

State Bar of South Dakota

MARCH
2023

Newsletter



2023

ANNUAL MEETING
& CONVENTION

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McGreevy & Associates, Contact John Lawler (605) 332-4111

Pierre, Mitchell & Sioux Falls Area:

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Watertown Area:

Freimark & Associates, Contact Todd Freimark (605) 882-1688

West River Area:

Black Hills Agency Contact Dan Maguire (605) 342-5555

Carver Insurance Contact Everett Strong & Lisa Knutson (605) 348-7410

More information
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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

“We have lost some great ones,” a phrase often stated by my 87-year father. Our State Bar and Judiciary have truly been blessed by many attorneys who received their law licenses here, some of whom have passed away in the last few weeks. These include Jim Abourezk, Pete Fuller, Judge John B. Jones, and Dean Rallis. I encourage new attorneys to take time to read about these giants who have paved our way and helped shape the law and the practice of law in South Dakota into what it is today. I encourage the rest of us “not-so-new” attorneys to reflect on our memories of them. Jim Abourezk, Pete Fuller, Judge John B. Jones, and Dean Rallis were members of our Bar, well known for their service to their communities, the State Bar, and their warmth and dedication to family and friends. May their lives of service inspire us all to continue to make the most of our days in both our personal lives and in our service to our communities.

As you may recall, in my President’s Corner, I began my year as State Bar President by spotlighting our Presiding Circuit Court Judges and Public Sector attorneys to provide some background on these individuals who have well served our State Bar. In the last two months, I turned my focus to Bar Executive Directors Fergel and Cremer and then to the Attorney Legislatures, but I now return to my original mission. This month, on behalf of the Bar, I thank Judge Craig Pfeifle and LRC Code Counsel Justin Goetz for their dedication and service.

Presiding Circuit Judge Craig Pfeifle of the 7th Circuit: Judge Pfeifle grew up in Sioux Falls, the oldest of three boys. In seventh grade, while mowing lawns, Judge Pfeifle’s interest in the law

first took spark. One day, the owner of a lawn service company drove by and saw young him mowing a neighbor’s lawn. The owner offered him a job in lawn care, which he accepted. After six days of hard work, waking before dawn and returning home after dark, it became clear to him that he wanted to work indoors. One of his neighbors was a lawyer, and no one saw him mowing his own lawn. So, after graduating high school, Craig attended Augustana College, majoring in Government and History. Craig then attended law school at USD, and after graduation, he served as a law clerk to Justice Robert Morgan of the South Dakota Supreme Court. Then, he briefly left SD to work in a large law firm in Kansas City, MO. But the draw of SD was too strong, and, more particularly, the interest of a young lawyer he met in law school, with whom he had fostered a relationship over late night studying and sharing R-Pizzas.

So, in the spring of 1988, Craig moved back to SD and began working at Lynn, Jackson, Shultz, and Lebrun in Rapid City as a civil litigator. He remained at Lynn, Jackson for 24 years. Then, in late 2011, Governor Dugaard appointed Craig to the bench, and so Judge Pfeifle began his judicial service in January 2012. Judge Pfeifle has been the 7th Circuit’s Presiding Judge since mid-2015. Along with his duties as Presiding Judge of the 7th Circuit, Judge Pfeifle serves on the UJS Technology Council and the Courthouse Security Committee. He has previously served on the Judicial Education Committee. Judge Pfeifle

also co-chairs the Pennington County Safety and Justice Challenge or “SJC.” Due to the success of SJC during Judge Pfeifle’s tenure, the MacArthur Foundation has provided Pennington County with nearly 5 million dollars to fund programs aimed at reducing pre-trial jail populations and improving racial equity. Several SJC projects in Pennington County are unique, and due to the success of these programs, they are being implemented in other jurisdictions across the country.

Judge Pfeifle’s advice to lawyers in his court is “to speak with candor, act with integrity, and as Judge Gering noted, ‘be prepared.’”

Justin Goetz: Justin Goetz grew up in Aberdeen, SD. He attended South Dakota State University as a Harry S. Truman Scholar and graduated in 2007 with a Bachelor of Science degree in Political Science and History. After graduation, Justin left South Dakota for several years to earn his law degree at the University of Minnesota. But, in 2011, Justin returned to South Dakota to make it his permanent home.

Since his graduation from law school, Justin’s legal career has been marked by public service. Justin clerked for the United States District Court for Judge Kornmann, then worked for the South

Dakota Unified Judicial System as a Staff Attorney and later as its Director of Policy & Legal Services. Justin has also served as the Watertown City Attorney and has worked as South Dakota State University’s Staff Attorney and then-Assistant General Counsel. In addition, Justin has worked as the Chief Research & Legal Analyst for South Dakota’s Legislative Research Council and now serves as its Code Counsel. For those unfamiliar with the Legislative Research Council, it provides the Legislature with nonpartisan legal analysis and advice on the drafting of legislation. The Legislative Research Council also helps the Legislature understand federal and state law, assists with drafting resolutions, bills, and amendments, and helps with preparing attorney general opinions.

Of public service, Justin stated, “All lawyers are public servants by upholding the law and educating our clients and the general public on the same. Some lawyers, however, are called to the day-to-day advising of public clients, recognizing these clients need to consistently lead on adherence to the law, to prevent the popular cynicism and seeming arbitrariness that erodes civilization’s bedrock.” Thank you, Justin, for being one of those attorneys committed to the day-to-day service in the Public Sector.

AT LARGE COMMISSIONER VACANCY

*1st or 3rd
Circuits*

A Commissioner opening exists for one of the At Large Commissioner positions due to Jacob Tiede’s relocation of his law practice. The term goes through June of 2024. You must reside in the First or Third Circuits to be considered. To express interest, please email State Bar President Lisa Marso at lkmarso@boycelaw.com before March 10, 2023.

State Bar of South Dakota YOUNG LAWYER SECTION



Anthony Sutton
YLS President

As anyone living in South Dakota surely knows, every event comes with an unspoken caveat: weather depending. The Young Lawyers Section exercised that caveat last week when a middle of the week snowstorm decided to visit the entire state and the decision was made to move the YLS Bootcamp to an exclusively virtual event.

Despite the change in setting, the YLS Bootcamp was a big success. Over 60 people attended for at least portions of the programming and approximately 50 people were online the entire time. Given the change in format, we followed the Sioux Falls schedule, which meant many of our West River friends joined us bright and early for an 8:00 am start.

Any time an event with a lot of moving parts takes place, there are many thank yous that need to be shared and I would like to take this opportunity to do that. As you can appreciate there is no way to do the YLS Bootcamp without the help of so many and the YLS is extremely appreciative of the entire State Bar and the support that all our fellow Bar members provide our young lawyers.

First, I would like to thank all the speakers who presented via Zoom and who agreed to present had the YLS Bootcamp been in person. Those individuals, and the topics they were to speak on, are:

- Legal MythBusters: Starting a Career in Bankruptcy Law: the Honorable Laura Kulm Ask
- Non-Compete Clauses: Transactional & Litigation

Considerations: Mitchell Peterson and Kassie Shiffermiller

- #Fit2PracticeSD- The Importance of Community: Lisa Marso and Katie Cook

- Secondary Trauma Experienced by Lawyers: Rebecca Theophilus and Tracey Dollison Decker

- Judges Panel - Trial Presentation Tips, Judicial Qualifications Commission, & Experiences from the Bench: The Honorable Robin Houwman; the Honorable Jon Sogn; the Honorable Jane Pfeifle; the Honorable Rachel Rasmussen; the Honorable Craig Pfeifle; the Honorable Heidi Linnngren; the Honorable Joshua Hendrickson

- Mediation 101: Jack Heib, Cesar Juarez, Mark Haigh, Bill Garry, the Honorable Daneta Wollman, Terri Williams, Jerry Johnson

- SD Bar Foundation: Steve Huff, Bill Garry, and Pat Goetzinger

- Workplace Culture & Legal Ethics: Unique Challenges in a Lawyer's Workplace: Nicole Tupman and Jennifer Frank

- #Fit2PracticeSD- Mentorship & Opportunities: Anthony Sutton and Katie Cook

- Setting Client Boundaries & Managing Expectations: Molly Beck and Jason Smiley

- Lawyers in the Community Panel: Different Roles Lawyers Play in the Community & Tips for Success Lisa Marso, Taneza Islam, Diana Ryan, Amanda Kippley, Joe Kippley, Bob Morris, Talbot Wiczorek, Rich Williams, Matt Naasz

Second, the YLS would like to thank the firms of Davenport, Evans, Hurwitz & Smith and Gunderson, Palmer, Nelson & Ashmore for being willing to sponsor our lunches had the YLS Bootcamps been held in person.

Third, I want to thank everyone at the State Bar Office who were able to help us quickly transition to a virtual event and provided us with wonderful assistance and

advice as we planned the YLS Bootcamps this year.

Finally, I want to give a very special thank you to YLS Board Members Brooke Schmidt and Katie Cook, who took the laboring oars of planning the YLS Bootcamp, organizing our speakers, figuring out lunch arrangements, and making the virtual YLS Bootcamp happen.

For anyone interested in reviewing the materials from the Bootcamp, you can access them here: <https://statebarofsouthdakota.growthzoneapp.com/MIC/10072502/16557664/#!/Resources/Resources/797495>

Otherwise, please feel free to contact any member of the YLS Board with questions:

President	Anthony Sutton,	anthony@reiterlawfirmsd.com
President-Elect	Kelsey Blair	kelsey.blair@usdoj.gov
Secretary/Treasurer	Chelsea Wenzel	chelsea.wenzel@state.sd.us
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7th Circuit Rep.	Katie Cook	katie@gpna.com
At-Large Rep.	Mae Pochop	mae@meierhenrylaw.com
USD SBA President	Alex Hoffman	alex.j.hoffman@covotes.usd.edu



ENROLLMENT IS NOW OPEN!

Enrollment in the In-House Counsel Section, Real Property, Probate and Trust Law Section and the Public Sector Section is open to all active members.

Requests for appointment should be made electronically at:

<https://www.surveymonkey.com/r/XXYFTD9>

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Fellows of the South Dakota Bar Foundation

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

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- ☐ 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
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DEAN'S LIST : NEWS FROM THE LAW SCHOOL



One of the developments of the past year that I am most excited about is alumna Tamara Nash coming home to the Law School as Professor Tamara Nash, Director of Experiential Learning. Drawing on her experiences as a state and federal prosecutor, an active leader in the South Dakota Bar, and growing service nationally with the ABA, she has become an invaluable resource for students pursuing clinical/experiential opportunities. I'm happy to turn this month's column over to Tamara to tell you about what is going on with experiential learning at the Law School.



Tamara Nash

January marked my one-year anniversary, having returned home to the University of South Dakota Knudson School of Law as the Director for Experiential Learning and Lecturer. I am thrilled to take this opportunity to give you an update on what we have accomplished over the past year.

We have a robust menu for students to satisfy their experiential learning requirements and gain practical experience before graduation. In the fall semester, we offer four practicums (WORKS, Tribal Wills I, Criminal Defense, and the Innocence Project practicums), one clinic (Low Income Taxpayer Clinic I), and the Externship Program. In the spring semester, we again offer four practicums (WORKS, Tribal Wills II, Criminal Prosecution, and the Innocence Project), one clinic (Low Income Taxpayer Clinic II), and the Externship Program. During the summer, students may enroll in the Externship Program.

With all these options, one of the first goals we set and accomplished was tracking all experiential data and implementing a uniform application process each semester. We now have an application period for all practicums/clinics and the Externship Program. We track all student applications and all student enrollments. Next, we worked on revitalizing communication with the student body. We have coordinated our efforts with coordinated semester events. Specifically, in the fall, we host a 1L Information Session, and in the spring, we hold an Experiential Open House. We also began a monthly experiential newsletter, which tells students about externship opportunities, relevant resources, and upcoming deadlines. We have revitalized partnerships that benefit our students. Specifically, we hosted AccessLex Institute last fall and presented a program entitled "The Psychology of Financial Decision Making" and provided free financial coaching sessions. AccessLex will return on March 8, 2023, to present a new program, "Five Habits for Financially Successful

Lawyers.” We will again provide free financial coaching sessions for all students.

We have also expanded experiential courses for the students. Our newest offering, Criminal Prosecution Practicum, is in partnership with the Minnehaha County State’s Attorney’s Office and is being taught by Daniel Haggar and Amy Folsom. The course is off to a great start! We are also working to develop an Advanced Criminal Procedure course and transition the long-standing Veterans Legal Assistance Group (VLEG) from being student-led to credit bearing. We anticipate both courses to be administered in spring 2024. Further, we are arranging an all-star line-up of South Dakota lawyers and judges as guest lecturers. If you are interested, please contact me!

We have also successfully revitalized our Externship Program. Externships are for-credit field placements for 2L and 3L students under the supervision of practicing lawyers or judges. Students engage in supervised legal work and lawyering skills relevant to the placement and appropriate to the student’s abilities. This may include basic legal research and analysis, drafting, strategy development, advocacy, or client counseling and representation. Externships prepare students for a future of effective, ethical, and responsible participation in the practice of law.

I am always looking to expand the Externship opportunities we have available for students. If you are interested in hosting a student during the fall, spring, or summer semester, please contact me. Below are some quick facts on what is required of externship supervisors.

- The student’s direct supervisor must be a licensed attorney or judge.
- The placement must provide the opportunity for the student to engage in substantial legal work (appropriate for the student’s academic level)
- There may be no existing agreement to employ the student after graduation.
- While students may receive compensation (or relevant reimbursement), no client may be directly billed for the activities and work of the student.
- The student must complete at least 42.5 hours of field placement work per academic credit enrolled for the semester.
- Each site supervisor (and student) must be familiar with ensuring the student meets (and continues to meet) all the requirements outlined

in the relevant portions of the South Dakota Codified Laws.

I am happy to provide any potential supervisor with a copy of our Externship Program Manual and answer any questions you might have. Should you wish to host a student extern, we can work to advertise the position in our monthly Experiential Newsletter.

Lastly, we have worked on structuring the new First Year Legal Experience course in a way that is timely, relevant, and exciting for students. This course is offered in the 1L spring semester. It builds on foundational legal knowledge and skill by highlighting and cultivating core professional competencies, skill development, and professional identity formation. This semester, I have invited several South Dakota attorneys and judges to speak with the class. Through thinking and speaking with everyday lawyers, our students will gain a better understanding of the possible careers available to them, cultivate their future lawyer toolbelt, and gain a deeper understanding of their future place within the legal practice.

As part of the course, I will also be hosting two virtual career exploration events (February 15, 2023, at 12pm and March 22, 2023, at 12pm). These informal events will serve as an opportunity for students to gain a better understanding of the possible careers available to them. If you would be interested in participating, please let me know.

