

APRIL 2024

NEWSLETTER

State Bar of South Dakota

APRIL LAW FOR LUNCH

*April 24, 2024
12:00PM | Zoom
Partnership Program
with CPCM*

MAY CLEs

*AM - Family Law CLE
PM - Criminal Law CLE
The Box Event Center
Box Elder, SD*

JUNE ANNUAL CONVENTION

*June 12 - 14, 2024
Ramkota Hotel
Pierre, SD
More details to come!*

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2024 ANNUAL CONVENTION

June 12 - 14, 2024
Ramkota Hotel & Convention Center
Pierre, South Dakota

**REGISTER
HERE**

State Bar of South Dakota

April 2024

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PRESIDENT'S CORNER



Heather Lammers Bogard

Spring is here! I hope you all enjoy the beautiful outdoors as our snow melts and days get longer.

A couple of important updates are noted. One is that the Bar Commissioners voted to reappoint Bob Morris to the Judicial Qualifications Commission. The Bar Commissioners also voted to replace outgoing members Mark Haigh and Becky Porter with Raleigh Hansman and Eric DeNure. Both Raleigh and Eric have experience and perspectives that will be terrific additions to the JQC. Thank you to all who indicated an interest in the position and to those who have served and will serve on the Commission.

The other update is that Carrie Gonsor Sanderson started in her position as our Strategic Planning Coordinator. She brings an impressive background and knowledge to the position. I have already enjoyed working with her.

I am looking forward to the Western States Conference in early April. Topics to be covered include: hyperconnectivity, lawyers as leaders, update from the ABA, artificial intelligence and legal ethics, well-being, access to justice, trust relationships and service in times of crisis. We will also have a breakout session with bars similar to our size. I anticipate sharing ideas and experiences with these bars and will report on them in our next newsletter.

Not acknowledged nearly enough is April as National Volunteer Month, a time to recognize the selfless contributions of individuals who donate their time and energy to make a positive impact in our communities. As lawyers, volunteering is essential to our profession, showing a commitment to justice, equality, and the

rule of law. We can volunteer to improve access to legal services, advocate for meaningful policy changes, and generally support those in need of legal assistance. I urge you to consider offering pro bono representation through Access to Justice, assisting with Ask A Lawyer, mentoring a young lawyer through the Hagemann – Morris Young Lawyer Mentorship Coin Program, or serving on one of the many State Bar committees. Beyond our profession, you can also participate in community events, groups, boards and organizations. Donate efforts to non-profits. Use your skills and knowledge to assist people or organizations in need. I have found that living in smaller communities like those in South Dakota, gives us better access to these organizations to offer our time and effort. Take advantage of these opportunities.

Being President of the State Bar of South Dakota gives me a unique window to volunteer activities happening every day. I am impressed and inspired by the commitment of our members to serve others. To name a few related to the Bar, Bob Morris, and Sarah Sharp Theophilus do tremendous work with our mentor program; Chris Christiansen and Reece Almond (most recently) donate significant efforts to Ask A Lawyer; Eric Schulte and Stephanie Pochop visit tribal schools and communities; Seth Pearman organizes trips to Eagle Butte to perform mock trials; Tamara Nash volunteers her time to the Young Lawyer Section on Project Destination; Bar committee chairs and members donate countless hours to their respective practice areas; Bar commissioners give many hours of their time to ensure that our Bar remains top-notch in the nation. Many bar members donate significantly to organizations outside the bar as well.

Please seize the opportunity presented by National Volunteer Month to reflect on the importance of giving back. Make a difference. You may be surprised by the satisfaction you feel by serving others – an added bonus. I close with quotes:

“Volunteering is the ultimate exercise in democracy. You vote in elections once a year, but when you volunteer, you vote every day about the kind of community you want to live in.” Author unknown.

“It’s easy to make a buck. It’s a lot tougher to make a difference.” Tom Brokaw.

“We ourselves feel that what we are doing is just a drop in the ocean. But the ocean would be less because of that missing drop.” Mother Teresa.

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HAPPY NATIONAL
Volunteer Month

— APRIL —

THANK
YOU!

Our deepest thanks to all of our
volunteers! We appreciate you!

State Bar of South Dakota

YOUNG LAWYERS SECTION



Chelsea Wenzel
President-Elect

March was a blast for the YLS Board. We were lucky to have beautiful weather and wonderful accommodations for our YLS Bootcamp in Deadwood. We had a full lineup of speakers and record attendance from attorneys from all locations, experience levels, and backgrounds—including a watch party from Sioux Falls. In total, we had over seventy attendees!

The day began with Professor Richard Leiter opening our eyes to the power and limitations of legal search engines and how artificial intelligence is impacting the legal profession. John Burke followed with an abbreviated master class on the rules of civil procedure, discovery, and how to ethically navigate discovery disputes. The Honorable Eric Strawn facilitated a dynamic and interactive discussion focusing on trial tips from the perspective of the bench and critical resources for success at trial. John Burke and Judge Strawn teamed up for a Q&A where attendees learned about professionalism from both sides of the bench.

The duo also solicited the perspective of the Honorable Janine Kern, an attendee and presenter, who offered her viewpoint as a former litigator, longtime circuit court judge, and current Supreme Court justice. During her presentation, Justice Kern complemented and expanded on the litigation theme by providing invaluable guidance on jurisdiction and how to preserve a record for appeal. Justice Kern also engaged in a Q&A, turned roundtable, that elicited answers and opinions about pretrial practice and trial preparation from the seasoned jurists in the

audience. Last but not least, Jennifer Suich Frank, Sarah Baron Huoy, and Carla Cushman gave a comprehensive explanation of employment law, from hiring quality employees to handling employment discrimination to termination and discipline.

The attendees left with a gold mine of outlines and materials from the speakers that covered their topics in-depth and can be used for years to come. The YLS Board would also like to give a HUGE shout out to Nicole Ogan and Tracie Bradford. They are the brains and brawn behind the operation, and we could not have put on this CLE without their support.

Ambassador Positions

As a reminder, we are piloting new “Ambassador” positions with the YLS Board. Ambassadors will work with the YLS Board, specifically with board members in their circuit, to help plan CLEs and mixers, market YLS events, and brainstorm ideas so the Young Lawyers Section can continue to serve the State Bar members and our communities at large. We would like to get a diverse set of Ambassadors from different age ranges, experience levels, and practice areas with the hope of increasing comradery and the involvement of young lawyers in the State Bar. If you are interested in learning more or becoming an ambassador for your circuit, please reach out to your YLS circuit representative! Stay tuned for more information!



State Bar of South Dakota Bar, Section, & Committee Leadership

BAR COMMISSION

President, Heather Lammers Bogard,
Rapid City/Spearfish
President Elect, Sarah Sharp Theophilus,
1st – Tyler Matson, Yankton
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CLIENT ASSISTANCE FUND

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ETHICS

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FAMILY LAW

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IMMIGRATION LAW

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NATURAL RESOURCES & ENVIRONMENTAL LAW

Dwight Gubbrud, CH, Belle Fourche

NEGLIGENCE AND TORT LAW

Elizabeth Hertz, CH, Sioux Falls

PATTERN JURY INSTRUCTIONS - CIVIL

Anna Limoges, Co-CH, Sioux Falls
Sara Show, Co-CH, Sioux Falls

PATTERN JURY INSTRUCTIONS - CRIMINAL

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PROJECT RURAL PRACTICE

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WORKERS COMPENSATION

Jami Bishop, CH, Sioux Falls

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Real Property, Probate & Trust

Jennifer Tomac, Rapid City

Young Lawyers

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VOLUNTEER APPRECIATION MONTH

Fellows of the South Dakota Bar Foundation

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Hon. Charles B. Kornmann

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Richard L. Travis

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Raising the Bar: Our Profession. Our Responsibility.

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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.

Full Name _____

Address _____

City _____ State _____ Zip Code _____

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- Life Patron Fellow – \$100,000 or more, cumulative.
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- 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.

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Our Profession. Our Responsibility.



UNIVERSITY OF
SOUTH DAKOTA
KNUDSON SCHOOL OF LAW



**DEAN'S LIST:
NEWS FROM THE LAW SCHOOL**



Neil Fulton
Dean, School of Law

Career Services is one of the most important aspects of Law School operations. Students, alumni, and friends all have significant investment in our work to pair current students with interested employers. We work with students starting at orientation to identify their interest areas and begin helping them make connections with employers. We work to stay in touch with employers about their needs and interests. In the end, however, the Law School can only be a facilitator. Students and employers do the real work of making professional relationships. Given the importance of that work, I have invited Director of Career Services Teramie Hill to share some insight on placement in this month's column. I hope that many of you reach out to Teramie to help you find the next generation of lawyers you need. Thank you, Teramie, for sharing the insights that follow.



Teramie Hill

When you consider formative moments in law school, you probably think of your internship, a pivotal part of your education that allowed you to apply the law in practice rather than merely reading about it in theory. You left this experience with a writing sample, some humbling experiences, and hopefully some confidence. If it went well, you may have even left with a job offer.

Internships remain crucial to law student development and the advancement of the profession, but they have recently turned into more than just experience for the next generation. Due to the strong employment market in South Dakota, internships have become a critical recruiting tool for law firms looking to grow or attorneys looking to retire. Nearly forty percent of our graduates accept offers upon completion of their 2L internships. That accelerates the hiring cycle, but also allows students and employers to make more informed decisions and can produce a perfect fit. I am happy to share some observations about how internship recruitment can help legal employers of all sizes and in all settings to plan strategically for the future.

One of the best ways to recruit new lawyers is to offer internships for students and provide excellent mentorship that persuades them to return for good. To help facilitate a good match between students and employers, the Law School has several OCI (on-campus-interview) events and has added career fair options as well. Although paid internships attract more applications, Career Services can often assist and find solutions to help students take advantage of lower paying or unpaid positions. For example, students interested in the non-profit or government sectors can apply for a Public Interest Network grant to help cover commuting or housing costs. Similarly, as an incentive to both students and employers, Project Rural Practice's Rural Internship Incentive Program allows partial reimbursement to help qualifying rural firms attract and retain interns. Even absent these opportunities, students

are often willing to explore different communities and areas of law for the experience, and this can lead to a long-term relationship with two summers of training prior to joining your firm.

Early recruiting can be particularly helpful for employers who know they will have positions to fill in the next few years due to retirements or growth, especially in more rural areas of the state. When students accept a post-graduate position, they often cite the office culture and support as major factors in their decision-making process. It is difficult for students to understand these things unless they have worked there, which forces employers that do not hire interns to search longer for an associate and rely solely on the other main factors that attract great talent: salary and benefits. It also forces employers to take a risk that a person they do not know that well will be a good fit for the office and the other employees. Hiring interns facilitates a smoother transition to getting the right people on board. If an intern does not work out or a permanent position is not available, the student naturally part ways with the employer at the end of the summer, grateful for the experience and providing free advertising to other law students about your firm and community.

