rock Indian Reservation.

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 – Mission

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our Mission, South Dakota office. The Mission office serves the counties Gregory, Jones, Mellette, Todd and Tripp, along with the Rosebud Reservation.

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 an emphasis on family law. Additionally, the applicant should expect to make regular appearances in state and tribal court. Applicants 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 – 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.

Paralegal-Sioux Falls

Olson Law Firm, LLC is hiring a full-time, experienced paralegal to work in a busy office practicing primarily in criminal defense and family law. Candidate must have 5-10 years of experience in a law firm and be proficient in Microsoft Word, Excel, and Outlook. Candidate must also have excellent organizational, written, and communication skills, as well as the ability to multi-task, prioritize work, and to work independently. Benefits include paid holidays, paid time off, and health insurance. Please submit your resume to Jan Olson at jolsonlawfirm@gmail.com.

Attorney – Pierre

We have a position opening due to a staff retirement.

If you hold a Juris Doctorate and are licensed by the South Dakota State Bar to practice law in South Dakota, you should check out this attorney position.

We are seeking a professional, intelligent and dedicated attorney to represent the South Dakota Public Utilities Commission in proceedings before the commission and in working with the regulated industry.

This position pays \$100,000 per year or more depending on your qualifications or relevant experience. This position works in an office in our state's beautiful Capitol building, and works with other attorneys and professional staff.

The State of South Dakota provides excellent benefits. These include employer-paid health insurance, 11 paid holidays, generous vacation and sick leave accrual, dental, vision, and other insurance options and retirement benefits. Access South Dakota's benefit information at BHR.SD.Gov/job-seekers/work-for-state-government/. This position is exempt from the Civil Service Act. Equal Opportunity Employer.

Visit PUC.sd.gov and click on Employment Opportunity for more details.

Please email your resume, cover letter and contact information for three work-related references to PUC@state.sd.us.

a 57501

PUC.sd.gov

Attorney – Sioux Falls

Olson Law Firm, LLC is seeking an associate attorney to join its busy growing criminal defense and family law practice. An associate attorney will not be limited to practice in only these two areas of law and will be welcome to expand their practice into other areas. Applicants must be licensed to practice law in South Dakota or enrolled to sit for the next bar exam in South Dakota. Salary is negotiable depending upon the attorney's level of experience and a performance-based bonus is available. Benefits include paid time off and health insurance. Please send your cover letter and resume to Jan at jolsonlawfirm@gmail.com.

Attorney – Kansas City, MO

The U.S. Department of Education, Office for Civil Rights (OCR), Region VII, in Kansas City, Missouri, is collecting resumes for attorneys who would like to be considered for the position of general attorney – investigator, in OCR Region VII, which includes: Arkansas, Kansas, Missouri, Nebraska, Oklahoma, and South Dakota.

The mission of OCR is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights. Our work touches every school or

educational institution that receives federal financial assistance, all public educational institutions and all public libraries throughout the region.

Upcoming vacancy postings will include remote eligible positions. If you are interested in working with OCR's Kansas City office, please send your resume to OCRJobs@ed.gov. In your email, please state that you are interested in a position with the Kansas City office and for which position you would like to be considered, such as a general attorney – investigator position. This is a solicitation for individuals interested in working for OCR, not an offer of employment.



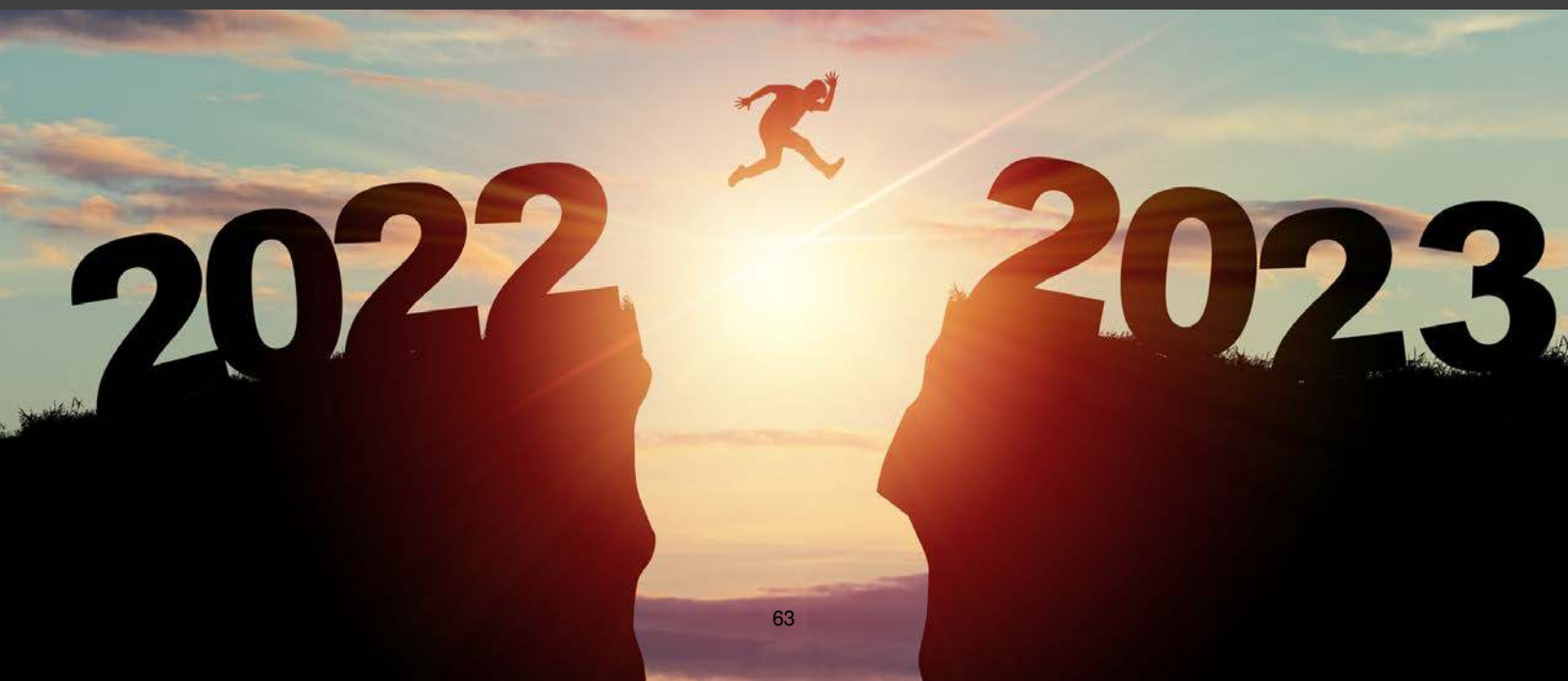
Send your job announcement to
Tracie Bradford

tracie.bradford@sdbar.net

*Submit your job announcement by the 26th of the month
preceding publication in a Word Document.*

UPCOMING EVENTS

JANUARY 5, 2023 | BAR COMMISSION MEETING | PIERRE
JANUARY 5-6, 2023 | DISCIPLINARY BOARD MEETING | CHAMBERLAIN
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 5 | CRIMINAL LAW & FAMILY LAW CLE'S | 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



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IOLTA Deposit

New Case Reference

***** 9995

TOTAL: \$1,500.00

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Data based on an average of firm accounts
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