As you can see, we have had a busy year! We are diligently working to secure unique experiential opportunities for all students. These experiences ensure they are empowered to place the substantive legal knowledge they learn inside the classroom into practice. We hope these experiences leave students empowered and equipped to cultivate professional authenticity, make mistakes, and serve the profession and community. This work is a joint effort! It could not be done without the support and energy of the Bar. Thank you to those who have served as a guest speaker, extern supervisor, mentor, and friend of the law school. Your time is invaluable. You are building the future of the profession, one student at a time.



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.

ATTENTION SOUTH DAKOTA ATTORNEYS:
How to sign up as an attorney volunteer
through the sd.freelegalanswers.org website



1. Click on the ATTORNEY REGISTRATION tab.
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3. Once the SDFLA administrator has approved your registration, you may log on to the website and choose the questions you would like to answer.

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Aaron Davis

Tim Hogan

Erika Olson

Spencer Prosen

Gina Rogers

Rebecca Ronayne

Robert Ronayne

Jennifer Tomac

Special Thanks to:

Steve Huff

Kyle Krause

Denise Langley


Alison Ramsdell

Marwin Smith

Jim Taylor


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

Blackburn and Stevens Prof. L.L.C.
is pleased to announce that

Tyler P. Matson

has joined their firm as an associate
effective November 18, 2022.

Blackburn and Stevens Prof. L.L.C.
100 W. Fourth
Yankton, SD 57078

Telephone: (605) 665-5550
Facsimile: (605) 665-3524

Email: tmatsonbslf@gmail.com

Williams Law, PC
is pleased to announce that

Gordon D. Swanson

has joined their firm to provide mediation services.

Williams Law PC
4956 5th Street #201
Rapid City, SD 57701

Telephone: (605) 791-4050
Facsimile: (605) 791-4052

Email: gordy@avoiceofreason.life

Williams Law, PC
is pleased to announce that

Suzanne Starr

has joined the law practice.

Williams Law PC
4956 5th Street #201
Rapid City, SD 57701

Telephone: (605) 791-4050
Facsimile: (605) 791-4052

Email: suzy@avoiceofreason.life



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A2J ANNUAL STATE BAR CONVENTION GOLF TOURNAMENT

Thursday, June 22, 2023
Elmwood Golf Course - Sioux Falls
ONE Shotgun Start at 8:00 a.m.
Entry fee is \$125/player (\$500 Team)

MORE INFORMATION
**COMING
SOON**

Tournament open to all
bar members including
judiciary, spouses/partners,
court reporters, and
law students.

MARCH LAW FOR LUNCH

APPELLATE PROCESS

DO'S AND DON'T'S

THURSDAY
MARCH 16, 2023
12:30 PM -
1:30 PM CDT

REGISTER
HERE!



REC ●

Speakers:
Brigid
Hoffman
&
Sarah
Thorne

Discussion of appellate basics, what the appellate process looks like, statutory references to appellate rules, how to perfect an appeal, filing tips, etiquette with the Court, content of briefs/filings, and mistakes to avoid.

USD KNUDSON SCHOOL OF
LAW PRESENTS

PIN AUCTION



March 30th, 2023

Details:



NOTE:

DETAILS
COMING SOON

**All proceeds support
USD Law Students
taking unpaid public
interest internships!**

**Can't make it in person?
Join us at:
<https://pin.betterworld.org/>**

**Donate
Now!**



venmo

Cash, Check, or Venmo
Must pay at event
Contact: Wendy.Hess@usd.edu
Venmo: @WendyHess

The University of South Dakota Knudson School of Law's Public Interest Law Network (PIN) will be hosting its annual PIN Auction on March 30, 2023.

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

You may donation funds or items to be sold at the March 30th auction (all tangible donations are requested by March 28th).



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• Consulting, reports, depositions, & testimony

• **Specialties:** forensic meteorology, weather & forecasting, radar, satellite, severe storms, hail, rainfall & flooding, fog, winter weather, heavy snow, icing, slips & falls, fire weather, high winds, lightning verification, applied climate & meteorology, and agriculture weather



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



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.

I am excited to announce my candidacy for State Bar President-Elect for 2024 and I would appreciate your support.

I am a proud graduate of the USD Knudson School of Law. Since 2010, I have served as a torts law attorney for the United States Department of Veterans Affairs, Office of General Counsel.

I have enjoyed being active in the State Bar over the last 20 years. I am currently the co-chair of the Veterans Committee; serve on the In-House Counsel Committee and the Law School Committee. In the past, I have served as a Bar Commissioner; as a charter member of the Project Rural Practice Task Force; President of the Second Circuit Women in Law; President of the South Dakota Young Lawyers Board; Co-Founder of the Hagemann-Morris Young Lawyer Mentorship Coin Program and selected as South Dakota Young Lawyer of the Year.

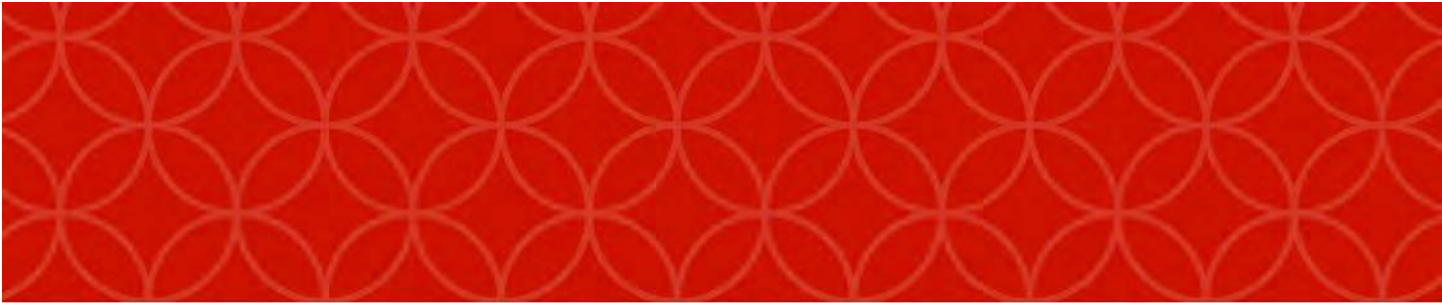
Our bar is very unique and I look forward to hearing your ideas as we work together to meet the objectives of our organization.

Serving as President Elect in 2024 and as your Bar President in 2025-26, would be an honor for me. It would allow me to build upon the foundation laid by Past Presidents of the South Dakota Bar. I look forward to the challenge and hope that I can count on your support.

A portrait of Sarah Sharp Theophilus, a woman with long, wavy brown hair, smiling. She is wearing a black top and a gold chain necklace. Her arms are crossed.

Sarah Sharp Theophilus

I look forward to seeing you at the Annual Convention this June in Sioux Falls.




Please join

THE SOUTH DAKOTA LAW REVIEW

in celebration as we dedicate
Volume 68 to
David Lust and Terry Westergaard

FRIDAY, APRIL 14
VALIANT VINEYARDS, VERMILLION
SOCIAL HOUR - 5PM
DINNER & PROGRAM BEGIN AT 6PM

Tickets - \$15
RSVP by emailing
lawrev@coyotes.usd.edu or
Gabrielle.Unruh@coyotes.usd.edu





| MOOT COURT BOARD

January 13, 2023

To whom it may concern,

My name is Sydney Boots, and I am the Vice President of the Moot Court Board at the University of South Dakota Knudson School of Law. On behalf of the Board, I warmly invite you to judge the 2023 Sam Masten Intramural Moot Court Tournament. The Tournament offers first-year students the opportunity to present oral arguments to a panel of judges and develop their advocacy skills. The Tournament will be hosted in person at the Knudson School of Law in Vermillion, South Dakota.

The tournament will be held on the following dates:

- **Friday, March 3rd — 3:00 - 7:00pm;**
- **Saturday, March 4th — 8:00am - 4:00pm;**
- **Monday, March 6th — 2:30 - 5:30pm;**

The dates have time ranges, so please feel free to volunteer for what works best for you. Additionally, please pass this invitation to anyone at your firm or organization who may be interested in helping.

The final round will be held on **Thursday, March 9th, at 1:00 p.m.** While we are not requesting judges for this round, we extend an invitation to observe the final round.

To volunteer or request additional information please contact myself or Connor McCormick at:

- sydney.boots@coyotes.usd.edu, or
- connor.mccormick@coyotes.usd.edu.

We look forward to hearing from you.

Respectfully,




A handwritten signature in black ink that reads 'Sydney P. Boots'.

Sydney Boots
Juris Doctor Candidate, 2023

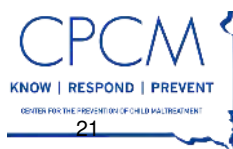
2nd Annual *Legal* Workshop

Trauma-Informed
Approaches to
Working with Clients



 March 28, 2023 • 9am to 3pm CST
 Muenster University Center, Vermillion
 Registration required:
<https://sdcpcm.com/legalworkshop>

This FREE workshop is intended for law students, legal professionals, and others interested in better understanding trauma-informed approaches in legal proceedings. Light breakfast & lunch are provided.



Chief Justice Jensen

Welcome



Olga Trujillo

Responsive & Trauma-Informed
Legal Services



Cassie Nagel

Adverse Childhood Experiences: Intro
to Trauma-Informed Courts



Carrie Sanderson

Trauma-Informed
Legal Practice

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 on Thursday, June 22, 2023, during the Bench-Bar social event that will be held as part of the annual State Bar convention in June.

**2023 Diversity and Inclusion Award
Nomination Form**

1. Nominee Information

Name: _____

Address: _____

Phone: _____ Email: _____

2. Nominator's Information:

Name: _____

Address: _____

Phone: _____ Email: _____

How do you know the Nominee: _____

3. Synopsis

A one-page synopsis must be attached to this nomination form. The synopsis should clearly identify the qualifications & attributes of the nominee.

Completed nomination forms, and attachments thereto, are to 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.



The Interplay Between the Duty to Maintain Client Confidences and Courthouse Security

BY: MARK BASSINGTHWAIGHTE, ESQ.

A man attempted to rape a county employee inside of a courthouse bathroom. A criminal defendant who was scheduled to appear in court to enter a guilty plea on drug and weapon charges started a gun battle with a sheriff's deputies outside of the courthouse. A person who was upset over the possibility of having his parental rights terminated shot and killed a state employee who was the main witness in the termination case. This incident also happened just outside of the courthouse.

Stories such as these are not one-offs. They are shared to underscore the reality that courthouse security throughout the US is more than a hypothetical concern. Now, suppose the lawyers who represented these individuals were aware that their clients may be a threat to someone. Would they have an ethical obligation to disclose what they know, or must they remain quiet? If disclosure is necessary, to whom do they disclose?

To answer these questions, we need to turn to the ABA Model Rules of Professional Conduct (MRPC). Consider MRPC 1.6(b)(1) from which we learn that a lawyer may, but is not obligated to, reveal information

relating to the representation of a client if the lawyer reasonably believes doing so is necessary to prevent reasonably certain death or substantial bodily harm. And be aware that when adopting this rule, some states went a bit further and altered the language found in MRPC 1.6(b)(1) in various ways in order to make disclosure mandatory. Regardless, the interesting question is this. What does the term "reasonably believes" mean in this context?

The general consensus seems to be that if a lawyer is thinking about making a permissive or mandatory disclosure under this rule, there needs to be something more than a generalized discomfort about the client. A feeling that the client might do something because the client is prone to violence or experiencing an unease over a possibility that violence might eventually erupt isn't enough. The lawyer's concern must be specific and, if not imminent, reasonably certain to come to pass in the future if action isn't taken to prevent it. Stated another way, a disclosure can't be based upon a speculation about what a client might do.

One could also argue that MRPC 3.3(b) would be in play, at least in some circumstances, because this

rule requires a lawyer to disclose information that is otherwise protected by MRPC 1.6 if the lawyer knows that a person intends to engage in criminal conduct related to an adjudicative proceeding and any effort to dissuade the client from doing so has failed. I suspect most of us think of this obligation more in the context of preventing false evidence from being offered to the court, but there is no language in the rule or the associated commentary that would so limit its application. A criminal defendant's intent to shoot a key witness is unquestionably criminal conduct related to an adjudicative proceeding as I see it. Also note that while MRPC 3.3(b) is limited to adjudicative proceedings, MRPC 1.6(b)(1) is not.

If a lawyer eventually reaches the point of having a reasonable belief that a disclosure is necessary to prevent reasonably certain death or substantial bodily harm, should the lawyer inform the client in advance of making any permissive or required disclosure? If time permits and an opportunity presents itself, a lawyer should strongly consider doing so. Not only would this be the judicious thing to do, but an argument could be made that MRPC 1.4 Communication and MRPC 3.3(b) might make it mandatory. Think about a lawyer's duties to keep a client reasonably informed and allowing a client to make informed decisions under Rule 1.4 coupled with the duty to take reasonable remedial measures under Rule 3.3(b). After all, there's a possibility the client could be talked down from the ledge, so to speak.

Thus, and again only if there is time and an opportunity, a lawyer should consider sharing with the client the specific concern which has necessitated a decision to disclose if the client is unwilling to change course and thereby alleviate the concern. In addition, the ramifications of the decision to disclose, meaning that withdrawal from representation may need to occur,

should be shared as well. The reason is that disclosure is going to negatively impact the attorney-client relationship, if not result in the client firing the lawyer and that outcome has consequences. Of course, if the client has already put a plan in motion and/or the lawyer has a legitimate concern about his or her own personal safety if the client were to be told, there would be no time or opportunity to have this conversation.

Once a decision to disclose is made, what can be disclosed and to whom should it be made? From the commentary to MRPC 1.6 we learn that when disclosure becomes necessary, the information that can be shared should be limited to only what is necessary to enable the affected persons and/or the appropriate authorities to prevent the client from successfully committing the crime. Stop there because it's important to recognize that the fallout to the client needs to be minimized as much as possible. For example, steps should be taken to prevent opposing counsel from having an opportunity to, if you will, weaponize the disclosure.