While hosting interns is good for long-term planning, it

can also be a rewarding experience for mentors to build connections to the next generation of lawyers. Interns are naturally exposed to the newest of everything, from case law to technology, so they can often share their insights on cutting-edge areas. Interns are great at researching special projects, and they enjoy putting the newest technology to work in real-world scenarios. With some training or templates, interns also excel at completing transactional work, drafting motions, or reviewing legal documents. One attorney recently mentioned how important pop culture can be to discovery as well and how interns can help keep your finger on the pulse. Did you know that Twitter is now called “X”? I certainly would not know that if it wasn’t for law students. Most of all, student-interns bring a certain energy to the office that can restore a sense of passion for the profession in their mentors.

Whatever your needs are for recruitment, the Career Services Office is here to help. We are happy to post positions, help you find a good match, and provide advice to attract a great candidate. Connecting early is key and can lead to long-term relationships and quality training of your future colleagues. Please contact Teramie Hill via email at teramie.hill@usd.edu or call 605-658-3546 for more information on upcoming events or to post a position to our job board.



The graphic features the USD Knudson School of Law logo in the top right corner, which consists of a red circle containing a stylized 'S' and 'D' and the text 'UNIVERSITY OF SOUTH DAKOTA'. Below the logo, the text 'USD Knudson School of Law' is displayed in a large, dark font, followed by 'Save the Date: 2024-25' in a slightly smaller font. A horizontal line separates the header from a list of events. The events are listed in two columns: dates on the left and event names on the right.

Date	Event
Aug 29-30	Fall OCI Round 1
Sept 27	Stay in South Dakota Career Fair
Oct 24-25	Fall OCI Round 2
Nov 13	Black Hills Virtual Networking Event
Feb 6-7	Spring OCI Round 1
Feb 28	Spring Career Fair
March 20-21	Spring OCI Round 2



JUSTICE SQUAD

THANK YOU TO THE FOLLOWING ATTORNEYS WHO ACCEPTED A2J CASES OR ANSWERED SDFLA QUESTIONS IN BOTH FEBRUARY AND MARCH! YOU ARE NOW A MEMBER OF THE A2J JUSTICE SQUAD - AN ELITE GROUP

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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.
2. Answer the questions to register and create your account.
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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VOLUNTEER

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

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2024

A2J ANNUAL STATE BAR CONVENTION GOLF TOURNAMENT



DUNES GOLF COURSE

Ft. PIERRE

THURSDAY, JUNE 13, 2024

TWO SHOT GUN STARTS

08:30AM & 01:30PM CST

REGISTRATION:

- ONLINE REGISTRATION ONLY
MUST REGISTER & PAY FOR ALL 4 PLAYERS DURING REGISTRATION
- ENTRY FEE IS \$125/PLAYER (\$500/TEAM)
- LIMITED TO 15 4-PERSON TEAMS PER MORNING/AFTERNOON SESSION
(PRICE INCLUDES GREEN FEES, GOLF CART, PRACTICE RANGE, AND 1 MULLIGAN/PLAYER)
- REGISTRATION CLOSES MONDAY, MAY 20, 2024

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ANNOUNCEMENTS

Estate Planning Solutions Law Firm, Prof. LLC
is pleased to congratulate

Samuel A. Ferguson
for becoming the newest partner at the firm.

Estate Planning Solutions Law Firm, Prof. LLC
5027 S. Bur Oak Place
Sioux Falls, SD 57108

Telephone: (605) 906-8118

Samuel@EPSLawFirm.com

<https://epslawfirm.com/>

Office Sharing Invitation

Rapid City attorneys Mitch Johnson, Brad Gordon and Margo Julius are searching for an attorney to share their office suite located at 2902 West Main Street, Suite #1, Rapid City, South Dakota. We have a very nice office available, large conference room, 1 legal assistant stations, sophisticated scanning and copy machine, extensive library, Westlaw, telephone system, postage meter machine and room for storage of files.

If interested, please call either
Mitch Johnson (605-381-6464);
Brad Gordon (605-716-3040) or
Margo Julius (605-721-7337)

NOTICE:

Commission on Uniform Legislation Vacancies

Attorneys interested in serving on the Commission on Uniform Legislation (ULC) are encouraged to submit an application. Please see the links below for further information.

<https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Fmylrc.sdlegislature.gov%2Fapi%2FDocuments%2FPressRelease%2F267408.pdf&data=05%7C02%7Ctracie.bradford%40SDBAR.NET%7C0955fa0068fd4a27477808dc49bf40ac%7C11bffeea00cf440390ef27ecb20780f6%7C0%7C0%7C638466333000891351%7CUnknown%7CTWFpbGZsb3d8eyJWIjojMC4wLjAwMDAiLCJQIjojV2luMzliLCJBTiI6Ik1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=yxftr0XH4O8742womPzJNA05bMbTLBS3p1pbMIwHhEg%3D&reserved=0>

<https://mylrc.sdlegislature.gov//api/Documents/PressRelease/267408.pdf>

JUNE 13 2024 STATE BAR CONVENTION RAMKOTA HOTEL PIERRE SD

Thursday Night **BEATS & BITES** *Bash*

Join us for

**LIVE MUSIC FROM THE
SIDEHACKERS!**

**A VARIETY OF FOOD
TRUCKS!**

**COLD DRINKS &
MUCH MORE!**



BYOC

Bring Your Own Chair



The deadline to nominate a South Dakota attorney for this year's Diversity & Inclusion Award has been extended to April 15, 2024!

4th 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 4th 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 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.
- *ELIGIBILITY RESTRICTION:* The individual being nominated cannot be a current member of the State Bar of South Dakota's Lawyer's Committee on 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 **Monday, April 15, 2024.**

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

Nomination Process and Presentation of Award

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

**2024 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 Monday, April 15, 2024.



ATTORNEY OF THE YEAR

PURPOSE

The Real Property, Probate and Trust Attorney of the Year Award recognizes the attorneys of the State Bar of South Dakota who have made a distinct impact in the areas of real property, probate and/or trusts 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 Jennifer Tomac at jennifer.tomac@tomaclaw.com no later than April 26, 2024. At a minimum, each nomination should include a brief synopsis of the impact made by the nominee on the law 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 the RPPT Board, and an award recipient will be chosen.

The award recipient will be announced at the June 2024 Convention and in the State Bar Newsletter.

2024 ANNUAL CONVENTION

CLE TENTATIVE AGENDA:

Wednesday - June 12

1:00 PM

Generative A.I. - Ethically Navigating
This Brave New World

Thursday AM - June 13

6:30 AM

Early Brd

Legal Potpourri - Track 1

9:00 AM

Civility and Collegiality

10:00 AM

Employment Law Potpourri

11:00 AM

60 Years of the Civil Rights Act: Where
We've Come and Where We're Going

Legal Potpourri - Track 2 Elder Law

8:30 AM

Medicaid Benefits & Asset Protection

9:30 AM

Guardianship Controversies

10:30 AM

Ethics in Trusts & Estate Planning

Thursday PM - June 13

1:00 PM

Public Sector/Government CLE

1:00 PM

Indian Law CLE

4:00 PM

Bar Exam Study Educational Campaign





FAMILY LAW CLE

MAY 2, 2024
8:30AM-12:00PM MDT
THE BOX EVENT CENTER
BOX ELDER, SD

REGISTER
HERE

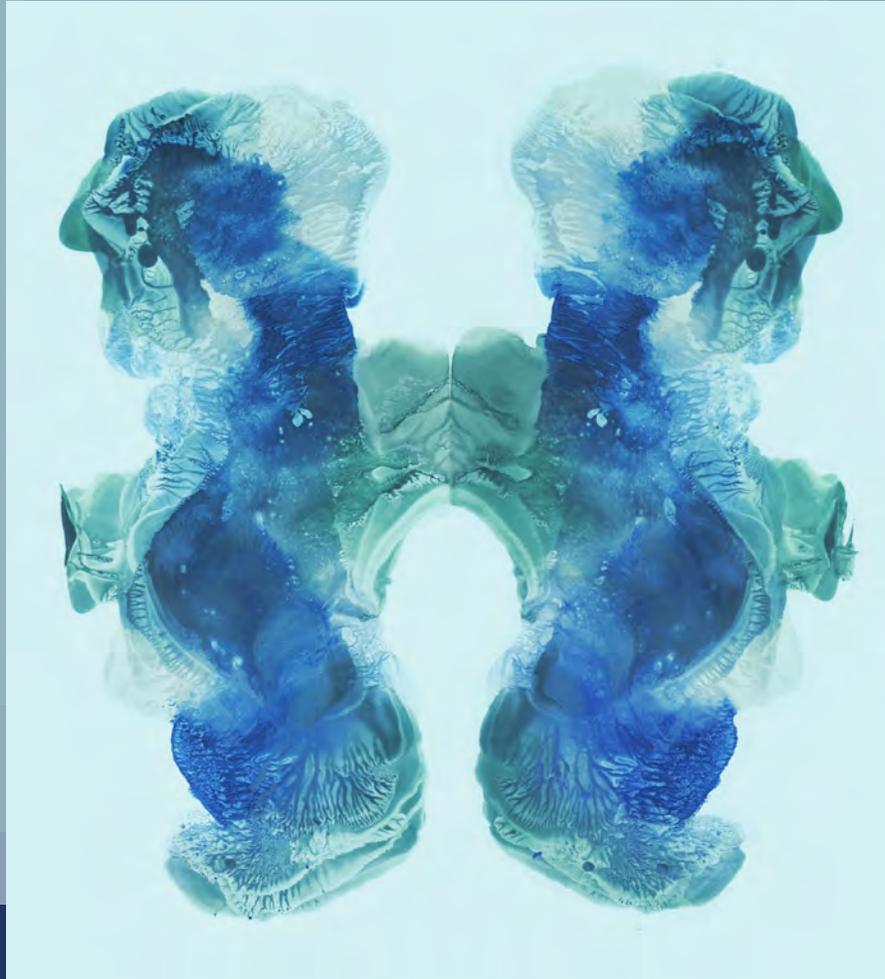
JOIN THE FAMILY LAW CLE TO GAIN INSIGHTS FROM DISTINGUISHED SPEAKERS AND GAIN VALUABLE KNOWLEDGE ON NAVIGATING THE LEGAL CHALLENGES YOU ENCOUNTER TODAY.

