

State Bar of South Dakota

Newsletter

2024 | ANNUAL
CONVENTION

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

JUNE 2024

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June 14th ANNUAL 2024 BUSINESS MEETING Live Stream

To register for the Business Meeting via Zoom, click [here](#).

PLEASE NOTE: Only active members attending in person can vote. We will do our best to ensure that online participants can view and hear the meeting, but audio and video constraints may limit the quality of the online viewing experience.

State Bar of South Dakota

June 2024

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PRESIDENT'S CORNER



Heather Lammers Bogard

What a year! I have immensely enjoyed serving the State Bar of South Dakota. The role of President has been a terrific diversion from the practice of law. Being surrounded by positive people striving to improve the practice of law has invigorated and inspired me.

I have many to thank. First, Paul Cremer and the Bar staff: Kylee Alfrey, Tracie Bradford, Nicole Ogan, Becky Porter, and Carrie Gonsor Sanderson. Paul, my former classmate, is the consummate leader. He is truly a kind person with a thoughtful perspective. He works hard, leading by example. His staff, along with Denise Langley from A2J, do the work of a dozen people and do so with smiles and even a few laughs. It's been a wonderful experience working with all of them.

Beyond the staff, the members of our Bar have been incredibly supportive and optimistic. Even when addressing difficult issues, members have approached Bar leaders with professionalism and civility. Included in our membership, of course, are your Bar Commissioners. All of the Commissioners have demanding obligations outside of their duties on the Commission, yet take time to carefully consider the issues before us. Their insight has been invaluable and the amount of time that they contribute to the Bar is commended.

Speaking of volunteers, without the countless hours of members who donate their time to the Bar, we would not have the same benefits and resources. Our volunteers include, but certainly are not limited to, those who offer their time to Lawyers Concerned for Lawyers, Disciplinary Board, Judicial Qualifications, and the many other Bar committees and commissions. We also provide our communities with free and/or reduced rate

legal services, thanks to those of you who handle pro bono cases. Hats off to all of you.

Last, but certainly not least, thank you to my work family and “real” family. There was no hesitation from my partners, the associates, and staff at Costello Porter Law Firm when I advised of my intent to take on the role of State Bar President. They have all been incredibly supportive. I appreciate all of them. As to my “real” family, when my son, Kjellen (who just finished his second year of college), heard that I considered running for President, he advised that it was a good idea, because I “needed more to do once he left home.” He must have forgotten that his sister, Breon (who just graduated from high school), was still at home and would be occupying a significant portion of my time. I'm quite certain my husband, Jay, enjoyed when I was away from home due to Bar duties, allowing him more free time to play golf, watch golf, and even think about golf at any moment he wasn't working. All jest aside, they are the bright light in my life. Without their support, I would be nothing.

In addition to saying farewell, I am acknowledging June as Dementia Awareness Month. My Dad suffered from dementia toward the end of his life, making me acutely aware of the severity of the disease, as well as its complications. Dementia affects millions of people worldwide, impacting not only the person with the disease, but his/her family and friends. My mom was a champion, caring for my Dad until the very end.

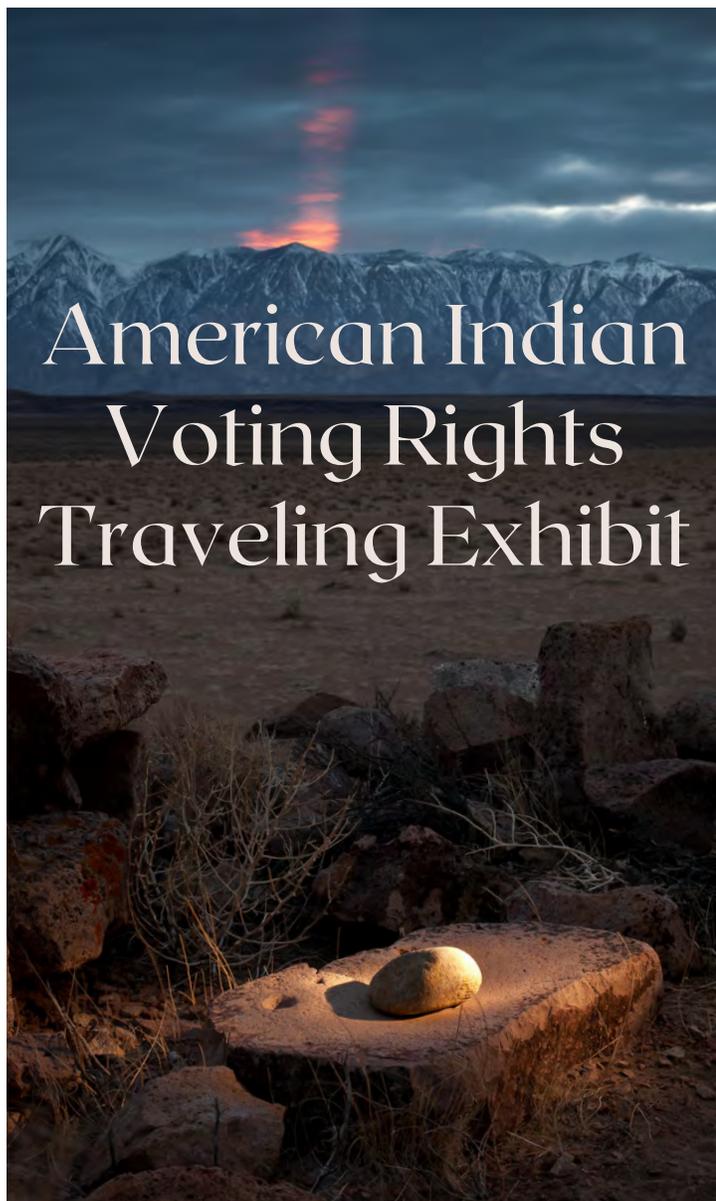
Legal professionals play a vital role in assisting clients with dementia to plan for their future healthcare and financial needs. By providing guidance and support in creating advance directives and powers of attorney,

we can help ensure that their wishes are honored and their interests protected. Lawyers can also help prevent financial exploitation and abuse of individuals with dementia. By raising awareness about the signs of financial exploitation and providing resources for protection, we can work towards safeguarding the rights and assets of vulnerable individuals.

I must take my last opportunity to push my “agenda” for the year please promote civility among your peers. “Unfortunately, civility is hard to codify or legislate, but you know it when you see it. It’s possible to disagree without being disagreeable.” United States Supreme

Court Justice Sandra Day O’Connor. “We see a decline of civility, and, sadly, it’s often modeled by the very people from whom we have the least right to expect it.” Max De Pree. As a legal professional, be a true leader with the confidence to act with utmost civility with all that you do. Let’s restore our honored profession to the highest level.

Good luck to Sarah Sharp Theophilus as the next President of the State Bar of South Dakota. Sarah, you will be phenomenal!



The State Bar will host a traveling exhibit regarding American Indian voting rights during the Annual Convention.

The exhibit will be displayed in the hallway of the Ramkota on the afternoon of Wednesday, June 12, and on the morning and afternoon of Thursday, June 13.

Please plan to visit the traveling exhibit.

Thank you to the Indian Law, Women in Law, and Diversity and Inclusion Committees for their support and financial sponsorship of the exhibit.



STATE BAR OF SOUTH DAKOTA
Younge Lawyers Section

Kelsey Blair
YLS President



Happy June! The State Bar Convention is upon us and the Young Lawyer Section is excited to be hosting, and participating in, several events this year.