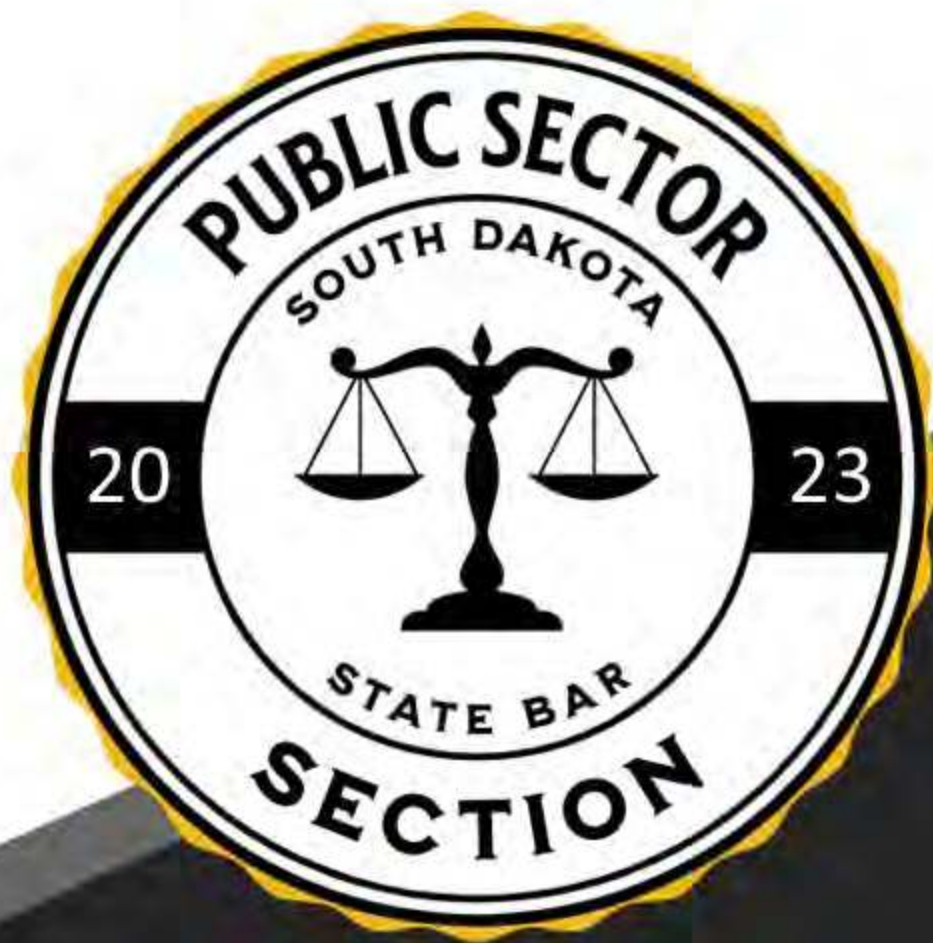
A decision as to whether to disclose is often going to be a difficult one to make. For example, who's to say a client won't change his mind and reasonable minds can disagree as to whether any given set of circumstances would necessitate a permissive or mandatory disclosure.

Here's the rub, however. There are always going to be clients out there who are bad people who will do bad things. That's just the way it is. Should you ever find yourself representing one of these folks, don't minimize the risk they might truly represent. There may come a time where an ability to keep your local courthouse and associated grounds secure depends upon it.



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 OF THE YEAR

PURPOSE

- The Public Sector Attorney of the Year Award recognizes the public servants of the State Bar of South Dakota who have had a distinct impact on the law, governmental entities, or the legal profession in South Dakota in the past year.

ELIGIBILITY

- An individual must be a member in good standing of the State Bar of South Dakota.

NOMINATIONS

- Nominations and any supporting materials (i.e., letters) should be submitted to Public Sector President Kristen Edwards (Kristen.Edwards@state.sd.us) no later than April 28, 2023. At a minimum, each nomination should include a brief synopsis of the impact made by the nominee on the law, governmental entities, or the legal profession in South Dakota during the past year. The criteria for this award are intentionally broad. The attorney's credentials aren't the focus here; we're most interested in what they did in the past year to leave a mark. Materials received on behalf of a nominee will be reviewed by a subcommittee of the Public Sector Section and an award recipient will be chosen.
- The award recipient will be announced at the June 2023 Bar Convention and in the State Bar Newsletter.



SDVOICES FOR PEACE

We provide the state's only
FREE immigration legal services to
children in immigration court and victims
of violent crimes which take place in the
United States.

If you know of a child under 18 years old
who recently came to the United States
without a parent OR

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.

*SDVFP is a 501(c)(3) nonprofit and all donations are tax deductible
EIN# 82-3171574 www.sdvfpeace.org

PUBLIC SERVANT SPOTLIGHT

featuring

Professor Emeritus
Roger Baron

The Public Sector Section and the Administrative Law Committee invite you to join us on March 23rd at 2:00 p.m., CT, via Zoom:

<https://us02web.zoom.us/j/88491831911?pwd=L20wVFo2K20wOGRkck5sUETMeWxYQT09>

Professor Emeritus Roger Baron has agreed to visit with us and share his legal journey, including the development of the listserv – a tool utilized by many practitioners. This is a presentation that you won't want to miss!



*Register Here
For the Public Servant Spotlight*

Attorney Health & Wellness Resources

It's okay to ask for help

A CONFIDENTIAL
LAWYERS CONCERNED FOR LAWYERS
INDEPENDENT RESOURCE

(605) 391-5191

rebecca.porter@sdlawyersconcerned.org

FREE & CONFIDENTIAL
SANDCREEK EAP
AVAILABLE 24/7

MEMBERSHIP DIRECTORY UPDATES ARE DUE BY **MARCH 10, 2023**

Please email your updates to
tracie.bradford@sdbar.net

The subject of your email should be “Directory Updates” and include:

- Firm Name
- Address
- City
- State
- Zip Code
- Phone
- Fax
- Public Email





State Bar of South Dakota

President
Lisa K. Marso
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hbogard@costelloporter.com

Executive Director & Sec/Treas
Paul L. Cremer
111 W. Capitol Ave. #1
Pierre, SD 57501
(605) 224-7554
paul.cremer@sdbar.net

Board of Bar Commissioners
Justin Lee Bell Eric J. Pickar
Timothy Dougherty John T. Richter
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Stacy M. Johnson Caroline A. Srstka
Rory King David R. Strait
Tyler Paul Matson Jacob W. Tiede
Erika S. Olson

Dear State Bar of South Dakota Members:

As President-Elect, it is my privilege to fill vacancies on State Bar Standing and Special Committees for the 2023-2024 Association year. To assist our Appointments Committee with this important process, please complete the following survey to indicate your desire to ***join or retain*** your appointment to our State Bar Committees.

This survey also provides you the opportunity to join Sections of the Bar. State Bar Sections are self-governing and do not require presidential appointment but indicating your desire to join the Sections through this survey provides us with the information we need in order to add you to the Section's community on the State Bar website and notify Section leadership of your affiliation with the Section.

Requests for appointment should be made electronically, beginning on **February 1st** at:

<https://www.surveymonkey.com/r/XXYFTD9>

Requests must be received by **April 1st** for consideration. In addition to your request, we hope that you will encourage any other interested members to fill out the electronic application.

Thank you in advance for your assistance. Although there are a limited number of vacancies to fill, I will give each application thorough consideration. If you would like to discuss the application process, please feel free to contact Elizabeth Overmoe at (605) 929-5980, or elizabeth.overmoe@sdbar.net.

The Appointments Committee and I look forward to hearing from you and thank you for your assistance in this important process for our State Bar.

Sincerely,

Heather Lammers Bogard
President-Elect
State Bar of South Dakota



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

Our agency can help with the Bar Association Avera Health plan that is now offered to members!

EMPLOYER & INDIVIDUAL BENEFIT SOLUTIONS

Health | Life | Disability | Dental
Cancer/Critical Illness/Accident
Vision | Medicare Short Term Medical

*The Professionals at Midwest
Employee Benefits have been
carefully selected because of
their industry leading experience,
and offer their clients industry
leading knowledge and expertise.*



*Customized Insurance Plans To
Meet Your Every Need*

877-833-5433 | www.midwestemployeebenefits.com
5000 S. MacArthur Lane, Suite 103 MacArthur Square, Sioux Falls

Hiring??

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.**

You Asked, We Answered.

State Bar of South Dakota Association Healthcare Plan Now Available

As part of our ongoing commitment to our members, the State Bar of South Dakota has partnered with Avera Health Plans to provide affordable healthcare benefits to South Dakota Bar members and their employees. In 2019, State Bar leadership advocated for an Association Group Healthcare Plan and our members noted in a 2022 survey that a healthcare option would be a worthwhile member benefit. At its May 2022 meeting, the Bar Commission passed a motion to proceed with implementation of an Association Healthcare Plan and we are pleased to announce its availability beginning February 1, 2023.

The following agents or agencies that are authorized to sell the State Bar Association Health Plan in **Eastern South Dakota**.

Office Location	Agency	Contact
Mitchell & Yankton Area	Dice Financial	Jacquelyn Johnson
Aberdeen Area	Mark Mehloff	Mark Mehloff
Sio ux Falls Area	Midwest Employee Benefits	Dawn Knutson
Sio ux Falls & Brookings Area	McGreedy & Associates	John Lawler
Pierre, Mitchell & Sio ux Falls Area	Fisher Rounds & Associates,	Josh Gilkerson
Watertown Area:	Freimark & Associates	Todd Freimark

Black Hills Insurance Agency & Carver Insurance will handle **Western South Dakota**.

Office Location	Agency	Contact
West River	Black Hills Insurance Agency & Carver Insurance	Dan Maguire, Everett Strong & Lisa Knutson

Questions on Eligibility, Rates, and Services?

Please contact the agency listed above based on your office location within the state for questions related to the Association Healthcare Plan.



2023 State Bar of South Dakota

Association Group Health Plan
Health Insurance Options

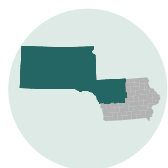


Your Partner In Offering Coverage to Move Your Business Forward



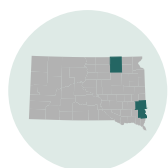
REVIEW NETWORK AND COVERAGES

Avera Health Plans offers a variety of plans for your business to consider, categorized by network. For the South Dakota Bar Association, three networks are available – a Standard Network, Direct Network and Extended Network.



Standard Network

The Standard Network features Avera and other independent providers and facilities across the state of South Dakota and Northwest Iowa.



Direct Network

The Direct Network features Avera owned, managed and leased providers and is available to employers headquartered in Brown, Lincoln and Minnehaha counties in South Dakota — providing access to more than 2,000 providers.

This network provides zero out-of-network coverage.



Expanded Network

The Expanded Network features Avera and other independent providers and facilities across the state of South Dakota and Northwest Iowa. This network also includes coverage at Mayo Clinic.

Based on the amount of employees taking coverage, you will have the following number of plans to choose from:

1 – 2 employees: 1 plan

3 – 9 employees: 2 plans

10 – 24 employees: 3 plans

25 – 50 employees: 4 plans

NOTE: Direct Network plans must include a Standard or Expanded Network plan option as well. Adding a Direct plan may increase the number of plans a group is eligible to choose.

Essential Health Benefits

Our plans comply with the Affordable Care Act requirements and include the following nine Essential Health Benefits.

1. Outpatient services
2. Emergency services
3. Hospitalization
4. Maternity and newborn care
5. Mental health and substance use disorder services
6. Prescription drugs
7. Rehabilitative and habilitative services and devices
8. Laboratory services
9. Preventive and wellness services and chronic disease management



To search for an in-network provider, access our provider directory at AveraHealthPlans.com

Avera Health Plans is there for you and your employees through routine primary care visits, birth and unplanned surgeries. For years, we’ve insured businesses like yours with comprehensive health benefits, value-added services and access to Avera’s award winning providers and facilities.



EXPLORE VALUE-ADDED SERVICES

Members have access to these services with Avera Health Plans insurance at no cost.

Fitness Center Discounts

Membership discounts at select fitness businesses such as GreatLIFE Golf & Fitness Club and Avera McKennan Fitness Center could be available to you.



Virtual Visits*

Avera Health Plans Virtual Visits is an online video visit program designed to conveniently connect you with a provider 24/7 when you don’t have time to go to the clinic. Use it for simple illnesses such as flu or sinus infections. Virtual visits are available to all members on the insurance plan over the age of 2 and can be utilized anywhere in the United States.

*For most members. Some limitations apply. NOTE: IRS guidelines indicate that members with HSA-eligible plans may be subject to tax penalties if they use the free virtual visits. If you have an HSA-eligible plan, you may use your HSA or Flex spending dollars for this service.

Pharmacy Drug Tiers

Prescription drugs are divided into six tiers. The cost of a covered drug will depend on the tier where the drug is listed.

<div> Lowest Cost</div> <div><div></div><div></div><div></div><div></div><div></div><div></div></div> <div><div></div><div></div><div></div><div></div><div></div><div></div></div> <div>Highest Cost <div></div></div>	<div>TIER 1 PREVENTIVE DRUGS</div> <div>Drugs used to help avoid disease and maintain health that are covered at no cost to you.</div>	<div>TIER 2 GENERIC DRUGS</div> <div>Generic drugs that are not considered specialty drugs.</div>	<div>TIER 3 PREFERRED BRAND DRUGS</div> <div>Brand name drugs offered at lower cost to you.</div>	<div>TIER 4 NON-PREFERRED BRAND DRUGS</div> <div>Brand name drugs that will have higher cost than preferred brand drugs.</div>	<div>TIER 5 VALUE SPECIALTY DRUGS</div> <div>Lower-cost specialty drugs which can be generic or brand name.</div>	<div>TIER 6 SPECIALTY DRUGS</div> <div>The most expensive drugs on the drug list which can be generic or brand name. Used to treat complex diseases.</div>
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Additional resources are available at **AveraHealthPlans.com**, including:

- Consumer Guide
- Provider Directory
- Drug Formulary

Avera Standard Association Plan Options for SDBA

The Standard Network features Avera and other independent providers and facilities across the state of South Dakota and Northwest Iowa.

	Avera 2000 Ultra	Avera 4000 Ultra	Avera 3500
Medical Deductible			
Individual	\$2,000	\$4,000	\$3,500
Family	\$4,000	\$8,000	\$7,000
Coinsurance			
	40%	40%	40%
Out-of-Pocket Maximum			
Individual	\$4,000	\$8,000	\$8,000
Family	\$8,000	\$16,000	\$16,000
Medical Benefits			
Preventive Care Services	No cost to member. This includes preventive immunizations, screenings, exams*		
Primary Care Physician Visit	Co-pay \$40	Co-pay \$50	Co-pay \$35
Urgent Care Services			
Chiropractic Visit †			
Specialist Visit	Co-pay \$80	Co-pay \$100	Co-pay \$80
Lab and X-Ray (Diagnostic Test)	Co-pay \$40	Co-pay \$50	Medical Deductible/ 40% Coinsurance
Hospital Services	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance	
Emergency Services			
Maternity Services	Office Visits: Co-pay \$40 Inpatient Services: Medical Deductible/ 40% Coinsurance	Office Visits: Co-pay \$50 Inpatient Services: Medical Deductible/ 40% Coinsurance	
Mental Health and Substance Use Disorder			
Outpatient Services	Co-pay \$40	Co-pay \$50	Co-pay \$35
Inpatient Services	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance
Pharmacy Benefits			
Pharmacy Deductible - Individual - Family	\$0	NA	\$0
	\$0	NA	\$0
Tier 1: Preventive Drugs	\$0	\$0	\$0
Tier 2: Generic Drugs	\$15	\$15	\$15
Tier 3: Preferred Brand Drugs	\$50	\$50	\$50
Tier 4: Non-Preferred Brand Drugs	\$100	\$100	\$150
Tier 5: Value Specialty Drugs	\$10	\$12	\$12
Tier 6: Specialty Drugs (Brand and Generic)	30% Coinsurance	30% Coinsurance	30% Coinsurance
	Gold	Silver	Silver
Quote:	\$ _____	\$ _____	\$ _____

*Examples include gynecologic exam, screening mammography, well-child care and newborn care. Limitations do apply. For a detailed listing, visit AveraHealthPlans.com. **These plans are High Deductible Health Plans (HDHP) that can be paired with a Health Savings Account (HSA). †Preauthorization is required after 20 chiropractic visits per plan year. No coverage for services without preauthorization.