8:00 AM Registration Opens

8:30 AM Program Begins

- ✦ Stephen Greene, Ph.D - Greene & Greene Psychotherapy
Divorce, High Conflict Divorce, and Other Family Related Legal Challenges Through the Lens of the Nervous System: Why Things Go Wrong and How To Improve Outcomes for Everyone
- ✦ Carmin Dean - SD Department of Social Services
Child support calculations and joint physical custody
- ✦ Panel Discussion - Hot Topics in Family Law, and Roundtable
On Sticky Issues In Your Practice
Kylie Riggins, Melissa Neville, & Elizabeth Rosenbaum

PSYCHOLOGICAL THEORIES



CRIMINAL LAW CLE

Dr. Alissa Anderson Call

Chair, Alecia Fuller

Psychology can be used to understand many human behaviors, for example decision making in a legal context. In this CLE, you will learn about psychological theories that can help to explain what influences jury decision making for criminal cases. You will also discover current research that examines the impact of extralegal factors on jury decision making for child sexual abuse/assault cases, adult sexual assault cases, and cases involving justifiable homicide. Finally, you will find out how legal decisions made by national mock juror samples compare with South Dakotan mock jurors.

May 2, 2024 | 1:00 PM - 4:00 PM MDT
The Box Event Center | Box Elder

[REGISTER HERE](#)

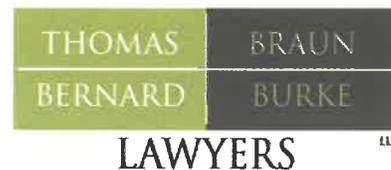
TIMOTHY L. THOMAS
LICENSED IN SD
OF COUNSEL

LONNIE R. BRAUN
LICENSED IN SD
OF COUNSEL

GREGORY J. BERNARD
LICENSED IN SD & NE

JOHN W. BURKE
LICENSED IN SD, MN & WY

KIMBERLY S. PEHRSON
LICENSED IN SD



jburke@tb3law.com

February 5, 2024

VIA E-MAIL ONLY

Paul L. Cremer – Executive Director
State Bar of South Dakota
111 W. Capitol. #1
Pierre, SD 57501

Re: Practice Rules Revision Committee

Dear Paul:

As you know, over the past couple of years the Practice Rules Revision Committee has been working on a proposed new Rule regarding the submission of Orders and Judgments. I am pleased to report that the Committee has voted to recommend such a Rule.

The text of the proposed new Rule is as follows¹:

A party directed by the court to prepare an order or judgment shall prepare a proposed order or judgment and provide it to all parties within five days of being directed.

Thereafter, the parties shall have five days in which to confer in an effort to agree upon the form of the proposed order or judgment. If all parties agree as to the form of the proposed order or judgment, or if no objection to the form of the order or judgment is timely received from any opposing party, then the party preparing the proposed order or judgment shall insert "NO OBJECTION AS TO FORM BY COUNSEL" in the lower left-hand corner of the final page of the proposed order or judgment. If any party timely objects to the form of the order or judgment and the parties are unable to reach an agreement as to form during such

4200 BEACH DRIVE
SUITE 1
RAPID CITY, SD 57702

TEL: 605.348.7516
866.589.8265
FAX: 605.348.5852

WWW.TB3LAW.COM

¹ A WORD document containing the new Rule is also attached.

A party directed by the court to prepare an order or judgment shall prepare a proposed order or judgment and provide it to all parties within five days of being directed.

Thereafter, the parties shall have five days in which to confer in an effort to agree upon the form of the proposed order or judgment. If all parties agree as to the form of the proposed order or judgment, or if no objection to the form of the order or judgment is timely received from any opposing party, then the party preparing the proposed order or judgment shall insert “NO OBJECTION AS TO FORM BY COUNSEL” in the lower left-hand corner of the final page of the proposed order or judgment. If any party timely objects to the form of the order or judgment and the parties are unable to reach an agreement as to form during such five-day period, then each party shall submit a proposed order or judgment to the court within two days after the expiration of the five-day confer period.

Any objections as to form are waived by a party’s failure to timely submit a proposed order or judgment to the court as provided in this rule, unless the party’s failure is excused by the court for good cause shown.

This procedure may be modified by the court.

[Practice Rules Revision Committee proposal regarding the submission of orders; for consideration at the June 14, 2024, State Bar Business Meeting.]

A party directed by the court to prepare an order or judgment shall prepare a proposed order or judgment and provide it to all parties within five days of being directed.

Thereafter, the parties shall have five days in which to confer in an effort to agree upon the form of the proposed order or judgment. If all parties agree as to the form of the proposed order or judgment, or if no objection to the form of the order or judgment is timely received from any opposing party, then the party preparing the proposed order or judgment shall insert “NO OBJECTION AS TO FORM BY COUNSEL” in the lower lefthand corner of the final page of the proposed order or judgment. If any party timely objects to the form of the order or judgment and the parties are unable to reach an agreement as to form during such five-day period, then each party shall submit a proposed order or judgment to the court within two days after the expiration of the five-day confer period.

Any objections as to form are waived by a party’s failure to timely submit a proposed order or judgment to the court as provided in this rule, unless the party’s failure is excused by the court for good cause shown.

This procedure may be modified by the court.

South Dakota Young Lawyer and ABA Young Lawyers Division Chair, Tamara Nash, invites you to attend the ABA Law Practice Division, Solo, Small, Firm and General Practice Division, and Young Lawyers Division joint Spring Conference.

*Empowering Excellence,
Bridging Experience*

2024 GPSOLO, LP & YLD JOINT SPRING CONFERENCE

MAY 15-18, 2024
OMAHA ► NEBRASKA

Law Practice Division
Solo, Small Firm and General Practice Division
Young Lawyers Division



AMERICANBARASSOCIATION

► **REGISTER NOW**

For the very first time, the ABA Young Lawyers Division, ABA Law Practice Division; and ABA Solo, Small Firm and General Practice Division are coming together to host a joint Spring Conference. The Conference will bring together legal professionals from diverse backgrounds, including solo practitioners, practice management specialists and new lawyers. Programming will be centered around the idea that true success in the legal profession comes from a commitment to excellence and an openness to learning from experiences that differ from our own.

Registration is now open!

*Hotel Accommodations: Omaha Marriott (Capitol District). The booking deadline for all hotels is April 24, 2024.

Cheers to 50 years!

The tradition of honoring members of the State Bar who have reached the remarkable fifty-year milestone since admission to practice law in South Dakota, inaugurated in 1974, continues. This ceremony remains a cherished highlight of our Annual Convention celebrating our long standing members.

»—————«
The following State Bar members are eligible to receive the award Wednesday evening during the “Not a Black-Tie Affair” Social
»—————«

<i>James Abbott</i>	<i>David Gross</i>	<i>Warren Neufeld</i>
<i>William Bowen</i>	<i>Craig Grotenhouse</i>	<i>J. Crisman Palmer</i>
<i>Harry Christianson</i>	<i>Carl Haberstick</i>	<i>John Porter</i>
<i>Randal Connelly</i>	<i>James Hurley</i>	<i>Michael Roche</i>
<i>P. Daniel Donohue</i>	<i>Timothy Johns</i>	<i>Steven Sanford</i>
<i>Charles Dorothy</i>	<i>Warren Johnson</i>	<i>Robert Thomas</i>
<i>William Ellingson</i>	<i>Hon. John Konenkamp</i>	<i>Marc Tobias</i>
<i>Richard Ericsson</i>	<i>Jay Leibel</i>	<i>Robert Wichser</i>
<i>Rodney Freeman Jr.</i>	<i>Peter Lieberman</i>	<i>Derald Wiehl</i>
<i>Lonald Gellhaus</i>	<i>Eric Marzluf</i>	<i>Roy Wise</i>
<i>G. Verne Goodsell</i>	<i>James McCurdy</i>	

Cheers to 60 years!

New this year!

The State Bar of South Dakota proudly announces the introduction of awards honoring members who have achieved sixty years of distinguished service since their admission in 1964 to practice law in the State of South Dakota. This prestigious recognition will be a cornerstone of our Annual Convention, celebrating our longstanding members.

»—————«
The following State Bar members are eligible to receive the award Wednesday evening during the “Not a Black-Tie Affair” Social
»—————«

Judith Atkinson

Gene Bushnell

Roger Haugo

Kenneth Heisterkamp

Frank Stickney

James Wosepka

Robert Houck

STATE BAR ANNOUNCEMENT

Dear Members of the State Bar of South Dakota,

I wanted to take a moment and introduce myself. My name is John Richter, and I am an attorney who has spent my entire career in public service. I graduated from the University of Maryland's R.H. Smith School of Business in 2002 with a degree in accounting and received a J.D. from the USD School of Law in 2006. I began my career as an attorney for the South Dakota Department of Revenue handling tax litigation and now split my time between the South Dakota Department of Revenue and the South Dakota Investment Council.



In approaching any endeavor, I ask myself two things: (1) Can I make a positive impact in the position? and (2) in the words of Matt Michels, "is it fun?" When it comes to serving the Bar, my answer to both these questions is a resounding, "Yes." You only have so much time, and you want to make it count!

My past experiences demonstrate that I will be able to positively impact the State Bar and advance the profession. Such work includes my involvement in the Public Servant Spotlights, Public Sector Awards, the Epic Leadership Conference, the Administrative Law Guide, the annual Opportunities in Administrative Law presentation and Mock Administrative Hearing at the Law School, and the Mount Rushmore Excursion. The commonality between these projects is a focus on increasing communication, providing professional development opportunities, and strengthening our relationships with internal and external stakeholders (particularly the law school). If elected as the Bar President-Elect (2024-2025) to later move to the President's position (2025-2026), I would continue to seek out and develop innovative solutions, like these, that advance the Bar.

I firmly believe that a creative, collaborative, and forward-thinking approach is essential to the continued success of our State Bar. Having served in various capacities within the State Bar, including a Bar Commissioner, the Public Sector Section President, and the Administrative Law Committee Chair, I would without a doubt, want to carry forward the lessons I've learned and the friendships that I've developed in my legal journey to serve as the State Bar's President-Elect/President.

With your support, I am confident that we will be able to add value and positively impact everyone's legal experience. It is with immense gratitude to so many that I announce my desire to serve as the State Bar President Elect, then President the following year.

Thank you to all the State Bar members for your consideration of me to serve in these roles and I look forward to visiting!!

Sincerely,

John Richter

AI

GENERATIVE AI:

THE FUTURE IS HERE. ETHICALLY NAVIGATING THIS BRAVE NEW WORLD

Generative Artificial Intelligence (AI) refers to the ability of machines to mimic functions normally associated with humans. The technology can be used to write compelling content, answer questions, and fulfill commands instantly. Advances like ChatGPT, Harvey AI, and the technology's recent passage of the bar exam have raised massive concerns about its potential impact on the legal profession. While there is still much to understand about the full implications of generative AI, one thing is clear: the future is here. As we embark on this new wave of innovation, how will you adapt? This program features demonstrations on how AI is used, an hour of ethics on how attorneys can use AI consistent with our ethical obligations, and a panel discussion on how to implement AI in your practice and advise your clients on the legal pitfalls of using AI.