- Awards Luncheon: The Young Lawyer of the Year award will be presented at this year's inaugural Awards Luncheon on Wednesday, June 12.
- Speed Networking: From 4:00-5:00 p.m. on Wednesday, following the AI CLE, please join us for our annual Speed Networking Event.
- YLS Annual Business Meeting: Immediately following Speed Networking, the YLS will hold our Annual Business Meeting. This year, the even number circuits are up for election, along with the President-Elect and Secretary/Treasurer positions. If you have not already submitted your intent to run for one of these open spots, nominations can be made from the floor during the business meeting.
- "Pretrial Conference": Formerly "Legalpalooza," this event will take place prior to the "Not a Black Tie Affair." Beginning at 5:15, join us for an opportunity to network and socialize.
- Tabling for Hagemann-Morris Mentorship Program: Throughout the Convention, be on the look out for the YLS table where we will have information about our mentorship program and you can sign up if you are interested in being paired with either a mentor or a mentee.

I look forward to seeing so many of you at the Convention this year, and I would encourage you to participate in all of the above events.

As I conclude my tenure as President of the Young Lawyer Section, I am filled with a profound sense of gratitude and pride. I have served on the YLS board for the last 5 years and have seen such an immense amount of growth within the Section. It has truly been an honor to serve and contribute to the development and success of the various YLS ventures over the years.

I want to extend my sincere thanks to the YLS board members I have had the pleasure of serving with, the leaders who came before me, and those that are slated to take over the reigns. This year's board members have gone above and beyond in all aspects, dedicating countless hours to YLS projects and programs. Those members are: Chelsea Wenzel, Tony Teesdale, Derrick Johnson, Brooke Schmidt, Stacia Jackson, Spencer Prosen, Rebecca Ronayne, Rachelle Norberg, Lora Waeckerle, Mae Pochop, and Taylor Bushelle. And, a special shoutout to the staff at the State Bar for all of your help and assistance throughout the years – I know every member of our Board has benefited from your knowledge and assistance. Your tireless effort to support all State Bar sections and committees does not go unnoticed.

To the State Bar members across the state that have

attended and supported our projects and events, your dedication, enthusiasm, and commitment to the Section is so greatly appreciated. And to the mentors and members of the State Bar that have shared your time and knowledge with young lawyers throughout the State, whether by teaching a CLE or taking on a mentor through the Hagemann-Morris Mentorship Program, your guidance, wisdom, and encouragement has been invaluable. Together, the board, members, and mentors have fostered a stronger, more connected network of young legal professionals. I can't wait to see what comes next!

I would also like to thank my boss, mentor, and friend, Lara Roetzel. Lara has been a steady rock and guiding force in my life and career for 7 years now. Her unwavering dedication to the practice of law and growth of our profession has been an inspiration. She

has always encouraged me, and other young attorneys, to be active in the State Bar and in our community. I am so grateful for her impact and influence.

Finally, I want to take a moment to thank my husband, Steve. Your unwavering love, encouragement, and support has allowed me to chase dreams and grow in ways I never imagined. I am endlessly grateful for your presence in my life and for all the ways you make each day better than the last. And to my daughter, Vivian – words could never express the joy and purpose you have brought to my life.

And now, I turn things over to my friend and current President-Elect, Chelsea Wenzel. I am confident the Section is a great hands. I know she will continue to do wonderful things for the growth and support of young lawyers across the State.



Fellows of the South Dakota Bar Foundation

Sustaining Life Fellow - \$50,000 plus

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Fellows of the South Dakota Bar Foundation

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

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- 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

I often get asked by lawyers and nonlawyers alike, “do you have summers off?” Or they ask, “what do you do all summer?” The question that they are really asking is what happens at the law school during the summer months?

As important as these monthly updates are, I think most people have a good picture of what happens during the school year. We know that there are classes and tests, job interviews, speakers and student events, participation in larger student life on campus, and the other day-to-day activities of the school year. What happens during the summer is a bit more of a mystery. In my own mind before I became dean, I think I had some picture of what it must be like to be Mickey Mouse when Disneyland is closed. I certainly didn't know. So, as summer begins in earnest, I want to dedicate my column this month to sharing a bit more detail about what you will find happening at the law school during the summer.

First, you will not find students and faculty in the classrooms. We do not currently offer in person summer classes, which is a shift from the past. Students now emphasize internship placements for the summer. That is not to say that students are not teaching or taking classes, however. Many students obtain academic credit for summer placements by enrolling in externships with Professor Nash. Additionally, some students take classes elsewhere on campus, particularly if they are enrolled in concurrent degree programs like the JD/MBA. Lastly, some students take classes from other institutions; the biggest share of these enrollments are from students participating in foreign exchange classes posted through

other law schools. So, while you will not find classrooms regularly occupied in the summer months, you will find students engaged in classes that uniquely fit to the more open-ended schedule of summer.

It is important to note another significant exception. Professor Mike McKey leads our Academic Excellence and Bar Preparation program. Teaching in this area is at its most intense during the summer. While much of the substantive review is now provided through on demand videos, Professor McKey is consistently teaching and tracking students. He fields questions on test-taking skills, substantive law, the mechanics of the exam, and all things bar exam. An online program gives him a lot of data about student progress, so Professor McKey dedicates a lot of time to individual consults with students about their progress, where they can improve their performance, and managing their time and expectations. This is vital work and Professor McKey does it well. Thank you, Mike.

While most faculty are not teaching during the summer, that does not mean that they are not active. Just like it allows students to take a different focus, summer months provide flexibility for faculty to focus on other aspects of their work. A primary focus is scholarship because the summer gives faculty the uninterrupted time for research and writing that is necessary to do that work well. We see those results in the months that follow in law journals across the country. This year, three faculty members have book projects at or near completion that are wrapping up the summer. The work on scholarship that faculty do during the summer informs their

teaching, provides opportunities for students to do research assistant work, and raises the profile of the law school.

Along with scholarship, summer is the time for faculty to reassess and revamp their classes. We all know that the law is not static. Faculty need to adjust their classes to be in step with the latest developments in substantive law. Additionally, faculty continue to incorporate new methods of instruction to keep students engaged, improve the efficacy of their teaching, and prevent classes to become stale. The foundational work on instruction sets our classrooms up for success when classes begin in the fall. It also allows more time for faculty to engage with students when classes begin that dedicating that time to prepare classes on the fly.

Given fewer people are in the building, summer also provides the best time for us to do the most significant and necessary work to our facilities. The reality is that it is disruptive to paint, replace carpet, and make other repairs while faculty are teaching and students are studying. So, we try to squeeze as much of the maintenance and repair work as possible into the summer break. And, if you've followed my social media postings in recent years, it has also allowed us to undertake a comprehensive renovation of the law school. We have a good building, but a lot of renovation had been deferred since it opened in 1981. So, in each of the last four summers, we've undertaken a complete renovation of some part of the building. This summer it is the faculty suite and main level of the library. This level of work is just incompatible with a fully occupied building, so summer is it's time. And that time is short—we start immediately after graduation and hustle to be done by orientation. I have to tip my hat to Brian Limoges and the rest of the USD Facilities Department, along with our contractors, who have done such great and expeditious work on this front.

Many employees of the Law School are here all year. The dedicated staff of the Law School put summer to necessary work. It amazed me during my first year, but planning for orientation begins pretty quickly after our graduation ceremony. Admitted students are having their information entered, scholarships are being assigned, class assignments and schedules are circulated, syllabi are updated and posted, and all the other background work for the coming academic year is done over the summer. In a great and terrifying way,

once the academic year begins it has a lot of inertia. We dedicate a lot of time in the summer making sure that we have it lined up correctly as a result.

For me personally, I have a bit more time to get out and see alumni and friends. I hope to see many of you at the bar convention and regional alumni events. The input and reinforcement I receive from those meetings informs what we do here, so thank you all for taking the time to offer it. Summer also provides more control over my schedule as I am less on call for students and faculty. I try to structure my time to make time to read, think deeply about issues facing the legal profession, do some writing of my own, and prepare those major initiatives I hope to work through in the upcoming academic year. It is easier to get where you are going if you start with a map.