Avera Standard Association Plan Options for SDBA

The Standard Network features Avera and other independent providers and facilities across the state of South Dakota and Northwest Iowa.

	Avera 4500 HSA-Eligible HDHP**	Avera 6000 HSA-Eligible HDHP**
Medical Deductible		
Individual	\$4,500	\$6,000
Family	\$9,000	\$12,000
Coinsurance		
	0%	50%
Out-of-Pocket Maximum		
Individual	\$4,500	\$7,000
Family	\$9,000	\$14,000
Medical Benefits		
Preventive Care Services	No cost to member. This includes preventive immunizations, screenings, exams*	
Primary Care Physician Visit	This is an HSA-compatible plan. Member will pay \$0 after meeting the Medical Deductible	This is an HSA-compatible plan. Medical Deductible/ 50% Coinsurance
Urgent Care Services		
Chiropractic Visit †		
Specialist Visit		
Lab and X-Ray (Diagnostic Test)		
Hospital Services		
Emergency Services		
Maternity Services		
Mental Health and Substance Use Disorder		
Outpatient Services	This is an HSA-compatible plan. Member will pay \$0 after meeting the Medical Deductible	This is an HSA-compatible plan. Medical Deductible/ 50% Coinsurance
Inpatient Services		
Pharmacy Benefits		
Pharmacy Deductible - Individual - Family	NA	NA
	NA	NA
Tier 1: Preventive Drugs	\$0	\$0
Tier 2: Generic Drugs	Member will pay \$0 after meeting the Medical Deductible	Medical Deductible/ 50% Coinsurance
Tier 3: Preferred Brand Drugs		
Tier 4: Non-Preferred Brand Drugs		
Tier 5: Value Specialty Drugs		
Tier 6: Specialty Drugs (Brand and Generic)		
	Silver	Bronze
Quote:	\$ _____	\$ _____

*Examples include gynecologic exam, screening mammography, well-child care and newborn care. Limitations do apply. For a detailed listing, visit AveraHealthPlans.com. **These plans are High Deductible Health Plans (HDHP) that can be paired with a Health Savings Account (HSA). †Preauthorization is required after 20 chiropractic visits per plan year. No coverage for services without preauthorization.

Avera Expanded*** Network Association Plan Options for SDBA

The Expanded Network features Avera and other independent providers and facilities across the state of South Dakota and Northwest Iowa. This network also includes coverage at Mayo Clinic.

	Avera Expanded 2000 Ultra	Avera Expanded 4000 Ultra	Avera Expanded 3500
Medical Deductible			
Individual	\$2,000	\$4,000	\$3,500
Family	\$4,000	\$8,000	\$7,000
Coinsurance			
	40%	40%	40%
Out-of-Pocket Maximum			
Individual	\$4,000	\$8,000	\$8,000
Family	\$8,000	\$16,000	\$16,000
Medical Benefits			
Preventive Care Services	No cost to member. This includes preventive immunizations, screenings, exams*		
Primary Care Physician Visit	Co-pay \$40	Co-pay \$50	Co-pay \$35
Urgent Care Services			
Chiropractic Visit †			
Specialist Visit	Co-pay \$80	Co-pay \$100	Co-pay \$80
Lab and X-Ray (Diagnostic Test)	Co-pay \$40	Co-pay \$50	Medical Deductible/ 40% Coinsurance
Hospital Services	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance	
Emergency Services			
Maternity Services	Office Visits: Co-pay \$40 Inpatient Services: Medical Deductible/ 40% Coinsurance	Office Visits: Co-pay \$50 Inpatient Services: Medical Deductible/ 40% Coinsurance	
Mental Health and Substance Use Disorder			
Outpatient Services	Co-pay \$40	Co-pay \$50	Co-pay \$35
Inpatient Services	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance
Pharmacy Benefits			
Pharmacy Deductible - Individual - Family	\$0	\$0	\$0
	\$0	\$0	\$0
Tier 1: Preventive Drugs	\$0	\$0	\$0
Tier 2: Generic Drugs	\$15	\$15	\$15
Tier 3: Preferred Brand Drugs	\$50	\$50	\$50
Tier 4: Non-Preferred Brand Drugs	\$100	\$100	\$150
Tier 5: Value Specialty Drugs	\$10	\$12	\$12
Tier 6: Specialty Drugs (Brand and Generic)	30% Coinsurance	30% Coinsurance	30% Coinsurance
	Gold	Silver	Silver
Quote:	\$	\$	\$

*Examples include gynecologic exam, screening mammography, well-child care and newborn care. Limitations do apply. For a detailed listing, visit AveraHealthPlans.com. **These plans are High Deductible Health Plans (HDHP) that can be paired with a Health Savings Account (HSA). ***Expanded network includes Mayo in-network. †Preauthorization is required after 20 chiropractic visits per plan year. No coverage for services without preauthorization.

Avera Expanded*** Network Association Plan Options for SDBA

The Expanded Network features Avera and other independent providers and facilities across the state of South Dakota and Northwest Iowa. This network also includes coverage at Mayo Clinic.

	Avera Expanded 4500 HSA-Eligible HDHP**	Avera Expanded 6000 HSA-Eligible HDHP**
Medical Deductible		
Individual	\$4,500	\$6,000
Family	\$9,000	\$12,000
Coinsurance		
	0%	50%
Out-of-Pocket Maximum		
Individual	\$4,500	\$7,000
Family	\$9,000	\$14,000
Medical Benefits		
Preventive Care Services	No cost to member. This includes preventive immunizations, screenings, exams*	
Primary Care Physician Visit	This is an HSA-compatible plan. Member will pay \$0 after meeting the Medical Deductible	This is an HSA-compatible plan. Medical Deductible/ 50% Coinsurance
Urgent Care Services		
Chiropractic Visit †		
Specialist Visit		
Lab and X-Ray (Diagnostic Test)		
Hospital Services		
Emergency Services		
Maternity Services		
Mental Health and Substance Use Disorder		
Outpatient Services	This is an HSA-compatible plan. Member will pay \$0 after meeting the Medical Deductible	This is an HSA-compatible plan. Medical Deductible/ 50% Coinsurance
Inpatient Services		
Pharmacy Benefits		
Pharmacy Deductible - Individual - Family	NA	NA
	NA	NA
Tier 1: Preventive Drugs	\$0	\$0
Tier 2: Generic Drugs	Member will pay \$0 after meeting the Medical Deductible	Medical Deductible/ 50% Coinsurance
Tier 3: Preferred Brand Drugs		
Tier 4: Non-Preferred Brand Drugs		
Tier 5: Value Specialty Drugs		
Tier 6: Specialty Drugs (Brand and Generic)		
	Silver	Bronze
Quote:	\$ _____	\$ _____

*Examples include gynecologic exam, screening mammography, well-child care and newborn care. Limitations do apply. For a detailed listing, visit AveraHealthPlans.com. **These plans are High Deductible Health Plans (HDHP) that can be paired with a Health Savings Account (HSA). ***Expanded network includes Mayo in-network. †Preauthorization is required after 20 chiropractic visits per plan year. No coverage for services without preauthorization.

Avera Direct Association Plan Options for SDBA

The Direct Network features Avera owned, managed and leased providers and is available to employers headquartered in Brown, Lincoln and Minnehaha counties in South Dakota — providing access to more than 2,000 providers. This network provides zero out-of-network coverage.

	Avera Direct 2000 Ultra	Avera Direct 4000 Ultra	Avera Direct 3500
Medical Deductible			
Individual	\$2,000	\$4,000	\$3,500
Family	\$4,000	\$8,000	\$7,000
Coinsurance			
	40%	40%	40%
Out-of-Pocket Maximum			
Individual	\$4,000	\$8,000	\$8,000
Family	\$8,000	\$16,000	\$16,000
Medical Benefits			
Preventive Care Services	No cost to member. This includes preventive immunizations, screenings, exams*		
Primary Care Physician Visit	Co-pay \$40	Co-pay \$50	Co-pay \$35
Urgent Care Services			
Chiropractic Visit †			
Specialist Visit	Co-pay \$80	Co-pay \$100	Co-pay \$80
Lab and X-Ray (Diagnostic Test)	Co-pay \$40	Co-pay \$50	Medical Deductible/ 40% Coinsurance
Hospital Services	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance	
Emergency Services			
Maternity Services	Office Visits: Co-pay \$40 Inpatient Services: Medical Deductible/ 40% Coinsurance	Office Visits: Co-pay \$50 Inpatient Services: Medical Deductible/ 40% Coinsurance	
Mental Health and Substance Use Disorder			
Outpatient Services	Co-pay \$40	Co-pay \$50	Co-pay \$35
Inpatient Services	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance
Pharmacy Benefits			
Pharmacy Deductible - Individual - Family	\$0	\$0	\$0
	\$0	\$0	\$0
Tier 1: Preventive Drugs	\$0	\$0	\$0
Tier 2: Generic Drugs	\$15	\$15	\$15
Tier 3: Preferred Brand Drugs	\$50	\$50	\$50
Tier 4: Non-Preferred Brand Drugs	\$100	\$100	\$150
Tier 5: Value Specialty Drugs	\$10	\$12	\$12
Tier 6: Specialty Drugs (Brand and Generic)	30% Coinsurance	30% Coinsurance	30% Coinsurance
	Gold	Silver	Silver
Quote:	\$ _____	\$ _____	\$ _____

*Examples include gynecologic exam, screening mammography, well-child care and newborn care. Limitations do apply. For a detailed listing, visit AveraHealthPlans.com. **These plans are High Deductible Health Plans (HDHP) that can be paired with a Health Savings Account (HSA). †Preauthorization is required after 20 chiropractic visits per plan year. No coverage for services without preauthorization.

Avera Direct Association Plan Options for SDBA

The Direct Network features Avera owned, managed and leased providers and is available to employers headquartered in Brown, Lincoln and Minnehaha counties in South Dakota — providing access to more than 2,000 providers. This network provides zero out-of-network coverage.

	Avera Direct 4500 HSA-Eligible HDHP**	Avera Direct 6000 HSA-Eligible HDHP**
Medical Deductible		
Individual	\$4,500	\$6,000
Family	\$9,000	\$12,000
Coinsurance		
	0%	50%
Out-of-Pocket Maximum		
Individual	\$4,500	\$7,000
Family	\$9,000	\$14,000
Medical Benefits		
Preventive Care Services	No cost to member. This includes preventive immunizations, screenings, exams*	
Primary Care Physician Visit	This is an HSA-compatible plan. Member will pay \$0 after meeting the Medical Deductible	This is an HSA-compatible plan. Medical Deductible/ 50% Coinsurance
Urgent Care Services		
Chiropractic Visit †		
Specialist Visit		
Lab and X-Ray (Diagnostic Test)		
Hospital Services		
Emergency Services		
Maternity Services		
Mental Health and Substance Use Disorder		
Outpatient Services	This is an HSA-compatible plan. Member will pay \$0 after meeting the Medical Deductible	This is an HSA-compatible plan. Medical Deductible/ 50% Coinsurance
Inpatient Services		
Pharmacy Benefits		
Pharmacy Deductible - Individual	NA	NA
- Family	NA	NA
Tier 1: Preventive Drugs	\$0	\$0
Tier 2: Generic Drugs	Member will pay \$0 after meeting the Medical Deductible	Medical Deductible/ 50% Coinsurance
Tier 3: Preferred Brand Drugs		
Tier 4: Non-Preferred Brand Drugs		
Tier 5: Value Specialty Drugs		
Tier 6: Specialty Drugs (Brand and Generic)		
	Silver	Bronze
Quote:	\$ _____	\$ _____

*Examples include gynecologic exam, screening mammography, well-child care and newborn care. Limitations do apply. For a detailed listing, visit AveraHealthPlans.com. **These plans are High Deductible Health Plans (HDHP) that can be paired with a Health Savings Account (HSA). †Preauthorization is required after 20 chiropractic visits per plan year. No coverage for services without preauthorization.

Questions?



Moving Health
Forward.

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**

In Memoriam



Anthony "Pete" Fuller
of Lead, South Dakota
February 17, 1943 -
January 31, 2023

Anthony "Pete" Fuller left the beautiful Black Hills and is not expected to return.

Memorials may be directed to the Lead-Deadwood Community Foundation or the Black Hills Area Community Foundation to benefit the Homestake Opera House. Memorial services will take place at a later date.



John Bailey Jones
March 30, 1927 -
January 30, 2022

John Bailey Jones was born on March 30, 1927, and passed away on January 30, 2022, at the Inn on Westport in Sioux Falls.

John grew up in Presho, SD, graduated from college and law school at the University of South Dakota and served as an attorney for many years in Presho. He later was appointed and then elected as a South Dakota Circuit Court Judge until 1981, when he was appointed by President Ronald Reagan to be a U.S. District Court Judge.

During college, John met Rosemary Wermers; they married in 1950 and together they raised six children – John (Shirlene), Bill (Ruth), Mary Lou (Don) Schuh, Dave (Gerry), Judy (Brian) Bauman, and Robert. Rosemary passed away after they had 54 loving years together.

John has been described as an intelligent, humble, patient, quiet, gentle man who treated everyone fairly and courteously. He will be greatly missed by his special friend, Pauline Buckstead, his children, grandchildren, great grandchildren, his brother Ken Jones, and many relatives and friends.

There will be a visitation at Heritage Funeral Home on Sunday, February 5, 2023, from 1:30 – 3:00 pm with family present. The funeral service will be at Our Savior's Lutheran Church on Monday, February 6, 2023, at 9:30 am. Interment will be at the Presho Cemetery later that day.

In lieu of flowers, donations may be made to the Sioux Rise Lions Club, Feeding South Dakota, the Presho Cemetery Fund or a charity of your choice.



James George Abourezk
February 24, 1931 -
February 24, 2023

Former U.S. Senator James Abourezk has died. He was born on February 24, 1931 at home in Wood, South Dakota and died on February 24, 2023 at home in Sioux Falls, SD.