SPEAKERS:

- **Professor KC Santosh**, Chair of University of South Dakota Computer Science/Associate Professor
The Future is Here (How Will You Adapt to A.I.?)
AI Demonstration
- **Professor Blake Klinker**, Associate Professor at University of North Dakota School of Law
Be Careful Where You Put Your Data (Ethics)
- **Panel Presentation: AI in the Law**
 - Nicole Tupman, Senior Legal Counsel for CNH Industrial
 - Prof. KC Santosh, Chair of University of South Dakota Computer Science/Associate Professor
 - Joel Engle III, Woods, Fuller, Schultz & Smith
 - Dean Neil Fulton, Dean of University of South Dakota Knudson School of Law
 - Mark Bassingthwaite, Esq, Risk Manager with ALPS
 - Tamara P. Nash, Moderator, University of South Dakota Knudson School of Law

 Wednesday | June 12, 2024 | 1:00 PM - 4:00 PM
Ramkota Hotel | Pierre, South Dakota
Chairs: Tamara Nash & Nicole Tupman

**REGISTER
HERE!**

**JUDICIAL QUALIFICATIONS COMMISSION
STATE OF SOUTH DAKOTA**

500 East Capitol Avenue
Pierre, SD 57101
Telephone 605-773-2099
Fax 605-773-8437

Robert L. Morris, Chair
Rebecca A. Porter, Vice Chair
Hon. Robert Gusinsky, Secretary
Mark Haigh
Timothy M. Engel
Rory King
Hon. Cheryle Gering

Lori Grode, Executive Assistant
Email: Lori.Grode@ujs.state.sd.us

March 27, 2024

Notice of Judicial Vacancies

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

FROM: Robert Gusinsky, Secretary, Judicial Qualifications Commission

In anticipation of the Supreme Court amending its rules to allow for fourteen (14) judges in the Second Circuit, (Positions M and N), the Judicial Qualifications Commission is now taking applications for these positions. The duty station for these positions may be either Lincoln or Minnehaha County as determined by the Presiding Judge. As of July 1, 2023, the salary for a circuit court judge position in South Dakota is \$174,448.36. In addition, circuit court judges and their dependents are eligible to participate in the State of South Dakota's health insurance plan; circuit court judges participate in the State's defined benefit retirement plan.

All lawyers and judges interested in applying should obtain the application form at <http://ujs.sd.gov/>, or contact Lori Grode at the State Court Administrator's Office. The application must be returned to the Administrator's Office and must be postmarked no later than **5:00 PM on May 10, 2024**. Applicants should make sure the application submitted is the 2018 version. Unless otherwise indicated by the applicant, the Commission will consider all applications submitted to be applications for both Position M and Position N.

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

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

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

The Second Circuit is comprised of the following counties: Minnehaha and Lincoln.



WHY IT'S IMPORTANT TO BE ABLE TO SAY

"NO"

by: Mark Bassingthwaighe, Esq.

Some people seem to struggle when it comes to saying no. Perhaps they view it as requiring them to be confrontational, and confronting someone can be a difficult thing to do. Or, perhaps they view it as being rude. As an aside, while one certainly could say no in a rude way, I fail to see how the act of saying no in and of itself is. Regardless of the reason behind or situation in which one might struggle with saying no, it's a valuable skill to have. In fact, in the context of a law practice, the ability to say no can be a real lifesaver because we're talking about risk management and quality-of-life issues here.

How so?

When I was visiting law firms around the country, I would often ask a few questions about firm culture in an attempt to understand the environment in which everyone was working. For example, was the culture conducive to allowing attorneys and staff to prioritize wellness? If yes, that was great! If not, I started to become concerned. The risk of a malpractice claim was now higher than it otherwise would have been if for no other reason than missteps are more likely to happen when someone isn't at their emotional best or

if their batteries are running low.

After further questioning in those settings where things were less than ideal, it wasn't uncommon to find work hours for some were beyond reasonable. Now, hear me clearly, I'm not trying to suggest that working long hours is a direct cause of malpractice claims. It is not. In fact, I have met a number of attorneys and staff who work incredibly long hours and remain quite happy and content because they have found ways to stay refreshed and sharp during the time they devote to their personal lives.

That said, I'm going to focus on those whose work circumstances were clearly burdensome. When pressed, I would often hear comments along the lines of "I have a hard time saying no, which is why I have taken on more than I should have," or "This client has been a client of mine for many years and I can't risk saying no to additional work, even though the work isn't something I'm comfortable handling." I've also been told "While I knew I shouldn't have said yes to some of my clients; I never know when the next client might come through that door, and I have bills to pay." I have even heard "Making these kinds of personal sacrifices is one of the costs that come with being a

member of this honored profession. Afterall, the law is a jealous mistress.”

As I see it, the inability or refusal of an attorney to say no to taking on more clients than she should, to willingly take on additional work that is beyond her comfort zone, or to agreeing to work with a recognized problem client requesting her services can become problematic. While the occasional sacrifice is often fine, for the attorney who habitually struggles with saying no, the work environment can quickly become burdensome and eventually lead to feeling significantly overwhelmed. This isn't good, both from a quality-of-life and risk management perspective. If left unattended for any length of time, one's health will suffer because of it.

How should an attorney say no?

Every attorney needs to know how to say no; and it can be done creatively, respectfully, and non-confrontationally. A statement along the lines of *“At present, due to the number of pending matters here at our firm, we are not able to take your matter on. Please understand that our firm's policy is to decline representation on any matter where we do not feel confident that we can invest all of the time and energy necessary to do the best possible job for you”* is a very respectful way to say no. *“While I greatly appreciate your continued loyalty, my legal judgment tells me that you are best served by my assisting in finding you an attorney with the level of experience this particular matter calls for”* is another considerate way to say no. If your practice is going to be truly full for a time, be proactive. Think about having staff let all potential clients know that you are not currently accepting any new clients for X number of months, and they are free

to check back at that time. All of these approaches are examples of ways to say no in a non-confrontational and respectful way.

One final thought shared with the intent of further driving a point home. Years ago, I had a friend who was a physician. This guy would constantly allow his patient schedule to get overbooked knowing full well he was never going to be able to keep to the schedule. Yet every afternoon, without telling anyone and in spite of patients waiting, he would simply walk off site and go grab a cup of coffee for ten to fifteen minutes. Although this drove his staff crazy, he always came back refreshed and ready to take on the rest of the day.

I eventually realized this was his way of reminding himself that he was the one in control of his professional life. And while I wouldn't recommend his approach as an effective law practice management technique, there is something of value to be learned here. As I see it, my friend was on to something. So, go ahead and say no when necessary. Your long-term health and wellbeing may very well depend upon it.



Authored by: Mark Bassingthwaighte, ALPS 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.

ISSUE

10

\$4.99 U.S.

PUBLIC SECTOR SECTION

HIGHLIGHTS

April 2024

2023-2024 Officers

John Richter
President

Nolan Welker
Vice President

Kinsley Groote
Secretary/Treasurer

Megan Borchert
Board

Carla Cushman
Board

Lisa Marso
Board

Dave Pfeifle
Board

Making a Splash through Bar Involvement!

Although you may not have positional authority in your current role, there is always an opportunity to develop your leadership skills by focusing on initiative, self-awareness, and how you treat others. In other words, you can always lead by example! Another avenue for leadership development is by becoming involved in community and Bar activities – these provide a low-risk environment where you can learn from and interact with a lot of different people that you may not normally come in contact with! Good luck future leaders!!

Content Creators – submit your ideas below!

As we've mentioned before, the Administrative Law Committee and Public Sector Section are committed to continuing to provide opportunities that will benefit bar members and strengthen our relationship with the law school. To take things to the next level, we need your Input (subject matter, speakers, etc.).

We want to hear your ideas!!

6 QUESTION SURVEY
SUBMIT YOUR IDEAS HERE!!



Active! Engaged! Leaders!



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 John Richter (John.Richter@state.sd.us) no later than April 26, 2024. 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 2024 Bar Convention and in the State Bar Newsletter.

PUBLIC SECTOR SECTION

HALL OF FAME

PURPOSE:

The Public Sector Hall of Fame recognizes those attorneys who have served the Public Sector in South Dakota for 20 or more years; or has made a significant legal impact that has benefitted the Public Sector.

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 John Richter (John.Richter@state.sd.us) no later than April 26, 2024. At a minimum, each nomination should include a snapshot of who the individual is and their career in public services (including years of service); and, preferably, their impact on the Public Sector.

It's often been said that the best way to learn about history is by examining the leaders of the time. The goal with this program is to paint a picture of those who contributed to the fabric of the Public Sector Section and tell their story! Materials received on behalf of a nominee will be reviewed by a subcommittee of the Public Sector Section and the 2024 Hall of Fame Class will be announced at the June 2024 Bar Convention and in the State Bar Newsletter.

NOMINATIONS OPEN!!

DeMERSEMAN JENSEN
TELLINGHUISEN & HUFFMAN, LLP

LAWYERS

P.O. BOX 1820, RAPID CITY SD 57709-1820
516 FIFTH STREET, RAPID CITY SD 57701-2703
TELEPHONE 605-342-2814 FAX 605-342-0732

MICHAEL B. DeMERSEMAN
CURTIS S. JENSEN
ROGER A. TELLINGHUISEN
RICHARD E. HUFFMAN

MICHAEL V. WHEELER
GREGORY G. STROMMEN
NATHAN R. CHICOINE
ELLIE BASTIAN

State Bar of South Dakota
111 W Capitol Ave #1
Pierre, SD 57501

Re: American Bar Association Midyear Report

Dear Executive Director Cremer:

I write to report on the activities of the American Bar Association. The ABA recently held its midyear meeting in Louisville, KY. Most discussions related to governance. Topics included dues, member services, and candidacy for leadership positions. Operating costs are rising, and the ABA is exploring greater efficiency. Dues will be increasing by \$45 for all members effective later this year. Services such as practice area resources and CLEs have expanded which increase the value of membership. Members who would like to provide input on ABA governance are welcome to share comments with me.

Delegates occasionally propose resolutions to encourage changes in substantive law. I abstained from taking a position on those resolutions that are not germane to the legal profession, delivery of legal services, our system of justice, or ethics. Other issues mostly affect the legal profession in other jurisdictions. I would be glad summarize resolutions and action taken upon request.

There has been limited discussion encouraging the SCOTUS to adopt a judicial ethics code of conduct. The SCOTUS recently adopted ethics guidelines, but some view the measure as insufficient and urge a binding code. The hope is to promote public confidence in the SCOTUS. The topic is likely to arise again at the annual meeting.