Lastly, I am grateful to see everyone in the Law School community take some summer time for themselves and the people in their lives. We do our best work when we are healthy; being healthy means taking time to rest and refresh. So yes, summer at the Law School includes people being away to hike and camp, go fishing, family reunions, watching kids play baseball, join friends for a long lunch, and do all the things we love outside the Law School. I hope each of you takes some time for yourself this summer as well.

While the schedule is different during the summer, any day is a good day to stop by the Law School and say hello. If you are in Vermillion this summer, please take time to stop by. We'd love to share a little bit of our "offseason" with you!

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JUSTICE SQUAD

THANK YOU TO THE FOLLOWING ATTORNEYS THAT ACCEPTED A PRO BONO OR REDUCED RATE CASE IN JUNE OR JULY FROM ACCESS TO JUSTICE, INC.! YOU ARE NOW A MEMBER OF THE A2J JUSTICE SQUAD - AN ELITE GROUP OF SOUTH DAKOTA LAWYERS WHO ACCEPT THE RESPONSIBILITY TO DEFEND JUSTICE, UPHOLD THEIR OATH AND PROVIDE LEGAL REPRESENTATION TO THOSE WHO NEED IT.

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



1. Click on the ATTORNEY REGISTRATION tab.
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.

MARY AKKERMAN
 MARY ASH
 ANONYMOUS ATTORNEY
 ALAYNA HOLMSTROM
 JOHN HUGHES

Special Thanks to:

ADAM ALTMAN
 PAUL CREMER
 JOSEPH HOGUE
 STEVE HUFF
 DENISE LANGLEY
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 JAMES TAYLOR

For Your Help on SDFLA!

VOLUNTEER

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

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

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TO JUNE 10TH!!

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**

**REGISTER
HERE**



TOURNAMENT OPEN TO ALL BAR MEMBERS
INCLUDING JUDICIARY, SPOUSES/PARTNERS,
COURT REPORTERS, & LAW STUDENTS

WINNING TEAM WILL RECEIVE
LEGENDARY BRAGGING RIGHTS
& A CHAMPIONSHIP TROPHY

ANNOUNCEMENTS

Den Herder Law Firm
is excited to announce that

Lindsay J. Hovden

&

Beau C. Barrett

have been promoted to partner in 2024.

The firm will now operate as



Den Herder, Hovden, & Barrett
329 Broadway Ave
Yankton, SD 57078

Telephone: (605) 665-0494

Email addresses have changed to:

ross@dhbattorneys.com

lindsay@dhbattorneys.com

beau@dhbattorneys.com

Website: dhbattorneys.com

Bangs McCullen Law Firm
announces that attorney

Victoria Duehr

from the Sioux Falls office, is available
for Mediations.

To schedule, email her at
vduehr@bangsmccullen.com or
call 605-339-6800.

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)
Margo Julius (605-721-7337)

2024 FALL FORUM

SAVE THE DATE

MAKE PLANS TO JOIN US ONLINE OR IN THE BEAUTIFUL BLACK HILLS, DEADWOOD SD.

OCT 17 & 18, 2024



REGISTRATION OPENS IN JULY!

sdtrustassociation.org



SAVE THE DATE

FALL OCI DATES:

- August 28-30 OCI Round 1
- September 27 South Dakota Law Review Symposium & Stay in South Dakota Career Fair
- October 24-25 OCI Round 2
- November 13 Black Hills Virtual Networking Event

Register [HERE](#) for the Black Hills Virtual Networking Event.

Register [HERE](#) for Fall OCI events.

Accessible and affordable housing is a common barrier to student placements. If you are a bar member willing to host an intern, please fill out [this form](#).



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UPCOMING LIVE WEBINARS

Free to all Bar Members!



The Power of Listening

June 12, 2024
1:30 pm EDT - 2:30 pm EDT
[Register for this Webinar](#)



Fostering Collaborative Excellence: Unlocking the Power of Civility for Team Dynamics

June 27, 2024
12:00 pm EDT - 12:45 pm EDT
[Register for this Webinar](#)

Notice

Mandatory CLE Study Committee Presentation

State Bar Business Meeting

June 14, 2024

UJS leadership met with the Bar Commission on November 1, 2023, and requested the State Bar to consider whether South Dakota should implement mandatory CLE requirements. State Bar President Heather Lammers Bogard formed a committee consisting of the Hon. Mark Salter, Hon. Julie Dvorak, Hon. Craig Pfeifle, Heather Lammers Bogard, Kristen Edwards, Dean Neil Fulton, Rory King, Jessica Larson, Pamela Reiter, Carrie Sanderson, Sarah Sharp Theophilus, Jamie Simko, Jason Sutton, Colleen Zea, and Paul Cremer.

The Mandatory CLE Study Committee met on February 5, 2024, and drafted a survey that was disseminated to State Bar members via email dated February 20, 2024.

1122 State Bar members responded to the survey, which constitutes a response rate of 43% of all members, or 56% of active members. The Committee reviewed the survey results, member comments, and research that has been provided by the USD Knudson School of Law. ([Please click here to view the Mandatory CLE Questionnaire results and click here to view a summary of information](#))

The Committee will discuss comments and concerns raised by survey respondents at the State Bar Business Meeting on June 14, 2024, at the Ramkota in Pierre. Please note that members will not be asked to vote on mandatory CLE issues at this meeting. This is an informational presentation only. The Committee will continue to review mandatory CLE issues and the Committee is planning to draft recommendations in August or September 2024. If the Committee recommends the implementation of mandatory CLE requirements, then more specific proposals will be drafted. State Bar members will likely have the opportunity to vote on specific proposals at the Business Meeting scheduled for June 2025 in Rapid City.

Please plan to attend the June 14, 2024, Business Meeting to learn more about the work of the Mandatory CLE Study Committee. Thank you.

BRAD SCHREIBER MEMORIAL & POKER RUN

Pierre, SD



June 13, 2024 - 4 PM

SDTLA will have busses for participants that will leave the Ramkota parking lot in Pierre at 4 PM.

**Pre-registration is required to assure
your spot on a bus!**



*All members of the
legal community are
invited to attend.*

Please contact Linda Sue Stevens at
SDtriallawyersassoc@gmail.com with questions.

Registration deadline: June 9, 2024

PROPOSALS / RESOLUTIONS TO BE CONSIDERED AT THE STATE BAR
ANNUAL BUSINESS MEETING ON FRIDAY, JUNE 14, 2024
RAMKOTA CONVENTION CENTER & HOTEL, PIERRE, SOUTH DAKOTA

Proposal 1, from the State Bar of South Dakota Ethics Committee:

The ABA modified Rule 1.8(e) of the ABA Model Rules of Professional Conduct to add a third exception to the general rule that a lawyer shall not provide financial assistance to a client.

The State Bar of South Dakota Ethics Committee agrees with the ABA modifications, and the Ethics Committee also recommends some additional variations from the ABA modification - the State Bar of South Dakota Ethics Committee variations are highlighted in gray, below. The additional modifications clarify that the permitted financial assistance should be limited to only that which facilitates the representation to avoid ongoing financial or personal entanglement between the lawyer and the client.

Thus, the State Bar of South Dakota Ethics Committee is recommending that the proposed amendments to Rule 1.8(e) of the South Dakota Rules of Professional Conduct, below, be approved by a vote of the State Bar membership, and if so approved, that the amendments be presented to the South Dakota Supreme Court for their consideration and potential adoption via the Supreme Court rules process.

The South Dakota Rules of Professional Conduct currently state:

Rule 1.8. Conflict of Interest: Current Clients, Specific Rules

....

(e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:

- (1) a lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; and
- (2) a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client.

The proposed amendments to the South Dakota Rules of Professional Conduct are as follows:

Rule 1.8. Conflict of Interest: Current Clients, Specific Rules

....