A private family service will take place and he will be buried at Black Hills National Cemetery. A public memorial will be held in Sioux Falls in May. In lieu of flowers the family requests that memorials be directed to the American Indian College Fund www.collegefund.org or to St. Jude Children's Research Hospital where James was on the board www.stjude.org

Abourezk was in the U.S. House of Representatives representing South Dakota from 1971 to 1973, and in the U.S. Senate from 1973-1979, when he retired from politics.

He was the founder and first Chairperson of the Senate Committee on Indian Affairs in the US Senate, and a member of the Senate Judiciary Committee. He is remembered for the major legislation he co-authored and was able to get passed, including the Indian Child Welfare Act, the Indian Self-Determination and Education Assistance Act, and the American Indian Religious Freedom Act.

When he was in the US Senate he had two different seat mates on the floor of the Senate, then-Senator Joe Biden and Senator Edward "Teddy" Kennedy.

Abourezk took the University of South Dakota basketball team and a group of South Dakota business

people to Cuba, to play their national team, meeting and having several discussions with then-Cuban leader Fidel Castro.

Abourezk and Senator McGovern also went into Wounded Knee in 1973 to help negotiate the standoff between the US Government and American Indian leaders inside.

Abourezk was the first member of the U.S. Senate of Lebanese descent. After his retirement, Abourezk co-founded and was the first Chairperson of the American-Arab Anti-Discrimination Committee, an organization headquartered in Washington, DC with chapters in communities around the nation, which advocated for the civil and human rights of Arab-Americans.

Over the years since his retirement, he continued to advocate for the Indian Child Welfare Act, appearing as a witness in some court cases, appearing before the Congress to testify, and filing supporting briefs in court cases. The Indian Child Welfare Act is undergoing a challenge at present before the United States Supreme Court, in a case that will be decided later in 2023.

Abourezk was also the author of two books, *Advise and Dissent: A Memoir of South Dakota and the US Senate*, and *Through Different Eyes*, a dialogue on issues in the Middle East which was co-authored by him and Jewish author Hyman Bookbinder.

Abourezk was inducted into the South Dakota Hall of Fame.

Abourezk's parents Charles and Lena Abourezk immigrated from Lebanon. He is married to Sioux Falls restaurateur Sanaa Abourezk, and has four children, Charles Abourezk, Nikki Pipe On Head, Paul Abourezk and Alya Abourezk. He also has one step-daughter Chelsea Machado, and many grand children and great-grandchildren.

He was preceded in death by his parents Charles and Lena Abourezk, and his siblings Chick Abourezk, Helen Ramey, Tom Abourezk, Virginia Nicholson, Abe Abourezk and Josephine Davis.





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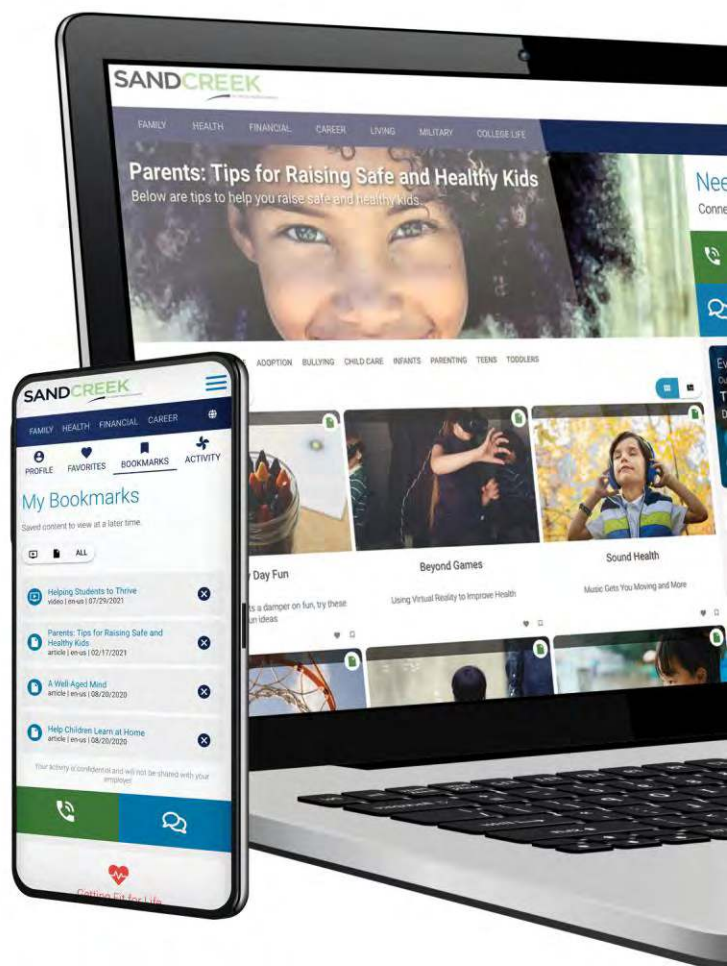
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Court



Improvement Program

Training



TRAUMA-INFORMED COURT SYSTEM

The Center for the Prevention of Child Maltreatment and the South Dakota Unified Judicial System are hosting monthly trainings on best practices and unique approaches to working with children and families for attorneys, judges, and other multidisciplinary professionals.

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.

LEARNING MORE CAN KEEP KIDS SAFE

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

[Wed March 29: Situational Awareness](#)

[Wed Apr 26: Civil vs Criminal Child Abuse & Neglect Cases training in conjunction with the State Bar](#)

[Wed May 31: Appellate Review of Child Sex Crimes](#)

[Wed June 28: 2023 Legislative Update](#)

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

AI's Impact on the Future of Law: Will Lawyers Survive?

by Sharon D. Nelson, Esq., John W. Simek, and Michael C. Maschke

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Catchy title, right? Well, we must 'fess up – OpenAI's ChatGPT lent us a hand. We submitted this request: "Suggest several striking titles for an article about why lawyers are afraid of being replaced by AI." We got 12 proposed titles in return, all of them credible as well as catchy.

ChatGPT takes the world by storm, including the cybersecurity world

We have been blown away by the number of articles about OpenAI's ChatGPT since it was released in late November 2022. We'll start with the worries about cybersecurity.

Within two months of ChatGPT's release, the Washington Post reported that there were already examples on the dark web of cybercriminals advertising "buggy, but functional malware, social engineering tutorials, scams and moneymaking schemes," all enabled by ChatGPT.

The malware examined was significantly short of the caliber of malware that nation-backed hackers would use. At present. Make no doubt about it, the quality of the malware will improve as the AI improves and as cybercriminals learn how to get around the future safeguards from OpenAI meant to prevent the abuse of its AI.

It strikes us that history teaches us that it is only a matter of time before the cybercriminals succeed.

On the good news front, the MIT Technology Review has reported that a watermark for chatbots can spot text written by an AI. If true, this may have an impact on students who are cheating by using AI (a huge source of concern across the country). It may also hinder cybercriminals.

The entire security world is watching the evolution of ChatGPT, no doubt about that.

ChatGPT Credibly Passes Law School and Other Exams

University of Minnesota law professors decided to find out if ChatGPT could pass their final exams. It did indeed pass, with a C+. Not stellar, but not bad either. It had a good grasp of basic legal rules, but trouble with math. Author Nelson could identify with that. And she still passed the bar.

The AI fared better at Wharton School of Business at the University of Pennsylvania, earning a B to Bgrade. One of the professors said that it did "an amazing job" at answering basic operations management and process-analysis questions but struggled with more advanced prompts and made "surprising mistakes" with basic math.

Doesn't it just blow you away that a computer has trouble with math?

Is AI leading us to a dystopian future?

We asked ChatGPT that specific question and it replied that it is possible that AI could lead to a dystopian future if it is not developed and used responsibly. It went on to say AI could be used for malicious purposes and that it could perpetuate and amplify societal biases.

It also said that AI could lead to a more prosperous and efficient future if it is used ethically. That's the sticking point, isn't it? Most readers will be familiar with the lessons of the movie "The Terminator" – and we all know how that turned out.

Is it possible that AI will one day replace some lawyers?

When asked this question, the AI waffled a bit and said, "it is possible that AI could eventually replace some aspects of a lawyer's job, such as document review, legal research and contract analysis." Perhaps to make us feel better, it offered its opinion that "it is unlikely that AI will completely replace the role of lawyers as the legal profession requires a high degree of critical thinking, problem-solving and decisionmaking skills that are currently difficult for AI to replicate." Note the word "currently."

Ultimately, it opined that “it is more likely that AI will become a tool that lawyers use to augment their abilities, rather than a replacement for lawyers altogether.” Only partial comfort there . . .

On the other hand, Suffolk University Law School Dean Andrew Perlman says the AI is getting better and better - in fact, he was blown away after testing ChatGPT. He'd like to see how it has progressed in a few years and is clearly expecting major advancement. Which brings us to the next topic . . .

Why are lawyers afraid of being replaced by AI?

ChatGPT had four thoughts when we submitted our query:

1. Lawyers may be afraid of losing their jobs as AI can perform some tasks more quickly and efficiently than humans.
2. Automation can change the way legal services are provided and how they are perceived by the public, leading to a decline in the prestige and power of the legal profession.
3. Lawyers may worry that the increasing use of AI will lead to a loss of the human touch that is essential in the legal profession.
4. Some lawyers may also be resistant to change and may have concerns about the unknown aspect of AI and its potential to disrupt the legal field.

We thought the observations above were pretty darn good – and accurate.

We missed a chance to have AI “argue in court”

Several years ago, Joshua Browder, the CEO of DoNotPay, devised a way for people contesting traffic tickets to use arguments in court generated by AI. He had planned to have his AI help a defendant fight a traffic ticket in a California court with the person challenging a ticket wearing earbuds that would dictate into the defendant's ear. The system uses both ChatGPT and DaVinci.

State bar officials were appalled, and threatening letters began to roll in. According to Browder, “One even said a referral to the district attorney's office and prosecution and prison time would be possible.” He said that one state bar official noted that the unauthorized practice of law is a misdemeanor. The case – and the threats – made

headlines everywhere.

Do you want to play in the sandbox too?

We've never seen so many lawyers eager to test AI. Doing so is very fast and easy. You simply go to <https://chat.OpenAI.com> and register for an account with your email address. Easy peasy. You may find it hard to stop playing with the AI – we sure did. Do it soon. Shortly, it will reportedly cost you \$42 a month to play in the sandbox.

Final words

Anything that Microsoft invests a reported \$10 billion in is something to keep an eye on. It is clear that Microsoft intends to be at the forefront of generative AI, which means generating text, images, social media posts and other media from short text reports. As major tech companies race to join the next generation of AI, will ethical AI take a back seat? It's worrisome.

We suspect that many things we once thought impossible will be made possible by the new generation of AI. As Napoleon Bonaparte once said, “Impossible is a word to be found only the dictionary of fools.”

Sharon D. Nelson is a practicing attorney and the president of Sensei Enterprises, Inc. She is a past president of the Virginia State Bar, the Fairfax Bar Association and the Fairfax Law Foundation. She is a co-author of 18 books published by the ABA. snelson@senseient.com

John W. Simek is vice president of Sensei Enterprises, Inc. He is a Certified Information Systems Security Professional (CISSP), Certified Ethical Hacker (CEH) and a nationally known expert in the area of digital forensics. He and Sharon provide legal technology, cybersecurity and digital forensics services from their Fairfax, Virginia firm. jsimek@senseient.com

Michael C. Maschke is the CEO/Director of Cybersecurity and Digital Forensics of Sensei Enterprises, Inc. He is an EnCase Certified Examiner, a Certified Computer Examiner (CCE #744) a Certified Ethical Hacker and an AccessData Certified Examiner. He is also a Certified Information Systems Security Professional. mmaschke@senseient.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.**

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

FEB 27 2023

Shirley A. Jameson-Fergel
Clerk

* * * *

IN THE MATTER OF THE AMENDMENT)
SDCL 15-25-2)

RULE 23-02

A hearing was held on February 16, 2023 at Pierre, South Dakota, relating to the amendment to SDCL 15-25-2, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that SDCL 15-25-2 is amended to read in its entirety as follows:

**SDCL 15-25-2. Application to commence proceeding--Fee--
~~Number of copies filed~~ Filing.**

Application for permission to commence such action or proceeding and to fix the procedure to be followed therein shall be accompanied by the form of plaintiff's proposed pleading and by a filing fee. ~~The original and five copies of the application,~~ proposed complaint and supporting papers, if any, shall be filed with the clerk of the Supreme Court.

IT IS FURTHER ORDERED that this rule shall become effective April 1, 2023.

DATED at Pierre, South Dakota, this 27th day of February, 2023.

BY THE COURT:

ATTEST:

[Signature]
Clerk of the Supreme Court
(SEAL)

[Signature]
Steven R. Jensen, Chief Justice

STATE OF SOUTH DAKOTA
In the Supreme Court
I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this
27 day of Feb, 2023.

[Signature]
Clerk of Supreme Court
Deputy

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

FEB 27 2023

Shirley A. Jameson-Lopez
Clerk

* * * *

IN THE MATTER OF THE AMENDMENT)
SDCL 15-26A-13)

RULE 23-03

A hearing was held on February 16, 2023 at Pierre, South Dakota, relating to the amendment to SDCL 15-26A-13, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that SDCL 15-26A-13 is amended to read in its entirety as follows:

SDCL 15-26A-13. Petition for permission to take discretionary appeal.

An appeal from an intermediate order made before trial as prescribed by subdivision 15-26A-3(6) may be sought by filing a petition for permission to appeal, together with proof of service thereof upon all other parties to the action in circuit court, with the clerk of the Supreme Court within ten days after notice of entry of such order. When a petition is forwarded to the clerk for filing by mail it shall be accompanied by an affidavit of mailing or certificate of service of mailing and shall be deemed to be filed as of the date of mailing.

~~The original and five copies of the~~ petition shall be filed with the clerk of the Supreme Court, together with the required statutory filing fees unless exempt by law.

IT IS FURTHER ORDERED that this rule shall become effective April 1, 2023.

DATED at Pierre, South Dakota, this 27th day of February, 2023.

BY THE COURT:

ATTEST:

[Signature]
Clerk of the Supreme Court
(SEAL)

[Signature]
Steven R. Jensen
STATE OF SOUTH DAKOTA
Clerk of the Supreme Court
I, Shirley A. Jameson-Lopez, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D., this 27 day of Feb, 2023.
[Signature]
Clerk of Supreme Court
Deputy

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

FEB 27 2023

Shirley A. Jameson-Fergel
Clerk

* * * *

IN THE MATTER OF THE AMENDMENT)
SDCL 15-26A-16)

RULE 23-04

A hearing was held on February 16, 2023 at Pierre, South Dakota, relating to the amendment to SDCL 15-26A-16, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that SDCL 15-26A-16 is amended to read in its entirety as follows:

SDCL 15-26A-16. Response to petition.