A caucus was recently formed to review whether the American Bar Association's policies, programs, and membership sufficiently reflect the diversity of political viewpoints within the legal profession. The ABA is perceived as the national voice of the legal profession, but right-of-center lawyers may feel alienated. A rising focus toward civility has led to advocating for a prohibition on discrimination based on political viewpoint. The conversation will continue with this delegate's support.

The Annual meeting will be held July 31-Aug 5 in Chicago. Proposed resolutions are due May 7. Please contact me if you wish to discuss this further or would like any additional information.

NRC/nrc

Sincerely,
Nathan R. Chicoine



Supreme Court
STATE OF SOUTH DAKOTA

Steven R. Jensen
CHIEF JUSTICE

March 12, 2024

Dear State Bar Members:

The South Dakota Supreme Court recently adopted a rule to create a Commission on Access to the Courts. A copy of the rule is attached to this letter.

The purpose of the Commission is to address the increasing gap between legal needs and the availability of legal services to meet those needs. The number of unrepresented litigants continues to increase in South Dakota and nationally. One recent study by George Washington University estimated that between 70% and 90% of new civil cases nationwide involve at least one unrepresented litigant. The increasing number of unrepresented litigants in the courts present challenges for the unrepresented party, the courts, and attorneys involved in such cases.

The Commission will work collaboratively across the legal system to study and address this issue. The success of the Commission's work will depend, in large measure, upon the input and involvement of the South Dakota legal community, both in urban and rural areas of the state.

The Commission will begin its work shortly with an organizational meeting to set the course for its work. The Commission's 11 members include representatives from the Courts, the Bar, the Law School, and legal aid entities, as follows:

- Judge Jon Sogn (Chair)
- Denise Langley (Vice-Chair)
- Angelia Gries
- Lea Wroblewski
- Brad Lee
- Professor Marilyn Trefz
- Magistrate Judge Franci Foral
- Mark Haigh
- RoseAnn Wendell
- Terri Williams
- Kim Allison



Supreme Court
STATE OF SOUTH DAKOTA

As the Commission begins its work, the Court is grateful for the willingness of these individuals to serve on the Commission.

Sincerely:

Chief Justice Steven R. Jensen
South Dakota Supreme Court

Section 2. That a new rule be adopted to read as follows:

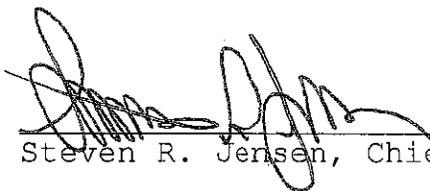
The Commission on Access to the Courts shall work collaboratively across the justice system to advance efforts to promote equal access to the court and inspire a high level of trust and confidence in the South Dakota court system. This may include:

- (1) Recommending improvements in court processes, procedures and policies;
- (2) Addressing access to counsel and collaborative efforts with entities that provide legal representation pro bono or at reduced cost for low-income or disadvantaged individuals;
- (3) Developing models to assist self-represented litigants and addressing barriers to access to the court system;
- (4) Increasing the availability of legal aid services statewide;
- (5) Expanding the availability of effective use of technology; and
- (6) Providing outreach efforts and strategic planning to ensure timely and effective access to the judicial system.

IT IS FURTHER ORDERED that this rule shall become effective immediately.

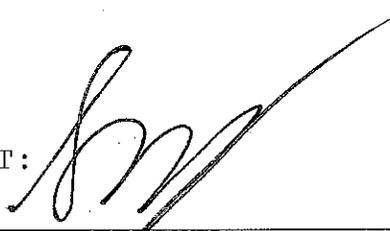
DATED at Pierre, South Dakota, this 20th day of February, 2024.

BY THE COURT:



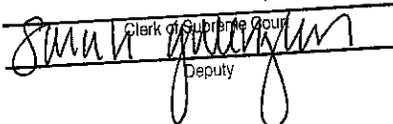
 Steven R. Jensen, Chief Justice

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
 20 day of Feb, 2024.



 Clerk of Supreme Court
 Deputy

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

FEB 20 2024


 Clerk

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE PROPOSED) NOTICE OF RULES HEARING
AMENDMENT OF SDCL 16-6-15-2)
)
) NO. 154
)

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

NOTICE IS HEREBY GIVEN THAT ON April 24, 2024, at 10:30 A.M., C.T., at the Courtroom of the Supreme Court in the Capitol Building, Pierre, South Dakota, the Court will consider the following:

1. Proposed Amendment of SDCL 16-6-1. Number of judges in judicial circuits established by §16-5-1.2 is as follows:

- (1) First Circuit: Six circuit judges;
- (2) Second Circuit: ~~Twelve~~ Fourteen circuit judges;
- (3) Third Circuit: Six circuit judges;
- (4) Fourth Circuit: Four circuit judges;
- (5) Fifth Circuit: Four circuit judges;
- (6) Sixth Circuit: Four circuit judges;
- (7) Seventh Circuit: Eight circuit judges.

Any person interested may appear at the hearing and be heard, provided that all objections or proposed amendments shall be reduced to writing and filed with the Clerk of the Supreme Court

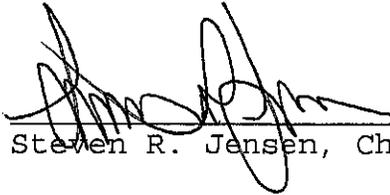
Notice of Rules Hearing No. 154 - April 24, 2024

no later than April 17, 2024. Subsequent to the hearing, the Court may reject or adopt the proposed amendments of any rule germane to the subject thereof.

Notice of this hearing shall be made to the members of the State Bar by electronic mail notification; by posting notice at the Unified Judicial System's website at <https://uj.s.sd.gov/Supreme Court/Hearings.aspx> or the State Bar of South Dakota's website <https://www.statebarofsouthdakota.com>.

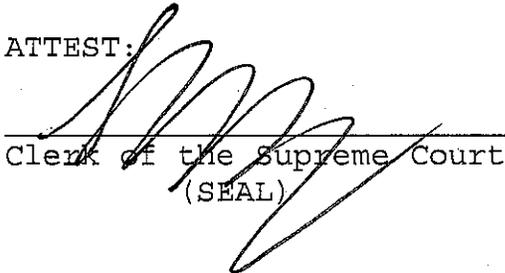
DATED at Pierre, South Dakota this 25th day of March, 2024.

BY THE COURT:



Steven R. Jensen, Chief Justice

ATTEST:



Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
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MAR 25 2024


Clerk

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PUBLIC NOTICE

REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE

The current appointment of Magistrate Judge Sara Pokela is due to expire on August 15, 2024. Magistrate Judge Sara Pokela serves in the Second Judicial Circuit.

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

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

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

Comments must be received by May 17, 2024.

In Memoriam



Joseph D. Roach
January 16, 1958 -
January 15, 2024

Joseph D. Roach, the strongest man in the world, passed away peacefully on Jan. 15, 2024, surrounded by his family at his home in Edina, MN.

He was born on January 16, 1958 in Rock Rapids, IA to the late Nick and Betty Roach. Joe learned the value of hard work at a young age by delivering newspapers, walking beans, bailing hay and unloading trucks. His childhood passions; pheasant hunting and football remained constant throughout his life.

Joe attended Iowa State University, where he met his wife Jennifer and made many lifelong friends. Joe and Jennifer were married on July 11, 1981 and raised 3 children and 6 dogs together.

Joe was a farmer, beekeeper, master water steward, professional walleye fisherman and grandfather extraordinaire who found time in between hobbies to work as a banker and lawyer (Hamline University School of Law).

Joe loved any activity involving the outdoors including fishing, hunting, boating and time at the cabin with his family. He was a member of countless outdoor and conservation groups but was especially proud of founding Twin Cities Walleyes Unlimited. Joe was a self taught handyman and enjoyed fixing whatever needed repairing at his home or anyone else's. He was always up for an adventure or new hobby, especially one that could be enjoyed with a Michelob Golden Light.

We would like to thank our cancer care team at Frauentshuh Cancer Center and our wonderful hospice caregivers.

Joe is survived by his loving wife of 42 years, Jennifer, son Ben (Sami), daughter Lauren, son William and grandchildren Harris and Maddie. A celebration of Joe's life, in the spirit of an Irish wake, will be held at the Gale

Mansion (2115 Stevens Ave South, Minneapolis) on January 25 from 5-7pm. Remarks by family and friends will be at 5:30pm.

In Joe's honor, please consider planting a tree, taking a child fishing or donating to a conservation group of your choice. Washburn-McReavy.com Edina Chapel 952-920-3996 West 50th St. & Hwy 100



Jeanne Lorraine Kelly
November 30, 2023

Jeanne Lorraine Kelly, age 87, of Rancho Mirage, California, died on Thursday, November 30, 2023 near her winter home in Rancho Mirage.

Jeanne Lorraine Kelly (nee Rolland) passed away on November 30, 2023, age 87, near her winter home in Rancho Mirage, California. She had been hospitalized since August after having suffered a cerebral stroke, from which she was not able to recover.

She was preceded in death by her husband, Robert William Kelly, whom she married December 27, 1954, and her two sons, Richard Kent Kelly, and Robert Aaron Kelly. She is survived by her son Randal Robert Kelly of Denver, Colorado, her grandchildren, Rory Randal Kelly of Sioux Falls, South Dakota, Jacob Rolland Kelly of Saint Louis Park, Minnesota, Jett Kwong Kelly of Los Angeles, California, and Grace Rain Kelly of Bismarck, North Dakota, and by her three great grandchildren, Jude Sparrow Kelly, Jai Berlin Kelly, and Gibson Arrow Kelly, of Sioux Falls, South Dakota.

A life-long resident of South Dakota, Jeanne was a homemaker, who completed her post-secondary education after having raised three sons. She attended Augustana College, where she obtained her Bachelor of Arts degree in 1985, and Hamlin University Law School, where she obtained her Juris Doctorate in 1988. After law school, Jeanne was admitted to the practice of law in South Dakota, and she was a member in good standing of the South Dakota State Bar.

Jeanne was an accomplished cook, decorator, and entertainer. She was an avid reader, and throughout

the course of her life, Jeanne was a champion of the underprivileged, taking on several projects to help others, including pro bono legal work, and teaching remedial English to immigrant children.

Jeanne's ashes will be interred at the Quinn, South Dakota, cemetery along with those of her husband, at a date to be announced in the future.

Local arrangements are with Rush Funeral Home of Philip.



Emily Christine Steinhoff
March 18, 2024

Emily Christine Steinhoff, 44, of Garner, NC departed this earthly life on Monday March 18, 2024.

Emily worked for the the Minnehaha County Public Defender's Office in the early 2000s and is still a member of the State Bar of South Dakota.

Funeral service at 12:00 noon Wednesday March 27, 2024 at The Fountain of Raleigh Fellowship, 9621 Six Forks Road, Raleigh, NC preceded by an 11:00 AM visitation with the family.