(e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:

- (1) a lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; ~~and~~
- (2) a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client; and

(3) a lawyer representing an indigent client pro bono, a lawyer representing an indigent client pro bono through a nonprofit legal services or public interest organization and a lawyer representing an indigent client pro bono through a law school clinical or pro bono program may provide modest gifts to the client for food, rent, lodging, transportation, medicine and other basic living expenses and other expenses incidental to the representation. The lawyer:

(i) may not promise, assure or imply the availability of such gifts prior to retention or as an inducement to continue the client-lawyer relationship after retention;

(ii) may not seek or accept reimbursement from the client, a relative of the client or anyone affiliated with the client; and

(iii) may not publicize or advertise a willingness to provide such gifts to prospective clients.

Financial assistance under this Rule may be provided even if the representation is eligible for fees under a fee-shifting statute.

Comments:

[11] Paragraph (e)(3) provides another exception. A lawyer representing an indigent client without fee, a lawyer representing an indigent client pro bono through a nonprofit legal services or public interest organization and a lawyer representing an indigent client pro bono through a law school clinical or pro bono program may give the client modest gifts. Gifts permitted under paragraph (e)(3) include modest contributions for food, rent, lodging, transportation, medicine and similar basic necessities of life and other expenses incidental to the representation. If the gift may have consequences for the client, including, e.g., for receipt of government benefits, social services, or tax liability, the lawyer should consult with the client about these. See Rule 1.4.

[12] The paragraph (e)(3) exception is narrow. Modest gifts are allowed in specific circumstances where it is unlikely to create conflicts of interest or invite abuse. Paragraph (e)(3) prohibits the lawyer from (i) promising, assuring or implying the availability of financial assistance prior to retention or as an inducement to continue the client-lawyer relationship after retention; (ii) seeking or accepting reimbursement from the client, a relative of the client or anyone affiliated with the client; and (iii) publicizing or advertising a willingness to provide

gifts to prospective to clients beyond court costs and expenses of litigation in connection with contemplated or pending litigation or administrative proceedings.

[13] Financial assistance, including modest gifts pursuant to paragraph (e)(3), may be provided even if the representation is eligible for fees under a fee-shifting statute. However, paragraph (e)(3) does not permit lawyers to provide assistance in other contemplated or pending litigation in which the lawyer may eventually recover a fee, such as contingent-fee personal injury cases or cases in which fees may be available under a contractual fee-shifting provision, even if the lawyer does not eventually receive a fee.

Proposal 2, from the State Bar of South Dakota Practice Rules Revision Committee:

The State Bar of South Dakota Practice Rules Revision Committee is proposing a new Rule regarding the submission of Orders and Judgments.

The Practice Rules Revision Committee recommends that the new Rule be placed in SDCL Chapter 15-6, as part of SDCL 15-6-58, which concerns the entry of Judgments and Orders. The Committee further recommends that the existing Rule found at SDCL 15-6-58 be renumbered as SDCL 15-6-58(a), and this new Rule be labeled SDCL 15-6-58(b).

Thus, the Practice Rules Revision Committee is recommending that the proposed new Rule, below, be approved by a vote of the State Bar membership, and if so approved, that the new Rule be presented to the South Dakota Supreme Court for their consideration and potential adoption via the Supreme Court rules process.

SDCL 15-6-58 currently states:

15-6-58. Entry of judgment and orders--Effective date.

Subject to the provisions of § 15-6-54(b), judgment upon the jury verdict or upon the decision of the court, shall be promptly rendered. Every judgment shall be set forth on a separate document. A judgment or an order becomes complete and effective when reduced to writing, signed by the court or judge, attested by the clerk and filed in the clerk's office. The clerk, immediately after the filing of any judgment, shall docket the same as provided by law. Judgments of divorce pursuant to chapter 25-4 and judgments of foreclosure pursuant to chapter 21-47 or chapter 21-48 shall be docketed by the notation "see file." Entry of the judgment shall not be delayed for the taxing of costs.

The text of the proposed new Rule is as follows:

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.

CLASS OF 1999 25 YEAR REUNION



**June 12, 2024
S.D. State Bar Convention
Ramkota Hotel
Pierre SD**



**5:00 p.m. meet in River Run Bar
(bar inside the Ramkota)**

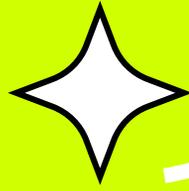
**6:00 p.m. gather at the State Bar’s official Wednesday night
social gathering “Not a Black Tie Affair“ in the Ramkota.**

The Class of 1999 will have our own reserved space within this event.

**You must RSVP for “Not a Black Tie Affair“ when registration
opens for the 2024 Bar Convention.**

Can't make it to Pierre for the Annual Convention?

Live



Stream



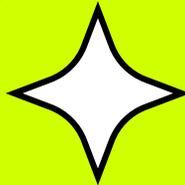
Generative AI - Wednesday at 1pm

Legal Potpourri Tracks 1 or 2 - Thursday at 8:30 am

Public Sector/Government or Indian Law - Thursday at 1 pm

Bar Exam Study Information Session - Thursday at 4 pm

**Sign Up to
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The State Bar of South Dakota

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The South Dakota Court Reporters Association

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programs.

Join Us For Our Annual

"NOT" A BLACK TIE AFFAIR

A NIGHT OF FUN AND CELEBRATION!

Wednesday, June 12th

6:00 PM CST

Ramkota Hotel & Convention Center

Pierre, South Dakota

Join us as we celebrate some amazing accomplishments and milestones. Heavy Hors d'oeuvres will be provided!



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 Klinkner**, 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 Engel 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

Brought to you by the State Bar of South Dakota and the Committee on Continuing Legal Education

JUNE 13 2024 STATE BAR CONVENTION RAMKOTA HOTEL-PIERRE SD

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

Join us for

**LIVE MUSIC FROM THE
SIDEHACKERS!**

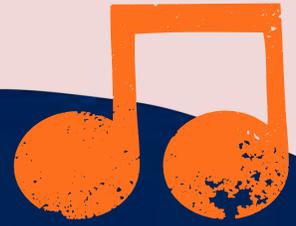
**A VARIETY OF FOOD
TRUCKS!**

**COLD DRINKS &
MUCH MORE!**



BYOC

Bring Your Own Chair



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

Robert Houck

Frank Stickney

Paul Van Buren

James Wosepka

*Red Mass

*St. John's Catholic Church
206 Main Ave., Fort Pierre
7:00 a.m., Thursday, June 13, 2024*

All are cordially invited to attend.

The Red Mass dates from the Middle Ages—as early as 1307, during the reign of Edward I of England. Its purpose, then as now, is to invoke divine guidance and strength for lawyers, judges, and civic leaders. During the Middle Ages, the English legal year was divided into four terms of court, each of which was celebrated with a Red Mass. In time, the custom evolved into one of such celebration held traditionally near Michaelmas (September 29), the season at which the courts, Parliament and universities all began their official activities of the year.

Ecclesiastical traditions called for red vestments to be worn by the priests celebrating the mass, described as a Votive Mass of the Holy Spirit. In the time of Edward I, twelve judges of the High Court sat at the King's Bench at Westminster. As befit their position and academic station, they too wore scarlet robes. Rounding out the assembly were the university professors, with the doctors among them wearing red academic gowns. Thus was born the name “Red Mass.”

After the first Red Mass in the United States was celebrated in New York City in 1928, the practice spread to Boston, Chicago, New Orleans, and San Francisco. Perhaps the most well-known celebration in this country is held in Washington, D.C., where it is attended by the President of the United States, the Chief Justice of the Supreme Court, members of Congress, judges, diplomats, and lawyers.

**This function is not sponsored by the State Bar.*



2024

Bench/Bar Social

*June 13, 2024
5:00 PM*

*Gallery D
Ramkota Hotel, Pierre*

*Hosted by the South Dakota
Bar Foundation,
the South Dakota
Community Foundation,
and
The University of South Dakota
Foundation*





How to Build and Maintain Effective Attorney-Client Relationships

A number of years ago I had an interesting conversation with a lawyer who had missed a statute of limitations filing deadline on a significant matter. He shared that after informing his client of the misstep, the client's family responded by stating they would never dream of filing a malpractice claim and they never did. The interesting part of this story is this client's family continued to bring additional work to the firm after the misstep. So, why would someone not only choose to accept a sizeable loss after learning their lawyer blew a critical deadline, but continue to bring additional work to the firm?