Within seven days after the service of the petition, any party to the action may serve and file a response thereto. ~~The original and five copies of the answer response~~ shall be filed with the clerk of the Supreme Court. When a response to a petition is forwarded to the clerk for filing by mail it shall be accompanied by an affidavit of mailing or certificate of service of mailing and shall be deemed to be filed as of the date of mailing.

The petition and any response shall be submitted without oral argument unless otherwise ordered.

IT IS FURTHER ORDERED that this rule shall become effective April 1, 2023.

DATED at Pierre, South Dakota, this 27th day of February, 2023.

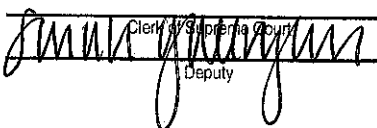
BY THE COURT:


Steven R. Jensen, Chief Justice

ATTEST:


Clerk of the Supreme Court
(SEAL)

STATE OF SOUTH DAKOTA
In the Supreme Court
I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this
27 day of Feb, 2023.


Deputy

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

FEB 27 2023

Shirley A. Jameson-Fergel
Clerk

* * * *

IN THE MATTER OF THE AMENDMENT)
SDCL 15-26A-73)

RULE 23-05

A hearing was held on February 16, 2023 at Pierre, South Dakota, relating to the amendment to SDCL 15-26A-73, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that SDCL 15-26A-73 is amended to read in its entirety as follows:

SDCL 15-26A-73. Supplemental brief with late authorities-- Service on opposing counsel.

Whenever a party desires to present late authorities, newly enacted legislation, or other intervening matters that were not available in time to have been included in ~~his~~ the party's brief in chief, ~~he~~ the party shall serve a copy thereof upon ~~opposing counsel~~ the attorney for each party to the action separately represented and upon any party who is not represented by counsel and ~~file fifteen copies of the~~ supplemental brief, restricted to such new matter and otherwise in conformity with this chapter, up to the time the case is called for hearing, or by leave of court thereafter. A supplemental brief shall not exceed ten pages.

IT IS FURTHER ORDERED that this rule shall become effective April 1, 2023.

DATED at Pierre, South Dakota, this 27th day of February, 2023.

BY THE COURT:

ATTEST:

[Signature]
Clerk of the Supreme Court
(SEAL)

[Signature]
STEVEN R. JENSEN, Justice
STATE OF SOUTH DAKOTA

I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this 21 day of Feb, 2023.

[Signature]
Shirley A. Jameson-Fergel
Clerk of Supreme Court
Deputy

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

FEB 27 2023

* * * *

Shirley A. Jameson-Fergel
Clerk

IN THE MATTER OF THE AMENDMENT)
SDCL 15-26A-79)

RULE 23-06

A hearing was held on February 16, 2023 at Pierre, South Dakota, relating to the amendment to SDCL 15-26A-79, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that SDCL 15-26A-79 is amended to read in its entirety as follows:

SDCL 15-26A-79. Number of copies of briefs to be served and filed.

~~{Text of section effective as to Supreme Court cases numbered 30000 and above on September 1, 2022.}~~

A copy of each brief shall be served on the attorney for each party to the appeal separately represented and upon any party who is not represented by counsel. A copy of each brief shall be filed with the clerk of the Supreme Court. In addition to electronic submission of each brief, an original must be submitted to the clerk. The clerk shall not accept a brief for filing unless it is accompanied by admission or proof of service.

~~{Text of section effective as to Supreme Court cases numbered 29999 and below.}~~

~~Two copies of each brief shall be served on the attorney for each party to the appeal separately represented and upon any party who is not represented by counsel. Fifteen copies of each brief shall be filed with the clerk of the Supreme Court. The clerk shall not accept a brief for filing unless it is accompanied by admission or proof of service.~~

IT IS FURTHER ORDERED that this rule shall become effective April 1, 2023.

DATED at Pierre, South Dakota, this 27th day of February, 2023.

ATTEST:

[Signature]
Clerk of the Supreme Court
(SEAL)

BY THE COURT: STATE OF SOUTH DAKOTA
In the Supreme Court
I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this 27 day of Feb, 2023.

[Signature]
Steven R. Jensen, Chief Justice

[Signature]
Clerk of Supreme Court
Deputy

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

FEB 27 2023

Shirley A. Jameson-Leyl
Clerk

* * * *

IN THE MATTER OF THE AMENDMENT)
SDCL 15-26A-87.2)

RULE 23-07

A hearing was held on February 16, 2023 at Pierre, South Dakota, relating to the amendment to SDCL 15-26A-87.2, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that SDCL 15-26A-87.2 is amended to read in its entirety as follows:

SDCL 15-26A-87.2. Motions--Answers to motions--Generally.

Unless otherwise specifically provided in this chapter, motions shall be served upon all adverse parties the attorney for each party to the action separately represented and upon any party who is not represented by counsel, and the original and five copies of the motion, together with proof of service thereof, shall be filed with the clerk of the Supreme Court.

~~An adverse~~ Any party may respond to a motion by filing the ~~original and five copies of a~~ response, together with proof of service thereof, with the clerk of the Supreme Court within ten days after service of the motion, or within such time as may be otherwise directed by the court.

IT IS FURTHER ORDERED that this rule shall become effective April 1, 2023.

DATED at Pierre, South Dakota, this 27th day of February, 2023.

BY THE COURT:

ATTEST:

[Signature]
Clerk of the Supreme Court
(SEAL)

[Signature]
Steven R. Jensen, Chief Justice

STATE OF SOUTH DAKOTA
In the Supreme Court
I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this
21 day of Feb, 2023.

[Signature]
Shirley A. Jameson-Fergel
Deputy Clerk of Supreme Court

FEB 27 2023

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

Shirley A. Johnson-Legal
Clerk

IN THE MATTER OF THE AMENDMENT)
SDCL 15-26A-87.3)

RULE 23-08

A hearing was held on February 16, 2023 at Pierre, South Dakota, relating to the amendment to SDCL 15-26A-87.3, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that SDCL 15-26A-87.3 is amended to read in its entirety as follows:

SDCL 15-26A-87.3. Motion for attorney fees--Contents, form, and filing of motion.

A motion for appellate attorney fees in actions where such fees may be allowable must comply with the following requirements:

- (1) The motion must be accompanied by a verified, itemized statement of legal services rendered, said statement to be exclusive of costs allowable under § 15-30-6;
- (2) The motion must be served and filed prior to submission of the action on its merits; and
- (3) ~~An original and fifteen copies of the~~ The motion and itemized statement, together with proof of service thereof, must be submitted for filing.

Consideration of a motion for attorney fees will be held in abeyance until such time as the action is considered on its merits.

IT IS FURTHER ORDERED that this rule shall become effective April 1, 2023.

DATED at Pierre, South Dakota, this 27th day of February, 2023.

BY THE COURT:

ATTEST:

[Signature]
Clerk of the Supreme Court
(SEAL)

[Signature]
Steven R. Jensen

STATE OF SOUTH DAKOTA
In the Supreme Court

Shirley A. Johnson-Legal
Shirley A. Johnson-Legal, Clerk of the Supreme Court of South Dakota, hereby certifies that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this

21 day of Feb, 2023.

[Signature]
Clerk of Supreme Court
Deputy

FEB 27 2023

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

Shirley A. Jameson-Fergel
Clerk

IN THE MATTER OF THE AMENDMENT)
SDCL 15-26A-91)

RULE 23-09

A hearing was held on February 16, 2023 at Pierre, South Dakota, relating to the amendment to SDCL 15-26A-91, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that SDCL 15-26A-91 be and it is hereby amended to read in its entirety as follows:

**SDCL 15-26A-91. Time for petition for reinstatement--
Contents, form, and filing of petition.**

A petition for reinstatement of an appeal dismissed by the Supreme Court may be served and filed within twenty days after entry of the order of dismissal. The petition shall state briefly the ground upon which the reinstatement is sought and any underlying circumstances relevant to the dismissal. Copies of relevant affidavits, documents, and correspondence may be attached to the petition. ~~An original and five copies thereof~~ The petition shall be filed with the clerk of the Supreme Court. ~~The adverse~~ Any party may serve and file answer thereto within ten days after service of the petition.

IT IS FURTHER ORDERED that this rule shall become effective April 1, 2023.

DATED at Pierre, South Dakota, this 27th day of February, 2023.

BY THE COURT:

ATTEST:

[Signature]
Clerk of the Supreme Court
(SEAL)

[Signature]
Steven R. Jensen, Justice

STATE OF SOUTH DAKOTA
I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this 27 day of Feb, 2023.

[Signature]
Clerk of Supreme Court
Deputy

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT)
SDCL 15-26C-1)

RULE 23-10

A hearing was held on February 16, 2023 at Pierre, South Dakota, relating to the amendment to SDCL 15-26C-1, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that SDCL 15-26C-1 is amended to read in its entirety as follows:

SDCL 15-26C-1. Electronic Filing.

~~(Text of section effective as to Supreme Court cases numbered 30000 and above on September 1, 2022.)~~

(1) ~~Effective upon further order of the Supreme Court entered after July 1, 2019, and except~~ Except as specifically exempted by these rules or court order, attorneys shall electronically file all documents, including petitions, notices of review, motions and briefs, and any appendices with the Supreme Court through the Odyssey® electronic filing system unless advance permission is granted by the court allowing paper filing or filing through any other method. Self-represented litigants may file electronically but shall not be required to file electronically.

(2) Registered users will receive electronic notice when documents are entered into the system. Registration for electronic filing constitutes written consent to electronic service of all documents filed in accordance with these rules.

(3) A document filed electronically has the same legal effect as an original paper document.

(4) The typed attorney or party name or electronic signature on a document filed electronically has the same effect as an original manually affixed signature.

(5) A party electronically filing a document that is not accessible to the public, in whole or in part, is responsible for redaction or designating the document as confidential or sealed before transmitting it to the Supreme Court. For any document containing information where redaction is required, in whole or in part, pursuant to chapter 15-15A or order of the Supreme Court or circuit court, the original unredacted document shall also be filed

electronically. It is the responsibility of the parties to seek advance approval from the Supreme Court for submitting a document as sealed or confidential if that document is not already declared confidential or sealed by existing law, court rules or order.

~~(Text of section effective as to Supreme Court cases numbered 29999 and below.)~~

~~(1) Effective January 1, 2014, except as specifically exempted by these rules or court order, attorneys shall electronically file briefs and any appendices with the Supreme Court unless advance permission is granted by the court allowing paper filing. Any other notices, petitions, pleadings, motions, or documents may be filed electronically at the discretion of the attorney. Electronic filing for self-represented litigants is discretionary for all filings with the Supreme Court. On a showing of good cause, an attorney required to file electronically may be granted leave of court to file paper documents with the Supreme Court.~~

~~(2) Documents filed electronically must be submitted by email attachment to SCCLerkBriefs@sj.s.d.us. The number of the case shall appear in the subject line of the email.~~

~~(3) A document filed electronically has the same legal effect as an original paper document.~~

~~(4) The typed attorney or party name or electronic signature on a document filed electronically has the same effect as an original manually affixed signature.~~

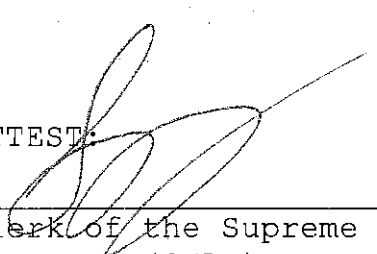
~~(5) A party electronically filing a document that is not accessible to the public, in whole or in part, is responsible for redaction or designating the document as confidential or sealed before transmitting it to the court. For any document containing information where redaction is required, in whole or in part, pursuant to chapter 15-15A or order of the court, the original unredacted document shall also be filed electronically.~~

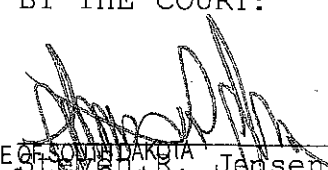
IT IS FURTHER ORDERED that this rule shall become effective April 1, 2023.

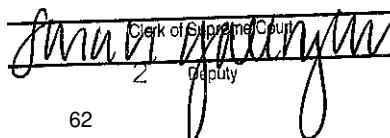
DATED at Pierre, South Dakota, this 27th day of February, 2023.

BY THE COURT:

ATTEST:


Clerk of the Supreme Court
(SEAL)


STATE OF SOUTH DAKOTA
In the Supreme Court
I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this
21 day of Feb, 2023.


Deputy
62

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

FEB 27 2023


Clerk

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT)
SDCL 15-26C-2)

RULE 23-11

A hearing was held on February 16, 2023 at Pierre, South Dakota, relating to the amendment to SDCL 15-26C-2, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that SDCL 15-26C-2 is amended to read in its entirety as follows:

SDCL 15-26C-2. Electronic document formats.

~~(Text of section effective as to Supreme Court cases numbered 30000 and above on September 1, 2022.)~~

(1) All documents submitted to the Supreme Court in electronic form must be in portable document format (.pdf) except as follows:

- (a) Parties must obtain permission from the Supreme Court Clerk in advance if they seek to submit documents in another format.
- (b) Briefs shall comply with chapter 15-26A and shall consist of a single document submitted in pdf and an approved word processing format.
- (c) When an appendix is filed, it shall be in .pdf format and shall be included as part of the brief document. Except for limited excerpts showing a court's reasoning, circuit court transcripts that have been filed electronically with the Supreme Court shall not be included in an appendix. A table of contents with page or paragraph reference as appropriate for each document must precede the appendix. Points of particular interest with page or paragraph reference may also be added to the table of contents. When feasible, electronic bookmarks shall be added to note the first page of each document in the appendix and may be added to note the location of points of particular interest.

~~(Text of section effective as to Supreme Court cases numbered 29999 and below.)~~

~~(1) All documents submitted to the court in electronic form must be in approved word processing format which shall then be converted by the supreme court clerk to portable document format (.pdf).~~

~~(a) Parties must obtain permission from the supreme court clerk in advance if they seek to submit documents in another format.~~

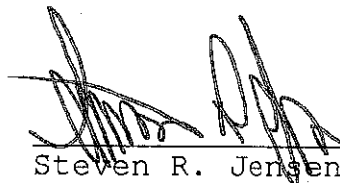
~~(b) Briefs shall comply with § 15-26A-60.~~

~~(c) An appendix may be filed electronically in portable document format (.pdf). Except for limited excerpts showing a court's reasoning, circuit court transcripts that have been filed electronically with the Supreme Court shall not be included in an appendix. A table of contents with page or paragraph reference as appropriate for each document must precede the appendix. Points of particular interest with page or paragraph reference may also be added to the table of contents. When feasible, electronic bookmarks shall be added to note the first page of each document in the appendix and may be added to note the location of points of particular interest.~~

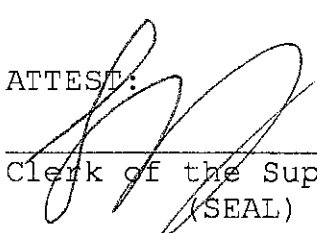
IT IS FURTHER ORDERED that this rule shall become effective April 1, 2023.