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Working and Living with Someone with Neurodiverse Challenges

April 10, 2024
1:30 pm EDT - 2:30 pm EDT
[Register for this Webinar](#)



Understanding Anxiety: A Comprehensive Overview

April 25, 2024
12:00 pm EDT - 12:45 pm EDT
[Register for this Webinar](#)



State Bar of South Dakota Association

Avera Healthcare Plans

The following agents or agencies that are authorized to sell the
State Bar Association Health Plan.

EASTERN SOUTH DAKOTA

Office Location

Mitchell & Yankton Area
Aberdeen Area
Sioux Falls Area
Sioux Falls & Brookings Area
Pierre, Mitchell & Sioux Falls Area
Watertown Area

Agency

Dice Financial
Mark Mehlhoff
Midwest Employee Benefits
McGreevy & Associates
Fisher Rounds & Associates
Freimark & Associates

Contact

Jacquelyn Johnson
Mark Mehlhoff
Dawn Knutson
John Lawler
Josh Gilkerson
Todd Freimark

WESTERN SOUTH DAKOTA

Office Location

West River

Agency

Black Hills Insurance Agency
Black Hills Insurance Agency
Carver Insurance

Contact

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.

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rebecca.porter@sdlawyersconcerned.org

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Life Coaching

Reach personal and professional goals, manage life transitions, overcome obstacles, strengthen relationships, and achieve greater balance.

Financial Consultation

Build financial wellness related to budgeting, buying a home, paying off debt, resolving general tax questions, preventing identity theft, and saving for retirement or tuition.

Legal Referrals

Receive referrals for personal legal matters including estate planning, wills, real estate, bankruptcy, divorce, custody, and more.

Work-Life Resources and Referrals

Obtain information and referrals when seeking childcare, adoption, special needs support, eldercare, housing, transportation, education, and pet care.

Personal Assistant

Save time with referrals for travel and entertainment, seeking professional services, cleaning services, home food delivery, and managing everyday tasks.

Medical Advocacy

Get help navigating insurance, obtaining doctor referrals, securing medical equipment, and planning for transitional care and discharge.

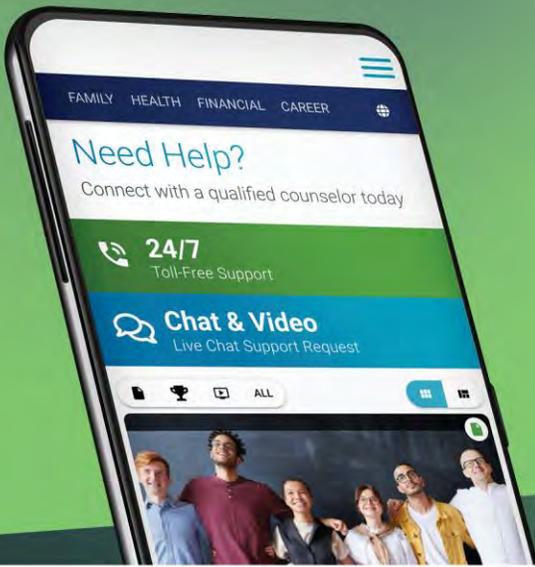
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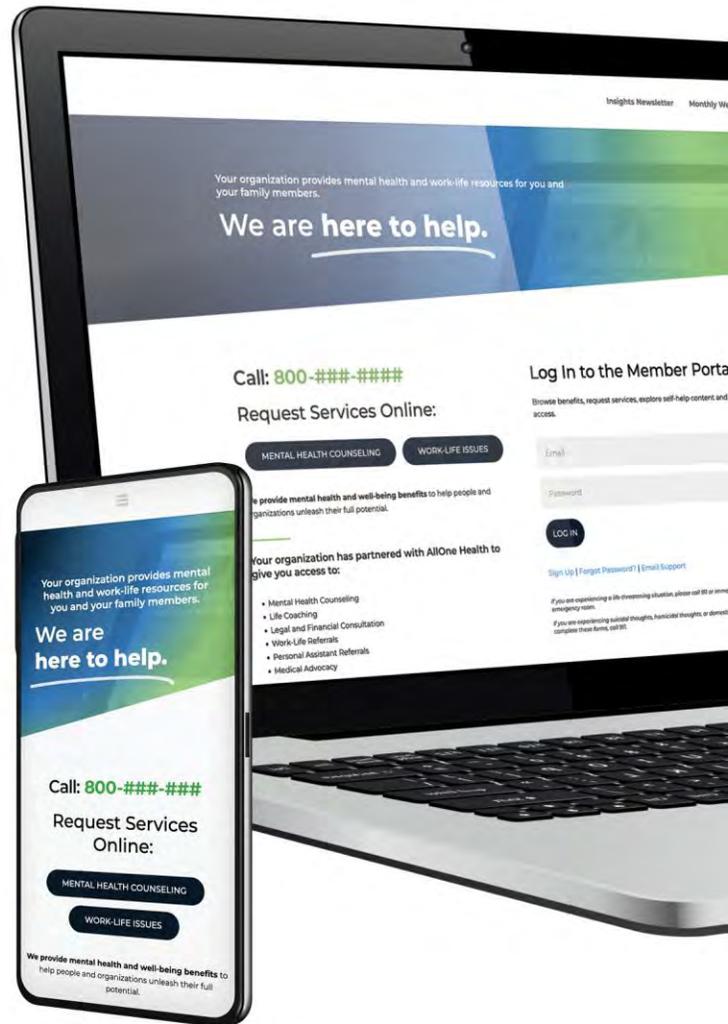
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BOARD OF BAR COMMISSIONERS

Minutes, January 30, 2024

Via Zoom

President Lammers Bogard called the meeting to order at 2:00 PM CST on January 30, 2024. Present for all or part of the meeting were President Heather Lammers Bogard, Commissioners Tyler Matson, Caroline Srstka, David Strait, Kimberly Kinney, Jerry McCabe, Justin Bell, Erika Olson, Nick Moser, Rory King, John Richter, and Steve Blair. Also, present at the meeting were Executive Director/Secretary-Treasurer Paul Cremer, and Assistant Executive Director Nicole Ogan.

Cremer provided an update regarding the status of filling the vacant Strategic Plan Coordinator position previously held by Elizabeth Overmoe. The position has been vacant since December 15, 2023.

The State Bar formed an interview panel consisting of President Lammers Bogard, President Elect Judge Julie Dvorak, Strategic Planning Committee co-chair Jennifer Williams, Beth Overmoe, Nicole Ogan, and Cremer to conduct candidate interviews. The panel conducted the interviews on January 3 and January 5, 2024. President Lammers Bogard and Cremer provided a summary of the interviews and candidate information.

Cremer requested permission from the Commissioners to pursue contract negotiations with a contractor to provide strategic planning services to the State Bar. The Commissioners discussed the advantages and disadvantages of the proposed arrangement.

Commissioner King made a motion to adopt the recommendation from Cremer to allow him to pursue contract negotiations to obtain strategic planning services via a contractual arrangement. The Commissioners held further discussions. Commissioner Olson called the question. Commissioner Bell seconded. Motion carried 9-3.

The Commissioners then discussed the legislative session and plans to fill the vacant President Elect position.

President Lammers Bogard adjourned the meeting at 3:00 PM CST.

Respectfully submitted,
Paul Cremer
Executive Director/Secretary-Treasurer

BOARD OF BAR COMMISSIONERS

Minutes, February 21, 2024
Via Zoom

President Heather Lammers Bogard called the meeting to order at 2:00PM CST on February 21, 2024. Present for all or part of the meeting were President Lammers Bogard, President Elect Sarah Sharp Theophilus, and Commissioners Tyler Matson, David Strait, Kimberly Kinney, Jerry McCabe, Justin Bell, Erika Olson, Nick Moser, Amber Mulder, Hon. Francly Foral, John Richter, and Steve Blair. Assistant Executive Director Nicole Ogan was also present.

Commissioner Judge Foral made a motion to go into executive session to discuss personnel matters, and Commissioner Bell seconded the motion. Motion carried and the board moved into executive session. Present for the executive session were the Commissioners and Nicole Ogan, who answered questions and provided information during the initial portion, and then Ogan left and was not present during the latter portion of the executive session discussion. The Commissioners ended the executive session at 2:20 PM CST and returned to regular business.

Present at the regular business meeting were President Lammers Bogard, President Elect Sarah Sharp Theophilus, and Commissioners Tyler Matson, David Strait, Kimberly Kinney, Jerry McCabe, Justin Bell, Erika Olson, Nick Moser, Amber Mulder, Hon. Francly Foral, John Richter, and Steve Blair. Also present: Executive Director/Secretary-Treasurer Paul Cremer, Assistant Executive Director Nicole Ogan, Communications/Membership Director Tracie Bradford, Administrative Assistant Kylee Alfrey, Lawyer's Assistance Program Director Becky Porter, and Access to Justice Inc. Coordinator Denise Langley.

Approve minutes of January 10, 2024, Meeting: Commissioner Moser moved to approve the minutes of the January 10, 2024, Bar Commission meeting. Commissioner Olson seconded the motion. Motion carried.

Welcome President Elect Sarah Sharp Theophilus: President Lammers Bogard introduced and welcomed Sarah Sharp Theophilus as the new State Bar President Elect. The Bar Commission appointed Sharp Theophilus on February 9, 2024, via email vote to fill the President Elect vacancy after Judge Julie Dvorak was appointed to serve as a circuit court Judge. Sharp Theophilus has served as an attorney for the federal Department of Veterans Affairs for several years and she has served in various State Bar roles. She currently serves as the South Dakota ABA Delegate.

Financial Report:

Upcoming Budget – Disciplinary Board

The Frieberg Law Firm currently provides Disciplinary Board counsel services to the State Bar. Their contracted amount has remained at \$6000 per month since 2017. The firm is requesting an increase to \$7500 per month, starting August 1, 2024. Thus, the State Bar would be paying \$90,000 per year for Disciplinary Board services, which also includes administrative support services provided by the law firm, and the firm pays the sales tax from that amount. Frieberg believes that South Dakota is the only state that does not employ full-time disciplinary board counsel.

Commissioner Bell made a motion to approve the requested increase. Commissioner Mulder seconded. Motion carried unanimously. The Commissioners thanked the Frieberg Law Firm for their continued commitment and service to the State Bar.

Executive Director Salary

The Commissioners memorialized discussions held during the executive session. The Commissioners approved a salary increase to \$147,000, and the Commissioners approved an additional \$5,000 payment for extra duties necessitated by the strategic plan coordinator vacancy. The State Bar will use surplus funds that are available because the strategic plan coordinator position has been vacant since December 15, 2023, and salary and benefits normally paid to that position are not being paid.

Approval of FY 2023 990 Forms for State Bar

The Commission reviewed the State Bar 990 forms. Commissioner Olson made a motion to approve the State Bar 990 forms, and Commissioner Mulder seconded the motion. Motion carried.