We were both in agreement that this outcome had everything to do with how well this lawyer had managed the attorney-client relationship with various family members over the years. From that day forward I have

never forgotten how important managing the attorney-client relationship really is. When managed extremely well, even if an unfortunate legal misstep were to occur, a lawyer can find that they have been forgiven. As I see it, that's powerful stuff!

I imagine some of you are wondering how he did it. In short, he was genuine in his desire to get to know, take care of, and communicate with his clients. That's it. That's all it took. Now, understand in my world mistakes such as failing to obtain client consent, to keep the client informed, to provide sufficient information to allow the client to meaningfully participate in the decision-making process, and to follow the client's instructions are all too common. I can also share that even when attorneys have obtained a decent outcome for their clients, we still sometimes see claims because

the outcome wasn't satisfactory to the clients given how they were treated during the course of representation.

Failing to establish and maintain an effective attorney-client relationship with any given client will have consequences. Of course, these consequences won't always result in a malpractice claim, but there will be consequences none-the-less. It could be a lost opportunity for referrals, a negative online review, losing out on repeat work, bad-mouthing your firm to client friends and family; and the list goes on.

The good news is that many of the client relationship errors we see can be avoided by adopting a simple, commonsense approach to working and communicating with clients. If you feel you could benefit from making a few changes, here are a few ideas that can help in your efforts to build and maintain effective attorney-client relationships.

- **Establish and Maintain Clear Communication Channels** – The cornerstone of an effective attorney-client relationship is clear and consistent communication. Establish communication protocols from the get-go. Identify preferred methods of communication (e.g. texting, email, phone calls, in-person or virtual meetings), determine the frequency of updates, and set expectations regarding response times. Then make sure you follow through! You might also consider providing a direct line of communication with you as a way to foster transparency and trust.

Of course, at a minimum, this means you will need to do the following: Promptly respond to all client inquiries, provide regular updates and progress reports, timely report negative information, and always be on time with client appointments. When forwarding documents or correspondence, provide an explanation as to the meaning and purpose of what you have sent. If an unforeseen delay arises, provide an explanation to your client as soon as possible. Tell them the reason for the delay and provide a revised expected completion date. Be sure to bill your clients regularly and provide sufficient detail to enable the client to completely understand all charges. Taking steps like these reassures clients that their matter is being

actively pursued, thereby allowing them to take comfort in knowing their matter is in good hands.

- **Actively Listen to Your Clients** – Remember who has hired who. When you take the time to emphatically listen to your clients you are demonstrating respect and enabling them to feel they have been heard.

Take time at the beginning of the attorney-client relationship to clearly identify the client's goals or objectives because clients don't always wish to pursue litigation or cut the best deal. Learn what the true problem is. Ask questions. Consider and propose alternative directions or solutions. Let your clients participate in the decision-making process and feel some control in resolving their legal issues.

Again, you are in their employ. Trying to determine how you can best meet your clients' needs should be a never-ending priority. I would also encourage you to ask for and be receptive to receiving constructive feedback from clients throughout the course of representation. This can be a great way to demonstrate your commitment to delivering exceptional service. Think about it this way. The more you learn, the better you become.

- **Set Realistic Expectations** – In order to avoid misunderstandings and eventual dissatisfaction with how their matters are progressing, provide clients with a realistic assessment of their matter, to include potential challenges, timelines, and possible outcomes. When you are transparent with your clients about risks and uncertainties you help them make informed decisions thereby reducing the likelihood of unrealistic expectations.

As part of this process, clearly explain the fee arrangement, billing procedures, and the client's obligations. This should be done both orally and in writing in order to provide an opportunity for your client to voice any questions or concerns. As you explain the fee arrangement, ensure that the client has a thorough understanding of what the total cost of representation might be. To

draw a parallel, no one in their right mind would ever agree to purchase a new car after only being told what the monthly payment was going to be. Everyone wants to know what the total price is and how long those payments are going to last. Clients want the same kind of information from their lawyer, but they don't always say so. When they don't, they may run with an assumption about what the total bill will end up being. If their assumption ends up being way off, you've got a problem.

- **Be Personable** - Pleasant conversation or a little levity when appropriate can demonstrate you are invested in the client as a person. Clients will feel that you view them as more than just a money source. For business clients, learn as much as you can about the client's business or industry. The more a client gets to know you and you them, the easier it will be for that client to place confidence and trust in you and your legal advice.
- **With Support Staff, Emphasize the Importance of Courtesy, Timeliness, Professionalism, and Confidentiality** – Of course, make certain you practice what you preach! Act and speak like a professional at all times. Also, never minimize the value of treating your staff well. They are a significant interface between you and your clients. If any staff are depressed, overworked, feel taken for granted, or are dissatisfied generally, you will have problems. The reality will be that negative messages, however unintended, will reach your clients.
- **Never Forget That Nonverbal Messages Can Speak Volumes** – This is why you should find ways to let your clients know how important

they are. Start with keeping all public spaces, including conference rooms, neat and free of client materials. Close doors so that no one will overhear your conversations with them. Don't allow yourself to be constantly interrupted when meeting with them. Consider letting them know your time with them is a priority. For example, as you greet your clients in the reception area you might begin to get in the habit of telling your receptionist something along the lines of "Please hold all calls. The next hour belongs to Ms. Jones." Of course, you're not going to be saying this for the sake of your receptionist; you're going to be saying it for your client's sake because that kind of sentiment and statement can work wonders.

- **And Always Say Thank You at the Conclusion of Representation** – I'll say it one last time, remember who hired who. Someone entrusted to you the responsibility for competently handling their legal matter. That's quite an honor. Honor them back by sharing a sincere message of thanks. Trust me, this matters.



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.

EARLY BIRD CLE

**THURSDAY | JUNE 12, 2024
6:30 AM - 7:30 AM
RAMKOTA, PIERRE**

→ **6:30 AM**

What Judges can see on Odyssey and
What they cannot see
- Presenter: TBD

→ **6:40 AM**

Electronic Recorder Demonstration
-Presenter: Judge Rank

→ **6:50 AM**

Violence Against Women Act (VAWA)
- Presenter: Judge Schreier

→ **7:00 AM**

Supreme Court Updates
- Presenter: Meghann Joyce

→ **7:10 AM**

Legal Services Update
- Presenters: Thomas Mortland and
Lea Wroblewski

JASON SUTTON
PROGRAM CHAIR



Legal Potpourri

Thursday, June 13, 2024
Ramkota, Pierre

Track 1

8:30 AM - 11:30 PM

Meghann Joyce
PROGRAM CHAIR

8:30 AM

Civility and Collegiality

- Presenters: Judge Craig Pfeifle, Bill Garry, Eric Pickar, and Eric Witcher

9:30 AM

Employment Law Potpourri

- Pregnant Workers Fairness Act - Updates Final Regulations, and Impact on Employees
 - Presenter: Lisa Cagle
- National Labor Relations Act - General Overview and effects on Employers
 - Presenter: Brooke Schmidt
- Important Employment Law Updates - What Every Practitioner Needs to know Now!!
 - Presenter: Lisa Marso