DATED at Pierre, South Dakota, this 27th day of February, 2023.

BY THE COURT:


Steven R. Jensen, Chief Justice

ATTEST:


Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

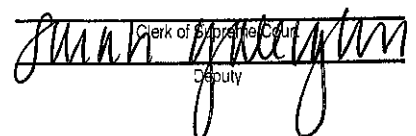
FEB 27 2023


Clerk

STATE OF SOUTH DAKOTA
In the Supreme Court

I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this

21 day of Feb, 2023.


Deputy

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT)
SDCL 15-26C-3)

RULE 23-12

A hearing was held on February 16, 2023 at Pierre, South Dakota, relating to the amendment to SDCL 15-26C-3, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that SDCL 15-26C-3 is amended to read in its entirety as follows:

SDCL 15-26C-3. Time of filing.

~~(Text of section effective as to Supreme Court cases numbered 30000 and above on September 1, 2022.)~~

(1) A document in compliance with the Rules of Appellate Procedure and this rule and submitted electronically to the supreme court clerk by 11:59 p. m. central standard time or daylight savings time as applicable shall be considered filed on that date.

(2) After reviewing an electronically filed document, the supreme court clerk must inform the filer, through an e-mail generated by the Odyssey® system, whether the document has been accepted or rejected. A document may be rejected (a) if it is filed in the wrong court; (b) applicable filing fees are not paid or waived; (c) the document is incomplete or contains missing information; (d) or fails to comply with applicable statutory requirements or these rules.

(3) Parties filing briefs electronically must also submit an original to the supreme court clerk. For any brief filed in an appeal from a judgment or order pursuant to chapter 26-8A, the appellant shall also file a redacted brief in compliance with subdivision 15-26A-60(9).

(4) The Supreme Court may also order any party to provide additional hardcopies of any documents electronically filed.

~~(Text of section effective as to Supreme Court cases numbered 29999 and below.)~~

~~(1) A document in compliance with the Rules of Appellate Procedure and this rule and submitted electronically to the supreme court clerk by 11:59 p. m. central standard time or daylight savings time as applicable shall be considered filed on that date.~~

~~(2) Upon receiving an electronic document, the supreme court clerk will issue an e-mail confirmation that the document has been received.~~

~~(3) Parties filing electronically must also submit an original and two hardcopies hardcopy of any document to the supreme court clerk. For any brief filed in an appeal from a judgment or order pursuant to chapter 26-8A, the appellant shall also file two a hardcopy redacted briefs brief in compliance with subdivision 15-26A-60(9).~~

~~(4) The Supreme Court may also order any party to provide additional hardcopies of any documents electronically filed.~~

~~(5) A party must pay all required fees and payments within five days of submitting a document filed electronically. If fees and payments are not received within five days of submission, the document will not be filed and will be returned by the supreme court clerk and the party will be required to re-file the document.~~

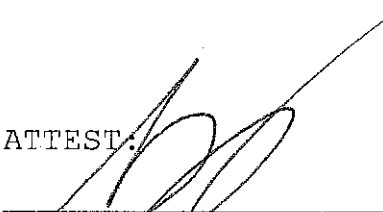
IT IS FURTHER ORDERED that this rule shall become effective April 1, 2023.

DATED at Pierre, South Dakota, this 27th day of February, 2023.

BY THE COURT:


Steven R. Jensen, Chief Justice

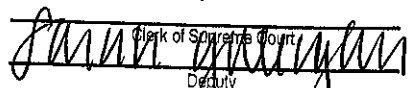
ATTEST:


Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

FEB 27 2023


Clerk

STATE OF SOUTH DAKOTA
In the Supreme Court
I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this
27 day of Feb, 2023.

Deputy

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT)
SDCL 15-26C-4)
- - - - -

RULE 23-13

A hearing was held on February 16, 2023 at Pierre, South Dakota, relating to the amendment to SDCL 15-26C-4, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that SDCL 15-26C-4 is amended to read in its entirety as follows:

SDCL 15-26C-4. Electronic Service.

~~(Text of section effective as to Supreme Court cases numbered 30000 and above on September 1, 2022.)~~

(1) All documents filed electronically must be served electronically through the Odyssey® system except for documents served on or by self-represented litigants. On a showing of good cause, an attorney may be granted leave by the Supreme Court to serve paper documents or to be exempt from receiving electronic service.

(2) Electronic service is not effective if the party making service learns that the attempted service did not reach the person to be served.

~~(Text of section effective as to Supreme Court cases numbered 29999 and below.)~~

~~(1) After January 1, 2014, any attorney not exempt from electronic filing or a party filing electronically must designate an email address for accepting electronic service and for receiving electronic service with the supreme court clerk. On a showing of good cause, an attorney may be granted leave of court to serve paper documents or to be exempt from receiving electronic service.~~

~~(2) If a party files a document by electronic means, the party must serve the document by electronic means unless the recipient of service has not designated an email address for receiving electronic service.~~

~~(3) Electronic service is not effective if the party making service learns that the attempted service did not reach the person to be served.~~

~~(4) If a recipient cannot accept electronic service of a document, service under another means specified by § 15-6-5 (b) is required.~~

~~(5) Any party effectuating service electronically must include a certificate of service specifying the items electronically served.~~

~~(6) Documents served electronically may be in portable document format (.pdf), with the exception of those documents to be filed with the Supreme Court in approved word processing format as previously specified herein.~~

~~(7) The Supreme Court may electronically file and serve on registered attorneys and parties any decisions, orders, notices, remittiturs or other documents prepared by the court in such cases provided the attorney or party to be served has designated an email address for receiving electronic service.~~

IT IS FURTHER ORDERED that this rule shall become effective April 1, 2023.

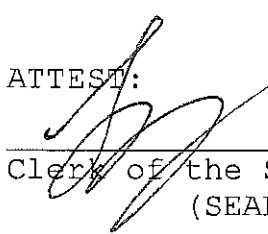
DATED at Pierre, South Dakota, this 27th day of February, 2023.

BY THE COURT:



Steven R. Jensen, Chief Justice

ATTEST:



Clerk of the Supreme Court
(SEAL)

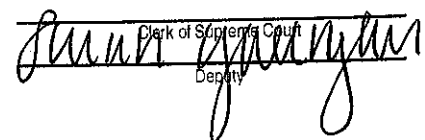
SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

FEB 27 2023



Clerk

STATE OF SOUTH DAKOTA
In the Supreme Court
I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this 27 day of Feb, 2023.



Deputy

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

FEB 27 2023

* * * *

Shirley A. Jamerson-Lopez
Clerk

IN THE MATTER OF THE AMENDMENT)
SDCL 15-30-4)

RULE 23-14

A hearing was held on February 16, 2023 at Pierre, South Dakota, relating to the amendment to SDCL 15-30-4, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that SDCL 15-30-4 is amended to read in its entirety as follows:

SDCL 15-30-4. Time for petition for rehearing--Contents, form, and filing of petition.

A petition for the rehearing of a cause heard on appeal to the Supreme Court may be served and filed within twenty days after the date of filing of the formal opinion or the order of summary disposition. ~~The adverse~~ Any party may serve and file answer thereto within ten days after service of the petition. The petition shall state briefly the ground upon which a rehearing is asked and the points supposed to have been overlooked or misapprehended by the court, with proper reference to the particular portion of the printed record and to the authorities relied upon. The petition and answer may be typewritten. ~~An original and five copies thereof shall be filed.~~

IT IS FURTHER ORDERED that this rule shall become effective April 1, 2023.

DATED at Pierre, South Dakota, this 27th day of February, 2023.

BY THE COURT:

ATTEST:

[Signature]
Clerk of the Supreme Court
(SEAL)

[Signature]
Steven R. Jensen
STATE OF SOUTH DAKOTA
In the Supreme Court
I, Shirley A. Jamerson-Lopez, Clerk of the Supreme Court of South Dakota, hereby certify that the foregoing instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this 21 day of Feb, 2023.
[Signature]
Clerk of Supreme Court
Deputy

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT)
SDCL 15-30-9)

RULE 23-15

A hearing was held on February 16, 2023 at Pierre, South Dakota, relating to the amendment to SDCL 15-30-9, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that SDCL 15-30-9 is amended to read in its entirety as follows:

**SDCL 15-30-9. Objections to taxation of costs on appeal--
Reply to objections--Decision by court.**

At any time within ten days after the mailing of such notice of taxation of costs, any party aggrieved may object to the same by serving written objections upon the other parties to the appeal and filing ~~five copies of~~ such objections with proof of service thereof with the clerk of the Supreme Court. If any relevant question of fact is raised, the party objecting shall serve and file with ~~his~~ the objections, proof in the form of an affidavit or affidavits of the facts as claimed by ~~him, and five additional copies of such affidavits must be filed with the clerk~~ the party. The objections may be supported by such written argument or authority as the party desires to submit in support of the same. Within five days after the service of such objections, any party to the appeal may reply thereto by serving the same with answering affidavits if any on the ~~adverse other parties and filing five clear copies the reply with~~ the clerk of the court. Such reply may contain such argument and authority as the party may desire to submit. Upon receipt of such objections and replies, if any, and after the time for serving and filing the same has expired, the court shall consider and decide upon the same and make such order thereon as to it may seem warranted and such order shall be final and not subject to rehearing or appeal excepting that the court will at all times reserve the right to correct any actual mistake or error existing therein.


IT IS FURTHER ORDERED that this rule shall become effective April 1, 2023.

DATED at Pierre, South Dakota, this 27th day of February, 2023.

BY THE COURT:


Steven R. Jensen, Chief Justice

ATTEST:


Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

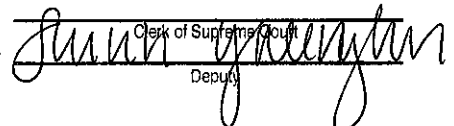
FEB 27 2023


Clerk

STATE OF SOUTH DAKOTA
In the Supreme Court

I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this

21 day of Feb, 2023.


Deputy

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



Litigation Trial Attorney – Sioux Falls

Goosmann Law Firm in Sioux Falls, South Dakota seeks a Litigation Attorney to join its high growth firm and deliver quality timely legal advice. The Litigation Attorney will represent clients in court cases and other kinds of adversarial legal proceedings such as arbitrations, mediations, and administrative law proceedings. Qualified candidates will have 5-7 years litigation/trial experience and will represent clients and business in civil litigation and other judicial pleadings. At Goosmann Law Firm, we are legal for people who lead. We are the largest woman-owned law firm in the Midwest for trailblazers leading the way in America. We serve Business Leaders, CEOs, Business Owners, and Entrepreneurs, Industry Leaders & In-House Counsel, People Planning Their Legacy, and People who have been Wronged. Compensation will be commensurate with education and experience. Benefits include generous 401k, health, dental, vision among various others. Confidential inquiries, including resume and cover letter should be directed to Barb Caskey, HR Director at caskeyb@goosmannlaw.com.

Associate Attorney – Sioux Falls

Myers Billion, LLP, an AV-Rated firm located in Sioux Falls, SD, is seeking a licensed South Dakota attorney to join its firm as an ASSOCIATE ATTORNEY. The successful applicant must be in good standing with the South Dakota State Bar, a self-starter, and have strong communication, research, and writing abilities. The attorneys of Myers Billion, LLP practice across several areas including litigation, family law, criminal law, estate planning, business transactions, and many more. The successful applicant will have the opportunity to craft their own unique practice in consultation with the

rest of the partners of Myers Billion, LLP.

Associate benefits include health insurance, 401K match, professional dues and membership fees, annual CLE tuition, profit sharing and additional incidental benefits.

Please direct a cover letter, resume, and list of references to Joshua D. Zellmer, Myers Billion, LLP, 230 S. Phillips Ave, Suite 300, Sioux Falls, SD 57104 or to jzellmer@myersbillion.com. All inquiries will be kept strictly confidential.

Partner – Sioux Falls

Myers Billion, LLP, an AV-Rated firm located in Sioux Falls, SD, is seeking a licensed South Dakota attorney to join its firm as a PARTNER. The successful applicant must be in good standing with the South Dakota State Bar, a self-starter, and have strong communication, research, and writing abilities. The attorneys of Myers Billion, LLP practice across several areas including litigation, family law, criminal law, estate planning, business transactions, and many more. The successful applicant will have the opportunity to craft their own unique practice in consultation with the rest of the partners of Myers Billion, LLP. Preference will be given to those interested in estate planning, probate, business planning, and business transactions.

Please direct a cover letter, resume, and list of references to Steven J. Morgans, Myers Billion, LLP, 230 S. Phillips Ave, Suite 300, Sioux Falls, SD 57104 or to smorgans@myersbillion.com. All inquiries will be kept strictly confidential.

General Counsel – Aberdeen

The Doeden Investment Group is seeking a skilled individual to provide general counsel for their expanding portfolio of Businesses and Real Estate. Are you overworked and underpaid? Don't miss an opportunity to be lead legal counsel for a locally owned and growing group that provides competition, world-class customer service, and ever-expanding career opportunities.

Job Duties | Responsibilities

- Advising executive members on new laws, existing laws and legal rights that would impact functionality of the business
- Overseeing the legal matters of the business as a whole, including acting as the business' legal representative
- Maintaining knowledge of the company's legal documents and operations
- Keeping a record of all legal documents and proceedings for the company
- Facilitating filings of licensing forms and other statutory requirements
- Communicating with outside counsel
- Facilitating real estate transaction closings
- Preparing and reviewing contracts
- Ensuring overall compliance and mitigating risk

Education | Experience

Juris Doctor Degree

5+ years of experience preferred, but not required.

Skills | Proficiencies

Willingness to be flexible and proactive in problem solving

Ability to assist on various projects as needed

Strategic thinker

Working knowledge of business law

Salary

Salary: \$70,000.00 - \$120,000.00 per year

Benefits

Health, Vision & Dental Insurance

401(k) & 401(k) Matching

Paid Vacation & Holidays

To Apply

Email resumes to jessica@aberdneenchrysler.com or submit resume on Indeed.