Strategic Plan Coordinator Position Update: Executive Director Cremer provided the commission with an update on the status of the Strategic Plan Coordinator position vacancy. The Commissioners discussed options to fill the vacancy.

Practice Rules Revision: The Commissioners discussed a written request dated February 5, 2024, from John Burke, the chair of the Practice Rules Revision Committee. The Committee is requesting permission from the Bar Commission to present proposed rules revisions to Bar members at the June 14, 2024, business meeting. The proposed revisions involve the submission of Orders and Judgments. The Commissioners did not oppose the presentation of the proposed revisions to members. [See separate Newsletter posting for further information about the proposed revisions.]

Mandatory CLE Update: President Lammers Bogard provided an update regarding the request from Chief Justice Jensen to form a committee to study mandatory CLE issues. Committee members include President Lammers Bogard, Justice Mark Salter, Judge Craig Pfeifle, Judge Julie Dvorak, Dean Neil Fulton, Rory King, Colleen Zea, Jessica Larson, Jason Sutton, Jamie Simko, Kristen Edwards, Pamela Reiter, Nicole Ogan, and Paul Cremer. The committee held their first meeting on February 5, 2024, and discussed plans. The State Bar is collecting survey results from members to determine member opinions.

Legislative Update: Cremer provided an update regarding various legislative matters, including the State Bar Immunity Bill (HB 1023). The House Judiciary Committee sent the bill to the House with a Do Pass recommendation by a vote of 9-2, and the House passed the bill 48-17. The Senate Judiciary Committee sent the bill to the Senate with a Do Pass recommendation by a 7-0 vote. The Senate passed the bill 30-3. [The Governor later signed the bill on February 27, 2024.] The Commission thanked Representative Mary Fitzgerald and Senator Lee Schoenbeck for their extra work in serving as prime sponsors, and Senator David Wheeler for speaking on behalf of the bill. The Commission also thanked the other legislators who signed on as sponsors. The Commission also thanked Tim Dougherty for his continued assistance, and Doug Abraham, representing the American Property Casualty Insurance Association, and Steve Siegel, representing SDTLA, for providing proponent testimony. The Commission also thanked the Legislative Research Council and the Executive Branch for their legislative work.

The Commissioners discussed other legislative matters, including Keller issues. Several State Bar associations are currently involved in litigation involving Keller issues. The State Bar of South Dakota is taking steps to minimize our potential exposure involving Keller issues.

April Bar Commission Meeting: The Commission discussed options to hold meetings in alternate locations for outreach purposes. The April meeting is currently scheduled for Pierre on April 17, 2024.

LLC Act Discussion: The Bar Commission discussed concerns raised and action taken by the Bar Commission regarding proposed LLC Act revisions.

Pathways Update: The Pathways Committee is exploring the availability of retirement and insurance benefits for the Pathways coordinator position.

Sexual Harassment Prevention Training Update: The Commission discussed member compliance with mandatory sexual harassment prevention training. The Commission thanked State Bar staff for the extra hours and work they provided to assist members to ensure compliance. The imposition of mandatory member requirements necessitates increased staff resources to track and ensure compliance.

Rural Practice Internships: The Commission discussed the success of the rural practice internship program, and noted that four slots appear to be filled for 2024 summer internships. More slots may be funded if requested. The Commissioners thanked the Fred and Luella Cozad Family for their generous and ongoing gift involving rural practice funding.

President's Comments: President Lammers Bogard thanked the Commission for approving the Civility Creed and she noted that feedback from members has been overwhelmingly positive. She also reported on her attendance at the National Conference of Bar Presidents meeting, and she noted that other states are facing issues including efforts to improve inclusion; efforts to increase access to legal services in both urban and rural areas; efforts to remain in compliance with Keller restrictions; and efforts to improve civility.

Miscellaneous: Cremer noted that on June 23, 2023, State Bar members approved amendments to State Bar Bylaws regarding President Elect qualifications, and those amendments were approved by the South Dakota Supreme Court in Rule 24-01 on February 20, 2024. The Supreme Court also approved a Rule that established a committee to improve efforts to assist pro bono litigants. The Commissioners thanked State Bar volunteers who will be named to serve on that committee. The Commissioners also discussed two open positions on the JQC.

Adjourn: President Lammers Bogard adjourned the meeting at 3:58 PM CST.

Respectfully submitted,
Paul Cremer
Executive Director/Secretary-Treasurer

BOARD OF BAR COMMISSIONERS

Minutes, February 28, 2024

Via Zoom

President Heather Lammers Bogard called the meeting to order at 2:00 PM CST on February 28, 2024. Present for all or part of the meeting were President Lammers Bogard, President Elect Sarah Sharp Theophilus, and Commissioners David Strait, Carrie Srstka, Jerry McCabe, Justin Bell, Erika Olson, Amber Mulder, Hon. Francy Foral, John Richter, and Steve Blair. Also, present at the meeting were Executive Director/Secretary-Treasurer Paul Cremer, and Assistant Executive Director Nicole Ogan.

Executive Director Cremer recommended that the State Bar accept a contract and proposal from South Dakota attorney Carrie Gonsor Sanderson dba Good Stewards Consulting, LLC, to provide strategic planning and other services via a contractual arrangement as an independent contractor to fill the vacant Strategic Plan Coordinator position.

The contract provisions include monthly payments of \$8,000 for 22 months, for a maximum total of \$176,000 for the contract term running from March 1, 2024, to December 31, 2025, unless the contract is terminated sooner. The State Bar would likely pay salary and benefits of approximately \$10,970 per month to hire a strategic plan coordinator as a full-time State Bar employee, for a total cost of \$241,340 for the same 22-month period.

The Commissioners discussed the advantages and disadvantages of a contractual arrangement versus a full-time employee arrangement.

Commissioner Strait made a motion to accept the contract and proposal as recommended by Executive Director Cremer. Commissioner Olson seconded the motion. The motion carried 8-2, with one abstention.

President Lammers Bogard adjourned the meeting at 2:30 PM CST

Respectfully submitted,
Paul Cremer
Executive Director/Secretary-Treasurer

Access to Justice

Minutes, July 14, 2023

Cadillac Jack's

Deadwood, SD

President Heather Lammers Bogard called the meeting to order at 11:55 AM MDT on July 14, 2023. Present for all or part of the meeting were President Lammers Bogard, President Elect Julie Dvorak, Directors Tyler Matson, Jerry McCabe, Erika Olson, Amber Mulder, Steve Blair, and John Richter. Directors Rory King and David Strait appeared via Zoom. Also, present at the meeting were Executive Director/Secretary-Treasurer Paul Cremer, Assistant Executive Director Nicole Ogan, Lawyer's Assistance Program Director Becky Porter, and Communications Director Tracie Bradford. Strategic Plan Coordinator Elizabeth Overmoe and Access to Justice Inc. Coordinator Denise Langley appeared via Zoom.

Approve minutes of May 17, 2023, Meeting: Director Matson moved to approve the minutes of the May 17, 2023, A2J meeting. Director Olson seconded the motion. Motion carried.

FY 2023-2024 Budget Approval: Cremer noted that A2J Coordinator Denise Langley submitted a written budget request on behalf of A2J. Director Matson made a motion to approve the A2J budget as presented, including Executive Session information. Director Mulder seconded the motion. Motion carried.

Adjourn: President Lammers Bogard adjourned the meeting at 11:59 AM MDT.

Respectfully submitted,
Paul Cremer
Executive Director/Secretary-Treasurer

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



Law Clerk Applicants

The South Dakota Supreme Court and seven Circuit Courts are recruiting for 2025-2026 Law Clerk applicants. If you are aware of any law students, either in-state or out-of-state, who may be interested in a one-year law clerk opening, please have them view the law clerk announcements online at <https://uj.s.sd.gov/Careers/WorkForUs.aspx>. There are currently law clerk openings in various locations, such as Pierre, Sioux Falls, Mitchell, Aberdeen, Brookings, Deadwood, and Rapid City.

- Supreme Court Law Clerk application deadline: June 7, 2023
- Circuit Court Law Clerk application deadline: July 5, 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 605-773-4884.

Associate or Staff Attorney – Rapid City

Nooney & Solay, LLP is seeking an associate attorney or staff attorney with 2-10 years' experience to join its fast-paced litigation practice. This position will focus on general civil litigation and/or family law. The successful candidate will be well compensated. All applications will be kept confidential. Interested applicants should send a cover letter and resume through indeed.com, robert@nooneysolay.com, or U.S. Mail to Nooney & Solay, LLP, Attn: Robert J. Galbraith, P.O. Box 8030, Rapid City, SD 57709.

Trial Attorney – Sioux Falls

Evans, Haigh & Arndt, L.L.P., an established Sioux Falls law firm, is seeking to add trial attorneys to our litigation practice. Our firm's practice is primarily devoted to civil litigation including commercial litigation, health care litigation, professional liability litigation, and personal injury litigation. We are seeking attorneys with litigation experience who are interested in trial work and a long-term employment/partnership relationship.

All applications will be confidential and should be directed to Tyler Haigh, P. O. Box 2790, Sioux Falls, SD, 57101, thaigh@ehalawyers.com.

Litigation Attorney – Rapid City

Gunderson, Palmer, Nelson & Ashmore, LLP, an AV-Rated, 20+-lawyer firm located in Rapid City and Pierre, South Dakota, is looking for a litigation associate attorney at the Rapid City location. The ideal candidate will have a minimum three years of litigation experience. Must be a member of South Dakota State Bar or have to ability to become member. Must possess a strong business sense and strategic decision-making skills.

The firm offers a comprehensive benefits plan, competitive salary structure and the opportunity for professional development. You can learn more about our firm by visiting our website at gpna.com or our Facebook page at Facebook.com/GPNALawfirm/.

All inquiries will be kept confidential. Please send your cover letter, resume, curriculum vitae and references to our firm's Legal Administrator, Kate Ackerson at kackerson@gpna.com or by coming into our office at 506 6th Street, Rapid City, SD 57701.

Construction Litigation Attorney – Rapid City

Gunderson, Palmer, Nelson & Ashmore, LLP, an AV-Rated, 20+-lawyer firm located in Rapid City and Pierre, South Dakota, is looking for a construction litigation associate attorney at the Rapid City location to assist in this growing practice area. The ideal candidate will have a minimum three years of litigation experience and an interest in learning construction law. The firm is willing to train the right person for this practice area. Must be a member of South Dakota State Bar or have to ability to become member. Must possess a strong business sense and strategic decision-making skills.

The firm offers a comprehensive benefits plan, competitive salary structure and the opportunity for professional development. You can learn more about our firm by visiting our website at gpna.com or our Facebook page at [Facebook.com/GPNAlawfirm/](https://www.facebook.com/GPNAlawfirm/).