10:30 AM

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

- Presenters: Thad Titze, Amber Mulder, Jennifer Frank, and Jessica Filler

Track 2

8:30 AM - 11:30 PM

Melissa Neville
PROGRAM CHAIR

8:30 AM

Medicaid Benefits & Asset Protection

- Presenters: Prof. Tom Simmons

9:30 AM

Guardianship Controversies

- Presenters: Judge Marshall Lovrien and Judge Jane Wipf Pfeifle

10:30 AM

Ethics in Trusts & Estate Planning

- Presenters: Mark Krogstad and Matt Van Heuvelen



INDIAN LAW

CLE

Thursday | June 13, 2024

1:00PM - 4:00PM

Ramkota Hotel, Pierre

DEAN NEIL FULTON

Program Chair

- 1:00 PM The Supreme Court's Evolving Indian Law Jurisprudence
Presenter: Dani McQuillen
- 2:00 PM The Future of ICWA
Moderator: Renee Gallagher
Shirley Bad Wound and Professor Hannah Haksgaard
- 3:00 PM Doing Business in Indian Country
Moderator: Tim Engel
Steve Kost, Michael Houdyshell and Seth Pearman



PUBLIC SECTOR/GOVERNMENT CLE

1:00PM | Thursday | June 13, 2024

Ramkota Hotel | Pierre

Holly Farris
PROGRAM CHAIR

1:00PM Administrative Law at a Crossroads: *Loper Bright/Relentless* and the Future of Agency Deference
Presenter: Kara Rollins, Litigation Counsel
New Civil Liberties Alliance

Presentation of Public Sector Section Attorney of the Year Award

2:30PM "Who Is Your Client?"
Presenter: Wendy Kloepner
Lake County State's Attorney

Soft Skills for Government Attorneys

3:15PM Breaking Down Complex Legal Topics for Clients and Non-Lawyers
Presenter: Kristen Edwards
Public Utilities Commission

3:30PM Working in a Small or Solo Legal Office
Presenter: Ashley McDonald, City Attorney
City of Spearfish

3:45PM Tips for Difficult Conversations
Presenter: Katie Cook
Gunderson Palmer

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

**Have questions
about switching
your law firm
to the cloud?
Our guide
has answers.**



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Reflections on my time with the Board of Pardons and Paroles

By Chuck Schroyer

Several years ago I was asked to serve on the Board of Pardons and Paroles. Having retired from a 43 year career in the law and only after a visit with the outgoing Board member, I accepted the appointment.

Having worked as an assistant AG, deputy and elected State's Attorney, and many years with the State's Attorneys Association, my experience in the criminal law was virtually all from the side of prosecution. I had little knowledge as to what occurred within the Department of Corrections after a sentenced felon left the courtroom.

The Board consists of nine members, appointed to four year terms by the Governor, Attorney General and Supreme Court, each appointing three and required to include at least one attorney. I learned that the Court prefers that all of their appointees be lawyers. Many of the 20 individuals that served during my time on the board were retired or semi retired lawyers, law enforcement officers, or judges together with a few State's Attorneys and Sheriffs. Currently six of the nine members are attorneys.

In a nutshell, the job requires four days each month, generally beginning with two member panel hearings in each of four corrections locations, followed by a day at the prison in Springfield and then two days in Sioux Falls for hearings that require the full board and for pardon applications, plus a few days each year for training. Residing in Pierre often allowed me to begin at the women's facility. Each month, the trips in between and then return home required 500 plus highway miles. Hotel, meals and mileage are reimbursed at state rates and generally adequate to cover actual expenses. In addition, each member is paid at a daily rate, currently \$200. Considering the hours required, the compensation won't match minimum wage but does provide in excess of \$10,000 income each year. Following completion of a term, members become auxiliary members for four years. In that capacity they be asked, but not required, to fill in when one or more of the members have a conflict or are otherwise unavailable.

Recently I chose not to be reappointed after serving for two terms for a total of eight years. It was a great experience to have worked with my fellow board members and a truly remarkable professional staff. Every effort is made to provide training and to accommodate the needs of the members. For lawyers planning a career to including either side of the criminal law I can think of no finer learning opportunity than service on this board. New board members receive required online training as well as several days orientation at the National Training center in Colorado. Many other worthwhile training opportunities are also available with all travel and expenses covered.

With the current plans to add at least two more incarceration locations to the DOC, I foresee changes that may become necessary. More members to the board or more hearing days each month are likely to be the result.

I applaud those law firms and the counties that have encouraged and allowed their members, employees and elected officials to assist the administration of justice in this critical role. Lawyers interested in serving as a member of the board should contact one or more of the appointing authorities or a current board member.

May15, 2024

REECE M. ALMOND
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CHRISTOPHER CHRISTIANSON
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nicole.ogan@sdbar.net; paul.cremer@sdbar.net)*

Paul L. Cremer
Secretary-Treasurer
The State Bar of South Dakota
111 West Capitol Avenue #1
Pierre, SD 57501

RE: 2024 Ask-A-Lawyer Committee Report

Dear Mr. Cremer:

The following is a summary of the 2024 Ask-A-Lawyer program held on April 30 and May 1, 2024.

REPORT ON 2024 ASK-A-LAWYER PROGRAM

The primary activity of the Ask-A-Lawyer Committee is to ensure the Ask-A-Lawyer program is implemented in Sioux Falls and Rapid City each spring. This public service function began in 1986.

Approximately 217 callers received free legal advice from lawyers volunteering their time and expertise during the 2024 State Bar of South Dakota's Ask-A-Lawyer program held April 30 and May 1, 2024. The program ran on the two evenings simultaneously from 7:00 to 10:00 p.m. East River and 6:00 to 9:00 p.m. West River. Twenty telephone lines were answered by the volunteers, with ten lines at the calling center at the Minnehaha County Courthouse in Sioux Falls and ten lines at the Comfort Inn and Suites in Rapid City. During the two nights 30 volunteers in Sioux Falls answered 125 calls and 30 volunteers in Rapid City answered 92 calls. This is despite a technological issue from our phone providers that prohibited callers in Sioux Falls from calling in for approximately 1 ½ hours on April 30 and Rapid City for the entirety of April 30. Most of the volunteers worked 1½ hour shifts; however, some attorneys worked multiple shifts. Many of the volunteers look forward to this program each year and make this event a part of their commitment to public service.

The 2024 event Co-Chairs were Reece Almond and Christopher Christianson, and Brooke Schmidt and Aidan Goetzinger acted as Vice Chairs. Brooke and Aidan will be taking over as Co-Chairs for the 2025 event.

The topics covered during the program and the number of calls answered on each topic include:

Adoption	0
Bankruptcy	0
Civil Rights	1
Collection	9
Contracts	6
Corporate and Business Law	12
Criminal	16
Domestic / Family	35
Employment / Discrimination	3
Estates, Trusts and Wills	55
Immigration / Naturalization	0
Labor Relations	2

Landlord / Tenant	10
Legal Malpractice	2
Medical Malpractice	10
Municipal Law	2
Real Estate	22
Social Security	1
Taxation	3
Tort	8
Traffic	
Workers' Compensation	1
Zoning	1
Other	18

Advertising spots were again purchased on several television stations and through streaming music platforms. Press releases were also sent to media outlets. We are starting to get more callers indicating they heard about the program through social media. Also, each year a surprising number of callers learn about the program by word of mouth.

If you would like to participate in the Ask-A-Lawyer program in the future, please contact the State Bar Ask-A-Lawyer Committee.

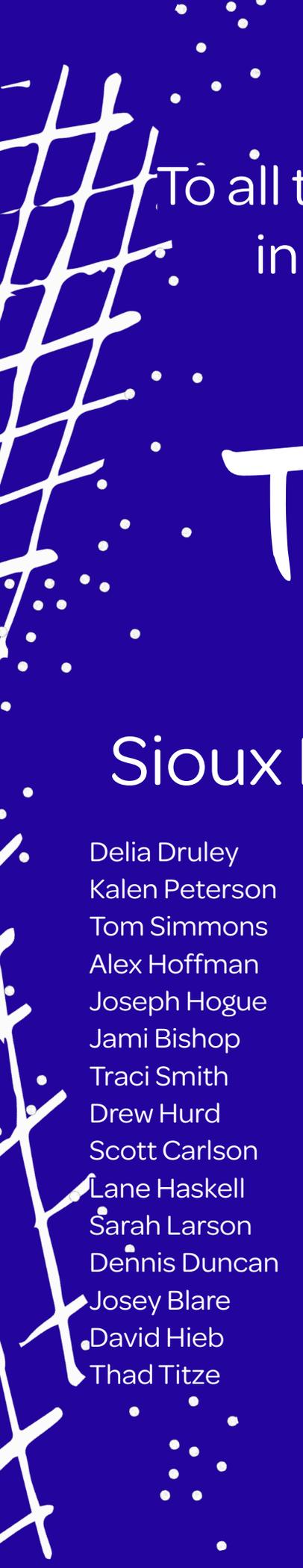
If you have any questions regarding the Annual Report, please contact either of us. A list of the volunteers who participated at each location is attached for your information.