Attorney – Rapid City

The law firm of Thomas Braun Bernard & Burke, LLP in Rapid City is seeking a lateral attorney with at least 4 years' private practice experience in the areas of estate planning and/or business transactional work. The ideal candidate will possess strong communications skills, be attentive to detail, and be self-motivated. Compensation will be commensurate with education and experience. Benefits include 401(k), health insurance, professional dues and memberships, CLE tuition, and various other incidentals. Confidential inquiries, including a cover letter and resume should be mailed to John W. Burke, Thomas Braun Bernard & Burke, LLP, 4200 Beach Drive – Suite 1, Rapid City, SD 57702, or e-mailed to jb Burke@tb3law.com.

Deputy State's Attorney – Lawrence County

JOB TITLE: DEPUTY STATE'S ATTORNEY

OFFICE/DEPARTMENT: STATE'S ATTORNEY'S OFFICE

CONTACT PERSON: SHELLY BAUMANN
sbaumann@lawrence.sd.us

CLOSING DATE: TO BE DETERMINED

STARTING PAY: DEPENDING ON EXPERIENCE

RESUMES TO BE SUBMITTED TO:

LAWRENCE COUNTY STATE'S ATTORNEYS
OFFICE

90 Sherman Street

Deadwood, South Dakota 57732

FAX: 605-578-1468

PHONE: 605-578-1707

GENERAL DESCRIPTION OF WORK TO BE
PERFORMED: CRIMINAL PROSECUTION

EXPERIENCE EDUCATION: Graduation from a college of law and attainment of a Juris Doctorate degree.

LAWRENCE COUNTY IS AN EQUAL
OPPORTUNITY EMPLOYER

Compliance Officer– Sioux Falls

Zedra Trust Company, (SD) Limited is currently seeking qualified candidates to serve as a Compliance Officer in its Sioux Falls, SD office. The Compliance Officer must have excellent communication and organization skills that will allow them to effectively communicate and interact with clients, colleagues and the general public. The ideal candidate will have a legal and/or accounting background and will have overarching responsibility for the companies compliance program. Zedra Trust Company, South Dakota will offer a competitive salary, an attractive benefits package as well as professional training and growth opportunities to the selected applicant.

Qualified applicants will:

- Possess a bachelor's degree in a relevant field
- Juris Doctorate or Accounting degree is preferred but not required
- Have a minimum of five years of prior experience as a trust compliance professional, trust company auditor or other combination of relevant training and experience.
- Familiarity and experience with KYC, AML, BSA, internal audit, risk management, trust taxation
- Have a comprehensive understanding of South Dakota trust and fiduciary laws
- Is able to work independently and exercise prudent judgment
- Possess CTFA, CFIRS or other relevant professional certification

Responsibilities will include:

- Ensuring that all KYC, AML, BSA requirements are satisfied during client onboarding
- Perform and/or analyze annual account reviews and provide relevant trend reporting to management
- Remain current on changes to state and federal laws and regulation relating to trust administration
- Coordinate with outside counsel, CPAs and advisors to ensure compliance with all IRS, FINCEN, FATCA, CRS and similar reporting requirements
- Prepare agendas and minutes and associated materials for quarterly Board of Director meetings
- Updating policy and procedures, creating standardized processes, client invoicing and reporting
- Coordinate with service providers to facilitate external audits and company bookkeeping
- Assist with facilitating regulatory examinations
- Perform an annual internal audit of company activities
- Additional duties as may be assigned

- Occasional travel may be required

Interested applicants should email a cover letter and resume to ZedraSDInfo@zedra.com

Senior Trust Officer– Sioux Falls

Zedra Trust Company, (SD) Limited is currently seeking qualified candidates to serve as a Senior Trust Officer in its Sioux Falls, SD office. The Senior Trust Officer must have excellent communication and organization skills that will allow them to effectively communicate and interact with clients, colleagues and the general public. A Juris Doctorate or Accounting degree is also preferred but not required. Zedra Trust Company, South Dakota will offer a competitive salary, an attractive benefits package as well as professional training and growth opportunities to the selected applicant.

Qualified applicants will:

- Possess a bachelor's degree in a relevant field
- Juris Doctorate or Accounting degree is preferred but not required
- Have a minimum of five years of prior trust administration experience
- Have a comprehensive understanding of South Dakota trust and fiduciary laws
- Is able to work independently and exercise prudent judgment
- Experience in administering trusts on behalf of non-US clients
- Possess CTFA, CFIRS or other relevant professional certification

Responsibilities will include:

- Administer a book of assigned trust accounts
- Ensure compliance with all applicable state and federal regulations pertaining to trust administration
- Coordinate with tax professionals and attorneys during the onboarding and ongoing administration of new trust accounts
- Lead, train and mentor junior trust officers
- Maintain and Enhance company policies, procedures and operating guidance
- Participate in industry professional organizations
- Coordinate with affiliated offices for business development and marketing purposes
- Oversee tax compliance, billing, and account reporting for assigned accounts
- Interact with clients and beneficiaries to process trust

transactions

- Additional duties as may be assigned
- Occasional travel may be required

Interested applicants should email a cover letter and resume to ZedraSDInfo@zedra.com

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.

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 to: Amber L. Richey, Director, Lawrence County Public Defender Office, 90 Sherman Street, Deadwood, SD 57732 or arichey@lawrence.sd.us. Office, 90 Sherman Street, Deadwood, SD 57732 or arichey@lawrence.sd.us.

Staff Attorney – Pierre

Staff Attorney - Division of Insurance, Department of Labor and Regulation

Job ID: 20598

Location: Pierre

Salary: \$69,300 to \$77,012 DOE

Closing Date: Open Until Filled

This position is exempt from the Civil Service Act. This is a full-time position with the Division of Insurance, part of the Department of Labor and Regulation. For more information on the Division of Insurance, please visit <https://dlr.sd.gov/insurance>.

Why the Division of Insurance?

At the Division of Insurance, our mission is to protect the public by providing assistance, fair regulation, and promoting a health, competitive market and we do so in team focused work environment. The team works hard together to protect the citizens of South Dakota when navigating the insurance and securities markets. Insurance companies, bail bondspersons, investment advisors, complex business transactions, federal/state conflicts, healthcare, auto claims... these are a few of the broad subject areas our team handles on a daily basis. Our collaborative efforts drive professional customer service and contribute to a favorable regulatory climate for business. These fields are evolving rapidly as technology reshapes our world. Along the way you'll gain valuable experiences like:

- prosecution of insurance and securities violations.
- legal review of multimillion and multibillion dollar insurance company mergers and acquisitions.
- consumer complaint support to directly assist claim recovery for citizens.
- professional growth through new challenges and valuable trainings.
- collaboration with other states and national companies, including multistate examinations.
- balance and flexibility for your personal life.

What you will do:

- represent the Division before the Office of Hearing Examiners and state and federal courts.
- prosecute investigation files, prep witnesses, perform discovery, prepare briefs, etc.
- provide legal services and support to all areas of the Division.
- assist in drafting administrative rules and proposed

legislation.

- provide legal and policy advice to management and staff in a positive mentoring environment.
- collaborate with other State agencies and departments.

Who we want:

- an attorney interested in practicing within a broad range of legal subjects within the vast fields of insurance and securities law.
- a highly motivated attorney with a passion for service and desire to make a difference.
- a dedicated civil servant who will represent the Division with strong leadership skills and legal advice on a wide range of highly visible and sensitive issues.

What you need:

- graduate from an accredited law school and member of the South Dakota Bar Association.
- experience in government practice or in-house legal department is preferred.
- experience in an administrative law setting as well as state and federal court is a plus.
- excellent communication skills and legal drafting are required.
- ability to analyze complex technical issues, facts, and precedent to provide sound advice.
- ability to develop and maintain strong relationships with diverse groups.
- equally as important will be a strong work ethic and interpersonal skills, discretion, confidentiality, and a positive approach.

If you enjoy a fast-paced career in a continually evolving field with a great team by your side, apply. You must apply online at <https://sodakprod-lm01.cloud.infor.com:1443/lmg/hr/xmlhttp/shorturl.do?key=KZD>. Required documents: resume, cover letter, and writing sample. A license to practice law in the South Dakota is desired. Knowledge of insurance and securities law is a plus.

VETERANS' PREFERENCE ELIGIBLE

Associate Attorney – Sioux Falls

Cutler Law Firm, LLP is seeking an associate attorney to join its Business Section. Practicing attorneys, law clerks and students are encouraged to apply.

Business Associate Attorneys have the opportunity to work alongside partners and other associates on a broad

range of business transaction, contract and real estate matters. Our clients include large and small companies in manufacturing, telecommunications, logistics, financial services, real estate development, and others.

Qualified candidates will have:

- Strong oral and written communication skills
- Capable of high-level analytical and critical thinking and problem solving
- Top academic credentials
- Excellent interpersonal skills and the ability to work well as part of a team
- J.D. from an ABA-Accredited Law School or in the final year of study and on track to graduate
- Practicing attorneys must have a license and be in good standing to practice in South Dakota or intentions to obtain a license in South Dakota.

Cutler Law Firm, LLP offers competitive salary and a full benefit package. Interested applicants are asked to send a cover letter, resume and references to:

Cutler Law Firm, LLP

Attn: Shawn Noem, Business Manager

140 N Phillips Ave, Fourth Floor

Sioux Falls, SD 57104

Or email to: shawnn@cutlerlawfirm.com

Attorney – Sioux Falls

Bangs, McCullen, Butler, Foye & Simmons, L.L.P., a South Dakota firm with offices located in Rapid City and Sioux Falls, seeks one or more attorneys to join our Sioux Falls office as part of its continued growth and expansion. Candidates with two or more years of experience are preferred, but ambitious newly licensed attorneys are also welcome to apply. Compensation, benefits, and partnership track are open to discussion. Candidates should be dedicated to doing quality work, have a strong work ethic, and strive to meet the highest standards of ethics and professionalism. A portable book of business can be accommodated but is not required. The Bangs McCullen law firm is proud of its legal heritage that predates Statehood. We are looking for attorneys who share our commitment to excellence in service to our clients, the community, and to the legal profession. Interested candidates should send their resume to Brenda Sehr via email bsehr@bangsmccullen.com. All inquiries will be kept confidential.

The South Dakota Supreme Court and seven Circuit Courts are recruiting for 2024-2025 Law Clerk applicants. If you are aware of any law students either in-state or out-of-state that may be interested in a one-year law clerk opening, please have them view the law clerk announcements on line at <https://uj.s.sd.gov/Careers/WorkForUs.aspx>. There are currently law clerk openings in various locations such as Pierre, Sioux Falls, Mitchell or Yankton, Aberdeen, Brookings, Deadwood or Rapid City.

- Supreme Court Law Clerk application deadline: June 2, 2023
- Circuit Court Law Clerk application deadline: July 7, 2023

This is a great opportunity to work for the South Dakota Supreme Court or South Dakota Circuit Courts. If you have any questions, please contact the Unified Judicial System Human Resources office at 605-773-4867.

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/lmgshr/xmlhttp/shorturl.do?key=JST>

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

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.

Staff Attorney – Rapid City

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our Rapid City, South Dakota, office. The Rapid City office serves Butte, Custer, Fall River, Harding, Lawrence, Meade, Pennington and Perkins 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.

Associate Attorney – Custer

The Custer, SD law firm of Southern Hills Law PLLC is seeking to hire an attorney for its growing regional criminal and civil practice. This position is open to any level of experience who is right for training. Salary is negotiable depending on experience. Applicant may also qualify for Rural Attorney Recruitment loan forgiveness program.. Work will include preparation of criminal and civil litigation documents and some appearances in local state courts. Interested persons should send cover letter and resume to southernhillslaw@gmail.com.

Attorney - Pierre

OFFICE OF ATTORNEY GENERAL CRIMINAL LITIGATION

DETAILS: The Office of Attorney General seeks an attorney for a position with the Criminal Litigation Division. The attorney will prosecute major criminal cases in state court and accordingly litigation experience is preferred. The individual must have strong research and writing capabilities. Must be able to communicate well to clients and the courts and must have strong legal advocacy skills.

OFFICE LOCATION: The preferred working station for this position will be Pierre, but for the right candidate we would consider the Sioux Falls station.

STARTING SALARY: Entry level salary is \$72,000 annually or greater, depending upon experience. The State of South Dakota has an excellent benefit package including retirement, employee insurance coverage and paid leave.

QUALIFICATIONS: Applicants must have a JD degree and be licensed to practice law in South Dakota. The person eligible for this position must be a motivated self-starter, have strong research and writing capabilities, be able to communicate well to clients and the courts, and have strong legal advocacy skills. Prior litigation experience is preferred but not required.

APPLICATION PROCESS AND DEADLINE DATE: Interested persons should send a resume containing three references, a writing sample and a letter describing their qualifications to the address below. The position will be opened until filled.

Email: Brent.Kempema@state.sd.us

OR Mail to:

MARTY J. JACKLEY, OFFICE OF ATTORNEY GENERAL, 1302 E. HIGHWAY 14, SUITE 1, PIERRE, SOUTH DAKOTA 57501.

Risk Management Coordinator – Brookings

Risk Management Coordinator, Office of Emergency Management, South Dakota State University, Brookings, SD. South Dakota State University is the state's largest, most comprehensive university with more than 200 programs and an enrollment of approximately 12,000 students. The Risk Management Coordinator directs and oversees safety inspections and collaborative risk analysis services aligned with legal, state risk, SDBOR, and emergency management requirements. This position oversees, develops, deploys, and manages guidance, training and tracking web presence, and University policies and procedures related to risk management. This position also provides leadership and management of all aspects of the University's Risk Management Team described within the University Emergency Management Plan. For a complete listing of the minimum and preferred qualifications, the application deadline, contact information for questions on position, and to apply, visit <https://YourFuture.sdbor.edu>, search for the position, and follow the electronic application process. For questions on the electronic employment process, contact Human Resources at 605-688-4128. Learn more about Brookings by visiting <https://www.youtube.com/watch?v=IT8OnH5eIgQ&feature=youtu.be>. The department actively provides access to and opportunities for all to receive the benefit of and participate in education, research, and service and is especially interested in candidates that can contribute to this land-grant access mission. South Dakota State University is an AA/EO employer – vets, disability.

Contractor Opportunity

The North Dakota Commission on Legal Counsel for Indigents is currently looking for contractors in the East Central Judicial District. If you are interested please fill out the Application for Conflict Counsel Appointment ([applicationConflictCounsel.pdf](#) (nd.gov)) and email it to clcivc@nd.gov. If you have any questions regarding these contracts, please contact Executive Director Travis Finck or Deputy Director Todd Ewell at 701-845-8632.

Attorney I Public Defender - Minot

Attorney I Public Defender - Williston

Supervising Attorney Public Defender - Williston



UPCOMING

EVENTS

March 15, 2023 | Bar Commission Meeting | Teleconference

March 16, 2023 | Law for Lunch - Appellate Process Do's & Don'ts

March 30-31 | Disciplinary Board Meeting | Aberdeen

April 27, 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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