All inquiries will be kept confidential. Please send your cover letter, resume, curriculum vitae and references to our firm's Legal Administrator, Kate Ackerson at kackerson@gpna.com or by coming into our office at 506 6th Street, Rapid City, SD 57701.

Staff Attorney – Sisseton

Are you passionate about racial justice and holistic legal advocacy? Join our team, and make a long-term impact!

DAKOTA PLAINS LEGAL SERVICES (DPLS), a nonprofit legal services program, has an opening for a Staff Attorney position in our Sisseton, South Dakota office. The Sisseton office serves the counties of Grant and Roberts, along with the Sisseton Wahpeton Tribal Courts.

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: Starting at \$60,000 plus, depending on experience. Staff work a 4-day work week, and DPLS has an excellent fringe benefits package 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 489, 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

Managing Attorney – Sioux Falls

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

Duties and Responsibilities:

Client Representation and Advocacy:

- Provide and ensure high quality legal representation to individuals and groups in accordance with East River Legal Services (ERLS) standards of practice and supervision and the Rules of Professional Conduct. This includes interviewing clients, conducting research, performing factual investigation, preparing pleadings, negotiating case resolutions, executing discovery and motion practice, and representing clients in court and administrative hearings;
- Provide counsel, advice, and other brief services and referrals, as appropriate;
- Co-counsel with other Attorneys and work with
- Paralegals;
- Represent clients and client groups in litigation, administrative advocacy, and other advocacy forums;
- Engage in appellate work, complex and major

- litigation, and other special projects;
- Develop and implement litigation and/or advocacy strategies to address systemic legal problems;
- Analyze and comment on pending legislation and regulations consistent with the requirements of all funding sources.

Leadership:

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

Community Work:

- Participate in other activities related to poverty law including community education, outreach, writing of publishable materials, and permissible legislative and administrative advocacy, in accordance with Legal Aid policy and applicable laws and regulations;

- Participate in Legal Aid and state-wide task forces and work groups;
- Participate in bar activities and establish effective working relationships with the bar;
- Ensure Legal Aid develops and maintains relationships with partner organizations, including the private bar and judiciary, other non-profits, grass roots organizations, government agencies and elected officials.

Other:

- Compliance with LSC, VOCA, and other funding agencies' rules and regulations;
- Participate in training activities as trainee or trainer for professional growth;
- Report to Legal Aid management any bar association grievances, disciplinary proceedings, or malpractice claims involving their practice and cooperate with Legal Aid's liability insurers;
- Attend program meetings and ensure office meetings are efficient and productive.
- Knowledge, Skills, & Abilities:
- Juris Doctor (JD);
- License to practice law in South Dakota;
- Experience in a legal services/non-profit environment is preferred, but not required;
- Working knowledge of recent developments in state and federal case, statutory, and regulatory law related to the interests of Legal Aid's clients;
- Excellent organizational, cross-cultural communication skills;
- Proficient at the use of technology including, but not limited to: word processing, spreadsheets, internet-based programs, and computer-based legal research;
- Excellent written and communication skills;
- Ability to work constructively with others;
- Excellent management and leadership skills;
- Ability to work effectively as part of a team and independently;
- Able to establish effective working relationships with a variety of individuals;
- Organized, able to prioritize work, plan and problem-solve, meet deadlines and work well under pressure;
- Skills and experience in interacting with persons of various social, racial, cultural, economic, and educational backgrounds;
- The ability to speak more than one language is a plus, but not required.

Classification:

Classified as an exempt employee.

Salary:

\$75,582.72 to \$111,670.09/year, depending on experience.

Benefits include 14 paid holidays, vacation leave, sick leave, health insurance, dental insurance, vision insurance, life Insurance, AD&D Insurance, IRA, and travel reimbursement.

To Apply:

Please send a cover letter, resume, and references to:

Melissa Frericks

Program Administrator

East River Legal Services

335 North Main Avenue, Suite #200

Sioux Falls, SD 57104

Melissa@erlservices.org

Submission Deadline: Open until filled

- conducting client interviews and maintaining general contact with clients under the supervision of an attorney.

This is a full-time position with the Department of Education - Legal Office. For more information on the Department of Education, please visit <https://doe.sd.gov/>.

Must apply online: <https://sodakprod-lm01.cloud.infor.com:1443/lmg/hr/xmlhttp/shorturl.do?key=P3L>

Staff Attorney – Fort Thompson

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

Legal Assistant- Pierre

Job ID: 26309

Agency: Department of Education

Location: Pierre

Salary: \$22.06 - \$27.56 per hour, depending on experience

Pay Grade: GH-H

Closing Date: Open Until Filled

The Department of Education - Legal Office is looking for a Legal Assistant!!

This position works in a typical office environment with a Monday through Friday, 8 a.m. – 5 p.m. (40 hours/week), schedule. Duties include:

- conducting legal, statistical, and documentary research and investigations;
- locating and interviewing witnesses;
- reviewing and summarizing legal documents (i.e. depositions, witness statements, pretrial discovery documents, and exhibits and evidence for hearings or trials);
- drafting legal documents, correspondence, and pleadings;
- attending depositions, court or administrative hearings, and trials;
- organizing and indexing trial or hearing materials;
- drafting orders, subpoenas, motions, and briefs;
- assembling and compiling charts, exhibits, and reports; and

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: Starting at \$60,000 plus, depending on experience. Staff work a 4-day work week, and DPLS has an excellent fringe benefits package 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 489, Mission, SD 57555, (605) 856-4444, tmortland@dpls.org.

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Deputy State's Attorney – Hughes County

Full-time permanent position now open for a Deputy State's Attorney in the Hughes County Office of the State's Attorney in Pierre, South Dakota.

The Hughes County State's Attorney's Office is looking for a criminal attorney to handle lower-level felony and juvenile cases, present those cases for legal proceedings, perform legal research, and prepare, draft and file legal documents and correspondence. Additional responsibilities include but are not limited to: covering other felony and misdemeanor hearings when required, advising local law enforcement agencies, dealing with juvenile justice issues, providing information to victims and witnesses and helping to fulfill the statutory responsibilities of the office.

Applicants must be able to: manage a large case volume and respond quickly and effectively to changing circumstances; speak and write effectively; establish and maintain effective working relationships with coworkers, other agencies, and the public; maintain professional appearance and demeanor.

Minimum Qualifications: Applicants must possess a J.D. and be an active member in good standing of the State Bar of South Dakota or be admitted within one year of hiring.

Preferred Qualifications: One or more years' experience in criminal law is highly preferred but will consider all applicants.

Hughes County offers a comprehensive benefits package for employees including health and dental insurance, participation in the SD Retirement System, and paid time off. Salary range is \$72,580.31 to \$92,069.17 and is determined in part based on years of professional experience.

Please send a resume and cover letter to Casey Jo Deibert, Hughes County State's Attorney, 104 E. Capitol, Pierre, SD 57501. Resumes and cover letters will also be accepted via email at casey.deibert@co.hughes.sd.us.

Posting to remain open until the position is filled. All inquiries are confidential. Hughes County is an Equal Opportunity Employer.

Staff Attorney – Mission

Are you passionate about racial justice and holistic legal advocacy? Join our team, and make a long-term impact!

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our Mission, South Dakota, branch office. The Mission office serves the counties of 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 regular appearances in court; and must demonstrate an interest in poverty law and working with Native American and low income clients.

SALARY: Starting at \$60,000 plus, depending on experience. Staff work a 4-day work week, and DPLS has an excellent fringe benefits package 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 489, Mission, SD 57555, (605) 856-4444, tmortland@dpls.org.

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Associate Judge – Lower Brule

The Associate Judge is responsible for fairly and impartially hearing and deciding cases and matters within the jurisdiction of the Lower Brule Sioux Tribal Court pursuant to the LBST Tribal Code of Justice.

Duties & Functions:

1. Adjudicates criminal, civil, and juvenile cases as

assigned by the Chief Judge.

2. Hears cases, makes evidentiary rulings, reviews pleadings and issues final orders, judgments, and decisions. Conducts legal research and issues timely decisions.
3. Prepares, issues and/or submits reports, letters, memorandum, and similar types of correspondence and communications with the Chief Judge, court personnel, litigants, parties to cases, attorneys, and LBST tribal administration personnel.
4. Issues orders, judgments, decrees, minute entries, summonses, subpoenas, search warrants, bench/arrest warrants arrest and other lawful orders of the court.
5. Assist with the development and implementation of appropriate policies, procedures, court forms and grant applications as directed and/or authorized by the Chief Judge.
6. Performs other duties that may be assigned by the Chief Judge.
7. The listed functions are illustrative only and are not intended to describe every function which may be performed in the job level.

Required Skills and Abilities:

1. Ability to read and analyze, interpret and apply in written form the LBST Tribal laws.
2. Use Microsoft Windows operating system, Microsoft Office Suite and other computer software.
3. Conduct effective legal research.
4. Exercise sound legal judgment in rendering legal opinions, reports and interpretation of facts and law.

Qualifications:

1. Must be a graduate of ABA accredited law school and a member in good standing of the South Dakota Bar Association.
2. Must possess knowledge of LBST laws, court rules and procedures, and applicable federal statutes such as the Indian Civil Rights Act (ICRA), Indian Child Welfare Act (ICWA), Violence Against Women Act (VAWA), and Tribal Law and Order Act.
3. Must have the ability to understand and apply the laws and rules of the LBST Tribe with

impartiality; excellent verbal and written communication skills.

4. Excellent interpersonal skills with demonstrated patience, tact and respect.
5. Ability to effectively establish priorities and meet deadlines.

Education & Experience Requirements:

1. Law degree from ABA accredited law school.
2. Member in good standing of the South Dakota State Bar Association.
3. Knowledge or experience with Indian Law and/or working with tribal communities.

Salary: Negotiable, depending on experience

Closing Date: May 20, 2024

Applications shall be in writing, to include a professional resume, legal qualifications and any other submissions at the option of the applicant. Native American preference applies. Contact Chief Judge Lorrie Miner at Lower Brule Tribal Court if you have any questions and please submit application materials to lorrieminer@lowerbrule.net

HIRING?

*Find out how you can post
your open positions here!*

Email: tracie.bradford@sdbar.net

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.**

UPCOMING EVENTS

APRIL 16, 2024

APRIL LAW FOR LUNCH - PARTNERSHIP PROGRAM WITH CPCM

Zoom

MAY 2, 2024

FAMILY LAW CLE

The Box Event Center, Box Elder

MAY 2, 2024

CRIMINAL LAW CLE

The Box Event Center, Box Elder

MAY 21, 2024

MAY LAW FOR LUNCH

Zoom

JUNE 12-14, 2024

ANNUAL CONVENTION

Ramkota Hotel & Convention Center, Pierre