Best regards.

Sincerely,

REECE M. ALMOND
Co-Chair

CHRISTOPHER A. CHRISTIANSON
Co-Chair



To all the volunteers that participated
in the Ask-A-Lawyer Program!

THANK YOU!

Sioux Falls

Delia Druley
Kalen Peterson
Tom Simmons
Alex Hoffman
Joseph Hogue
Jami Bishop
Traci Smith
Drew Hurd
Scott Carlson
Lane Haskell
Sarah Larson
Dennis Duncan
Josey Blare
David Hieb
Thad Titze

Anthony Hohn
Tim Billion
Andy Fick
Anthony Sutton
Barry Sackett
Beth Roesler
Joel Rische
Matthew Murphy
Nicole Tupman
Elliot Knuths
Mark Krogstad
Ashley Brost
Brooke Schmidt
Reece Almond

Rapid City

Nathan Chicoine
Catherine Chicoine
Hollie Smith
George Nelson
Paula McInerney-Hall
Garrett Keegan
Mali Oyen
Mike Loos
Carla Cushman
Ty Daly
Frank Driscoll
Carla Cushman
Lillian Gaither
Martha Rossiter
Margo Julius
John Haraldson
Aidan Goetzinger

Matt McIntosh
Bruce Ellison
Murl Woods
Heather Lammers Bogard
Frank Bettmann
Ken Barker
Tyler Wetering
Jacob Stewart
Arman Zeljkovic
John Burke
Jeff Collins
Leah Ceranski
Eliot Bloom
Connor Donahue
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Brian Utzman
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Employment Law

Corner



By: Jennifer Suich Frank, Esq.
Lynn Jackson Law Firm

FTC ISSUES FINAL RULE BANNING NON-COMPETE AGREEMENTS – WHAT EMPLOYERS NEED TO KNOW NOW!

On April 23, 2024, the U.S. Federal Trade Commission (FTC) voted to finalize and promulgate a final rule banning essentially all employment non-compete agreements, which will affect a large majority of workers subject to them.

The FTC defined non-compete clauses to mean a term or condition of employment that prohibits, prevents, or penalizes a worker from working for a different person or entity after the end of employment, or operating a business in the U.S. after the conclusion of the employment relationship. Under this definition, a “term or condition of employment” includes, but is not limited to, a contractual term or workplace policy, whether written or oral. Significantly, non-solicitation of an employer’s clients or employees is not explicitly covered by the ban. However, employers do need to review non-solicitation provisions to ensure they are not too broad and inadvertently fall into the realm of non-competes.

Timing: The final rule was published in the Federal Register on May 7, 2024, and has an effective date of September 4, 2024.

Scope: The rule will ban all new non-competes after the effective date. This ban applies to all workers, including

“senior executives.” Existing non-competes will only be allowed to remain in place for certain “senior executives” after the effective date. “Senior executives” are employees who earn more than \$151,164 annually and are in a policy-making position (e.g., CEO, President, or other officer with policy-making authority). All other non-competes are retroactively banned as of the effective date.

Exclusions: There are a few specific exclusions to the final rule. The ban on non-compete agreements will not apply: (1) in connection with the sale of a business entity, regardless of ownership stake percentage; (2) in franchisee-franchisor relationships (note: the rule will apply to employees who work at franchises); (3) with certain non-profit organizations that are not subject to the FTC’s jurisdiction.

In addition, if a cause of action related to a non-compete agreement arose prior to the effective date, employers may still pursue appropriate remedies for a violation, even after the effective date.

Employer Notice Requirement: By the effective date of September 4, 2024, employers are required to notify those workers, which includes current and former workers, subject to a non-compete agreement that

it is an unfair method of competition to enforce (or attempt to enforce) a non-compete clause and that by the effective date, the worker's non-compete clause will not be (and cannot be) legally enforced against them. Model language is provided for in the final rule to meet this notice requirement, which constitutes a safe harbor if utilized. There are four identified methods to deliver the notice to applicable workers.

State Law: The final rule will supersede South Dakota state law, to the extent that the SD state statute §53-9-11 permits or authorizes an employer to engage in conduct that the final rule deems unlawful (i.e., non-competition with the employer).

Legal Challenges to Rule Commenced: The U.S. Chamber of Commerce has already sued to block the rule, focusing on the FTC's authority and whether the FTC exceeded that authority by promulgating such an expansive substantive rule. In addition, a complaint was filed in a Texas federal court alleging that the FTC lacks authority to issue rules defining unfair methods of competition.

As a result of these legal challenges, it would not be surprising to see the rule struck down or put on hold. Also, employers should keep in mind that appeals take time, so the legal battle could continue into 2025 or beyond.

Next Steps for Employers: Employers are well advised to begin preparing for implementation and enforcement of the final rule. Employers should:

1. Prepare a list of all workers (and former workers) subject to a current non-compete agreement.
2. Conduct an audit of existing agreements (including those with former workers), analyzing the potential impact of the new rule on them and weighing the costs and benefits of revising them (versus not revising them).
3. Review current non-solicitation, non-disclosure, and other restrictive covenants (if written too broadly, these covenants could be deemed unenforceable).
4. Track new non-competes going forward.
5. Prepare to issue a notice to all current and former workers subject to a current non-compete agreement.
6. Strategize regarding alternatives to non-

competes, with an eye toward employee retention.

7. Ensure confidentiality and non-disclosure agreements are in place, so that employer trade secrets, confidential and proprietary information is protected from improper use and disclosure.
8. Engage with your attorney/legal adviser for ongoing advice and counsel.

Business and employment attorneys should continue to monitor important developments in this arena – and be ready to assist in navigating the new rule and the employment, business and legal implications for employers.

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BOARD OF BAR COMMISSIONERS

Minutes, April 17, 2024
Drifters and via Zoom
Ft. Pierre

President Heather Lammers Bogard called the meeting to order at 9:00 AM CDT on April 17, 2024. Present for all or part of the meeting were President Lammers Bogard, President Elect Sarah Sharp Theophilus, and Commissioners Tyler Matson, Carrie Srstka, David Strait, Jerry McCabe, Justin Bell, Erika Olson, Nick Moser, Amber Mulder, Hon. Francys Foral, Rory King, John Richter, and Steve Blair. Also, present at the meeting were Executive Director/Secretary-Treasurer Paul Cremer, Assistant Executive Director Nicole Ogan, Communications/Membership Director Tracie Bradford, Administrative Assistant Kylee Alfrey, Strategic Plan Coordinator Carrie Sanderson, Lawyers Assistance Program Director Becky Porter, and Access to Justice Coordinator Denise Langley.

Approve minutes of March 20, 2024. Meeting: Commissioner Matson moved to approve the minutes of the March 20, 2024, Bar Commission meeting. Commissioner Bell seconded the motion. Motion carried.

ABA Midyear Report: State Bar ABA Delegate Nate Chicoine provided a written report regarding ABA midyear meeting held January 31-February 5, 2024. His report was published on page 35 of the April Newsletter. The Commission thanked Chicoine for his report and service.

Western States Bar Conference Report: President Lammers Bogard, President Elect Sharp Theophilus, and Paul Cremer attended the WSBC held on April 3-6, 2024. The presenters and attendees discussed various topics including ongoing litigation involving Keller restrictions on Bar activities, professional wellness, efforts to increase access to legal services, Artificial Intelligence, civility, and retaining Bar staff.

Fastcase / Dakota Disc Update: Bar staff have been working with Fastcase / vLex to ensure that Bar members have continued access to legal research tools. All research contained in the Dakota Disc platform is also available via Fastcase, and Fastcase will phase out the Dakota Disc platform in the next few months. All Dakota Disc subscribers will continue to have access to Fastcase. The Commission discussed the availability and costs of legal research platforms including Fastcase and Decisis. The vast majority of State Bars provide access to either Fastcase or Decisis to their members. State Bar staff will work with Bar members to review Fastcase and Decisis. The Commission also briefly discussed the availability of various forms, including pattern jury instructions, probate forms, etc.

Mandatory Sexual Harassment Prevention Training: Only five State Bar members have failed to complete the mandatory sexual harassment prevention training that was due February 1, 2024, and Bar staff will provide one final notice to those members before taking action to move those members to inactive status. Members who met the February 1, 2024, deadline and who are currently in compliance with the sexual harassment prevention training requirements may wish to consider completing the training again to remain in compliance with the next training deadline in SDCL 16-18-1.1.

Mandatory CLE Study Committee Update: The Committee held its second meeting on April 16, 2024. The Committee discussed the results of the member survey and further outreach efforts to obtain feedback from State Bar members. The Committee is planning to provide further information to State Bar members at the State Bar Business Meeting on June 14, 2024, in Pierre. State Bar members will not be asked to vote at the June 14 meeting. If the Committee recommends implementation of mandatory CLE requirements, then members will likely be asked to vote on proposed requirements at the June 2025 Business Meeting. The Committee will continue to review mandatory CLE issues and is planning to draft recommendations in August or September 2024.

June Convention Update: The State Bar is planning to host an awards luncheon on Wednesday, June 12 from approximately 11:00 AM to 1:00 PM at the Ramkota in Pierre. The State Bar will honor 50 and 60 year veterans and the McKusick Award winner on June 12 in the evening. Various CLE's will be presented Wednesday afternoon and Thursday. A social event is planned for Thursday evening.

The Annual Business Meeting will be held on June 14, and two proposals or resolutions will be presented to members. First, the Ethics Committee is planning to present a proposal and will request a member vote on proposed amendments to Rule 1.8 (e) of the South Dakota Rules of Professional Conduct. Second, the Practice Rules Revision Committee is planning to present a proposal and will request a member vote on proposed amendments involving the issuance of judgments and orders. Members will also vote on four At Large Bar Commission positions, and the President Elect position.

Financial Report: Nicole Ogan provided budget information. The State Bar has approximately 67 fewer active attorneys this year compared to last year. The number of new admissions are similar to last year, but some members have left the active member list. The Bar Commission Budget Committee will review proposed budget information before the May 15, 2024, Bar Commission meeting. The State Bar continues to be fiscally sound.

Lawyers Assistance Program Report: LAP Director Becky Porter reported on the Lawyers Assistance Program. Porter continues to promote the availability of free counseling sessions available to members and their household family members through the State Bar partnership with EAP provider Sand Creek. Porter thanked the numerous State Bar volunteers who assist with LAP activities. Porter and LAP volunteers have engaged in various outreach efforts, including assisting law students, speaking with members on the Thursday Coffee Breaks, and speaking to the Pennington County Bar Association on March 6, 2024. Porter is scheduled to attend the national Directors' Meeting of the ABA Commission of Lawyers Assistance Programs on May 8-10, 2024, in Chicago. Porter and Mike McKnight are scheduled to speak at the Sixth Circuit Treatment Court Graduation on May 15, 2024, in Pierre.

President's Comments: President Lammers Bogard commented on presentations at WSBC regarding the efforts by the profession to ethically utilize AI.

Adjourn: President Lammers Bogard adjourned the meeting at 10:52 AM CDT.

Respectfully submitted,
Paul Cremer, Executive Director/Secretary-Treasurer

ACCESS TO JUSTICE BOARD OF DIRECTORS

Minutes, April 17, 2024

Drifters and via Zoom

Ft. Pierre

President Heather Lammers Bogard called the meeting to order at 10:52 AM CDT on April 17, 2024. Present for all or part of the meeting were President Lammers Bogard, President Elect Sarah Sharp Theophilus, and Directors Caroline Srstka, David Strait, Jerry McCabe, Justin Bell, Erika Olson, Nick Moser, Amber Mulder, Hon. Francy Foral, Rory King, John Richter, and Steve Blair. Also, present at the meeting were Executive Director/Secretary-Treasurer Paul Cremer, Assistant Executive Director Nicole Ogan, Communications/Membership Director Tracie Bradford, Administrative Assistant Kylee Alfrey, Strategic Plan Coordinator Carrie Sanderson, Lawyers Assistance Program Director Becky Porter, and Access to Justice Coordinator Denise Langley.

Approve minutes of March 20, 2024. Meeting: Director Olson moved to approve the minutes of the March 20, 2024, A2J meeting. Director Hon. Foral seconded the motion. Motion carried.

Access to Justice Report: Access to Justice Coordinator Denise Langley updated the Commission on the activities of A2J. The new Spanish version of the Guardianship/Conservatorship video may be completed and posted on the State Bar website in the next several weeks. ERLS, DPLS, and A2J will be creating new joint business cards for distribution to the public by UJS personnel and others. Staff are reviewing potential changes to the A2J application link on the State Bar Website as part of upcoming improvements for the sdlawhelp.org website shared by A2J, DPLS and ERLS. The A2J golf tournament is scheduled for June 13 as part of the Bar Convention. Denise attended the first formal meeting in her role as Vice Chair of the Commission on Access to the Courts, which was formed to improve pro bono services.

Financial Report: Nicole Ogan provided the Directors with an update on the current A2J financial report.

Adjourn: President Lammers Bogard adjourned the meeting at 11:27 AM CDT.

Respectfully submitted,
Paul Cremer
Executive Director/Secretary-Treasurer



State Bar of South Dakota Association

Avera Healthcare Plans

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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?

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**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. Cheryle Gering, Secretary
Hon. Bobbi Rank
Timothy M. Engel
Rory King
Raleigh Hansman

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

May 28, 2024

Notice of Judicial Vacancy – Third Judicial Circuit, Position B

TO: All Active Members of the State Bar of South Dakota
FROM: Cheryle Gering, Secretary, Judicial Qualifications Commission

With the upcoming retirement of the Hon. Robert Spears in the Third Judicial Circuit, the Judicial Qualifications Commission is now taking applications. Pursuant to realignment of the judicial positions by Presiding Judge Gregory Stoltenburg, Position B is the open position. The duty station for this position will be Brookings. The current salary for a circuit court judge position in South Dakota is \$174,448.36 annually and will be subject to the 4% increase approved by legislature effective July 1, 2024. 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 July 26, 2024**. Applicants should make sure the application submitted is the 2018 version.

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 Third Circuit is comprised of the following counties: Beadle, Brookings, Clark, Codington, Deuel, Grant, Hamlin, Hand, Jerauld, Kingsbury, Lake, Miner, Moody and Sanborn.

**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. Cheryle Gering, Secretary
Hon. Bobbi Rank
Timothy M. Engel
Rory King
Raleigh Hansman

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

May 28, 2024

Notice of Judicial Vacancy – Second Judicial Circuit, Position F

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

FROM: Cheryle Gering, Secretary, Judicial Qualifications Commission

With the anticipated resignation of the Hon. Camela C. Theeler (Position F) in light of her appointment to the federal bench, the Judicial Qualifications Commission is now taking applications for this position in the Second Judicial Circuit. The duty station for this position may be either Lincoln or Minnehaha County as determined by the Presiding Judge. The current salary for a circuit court judge position in South Dakota is \$174,448.36 annually and will be subject to the 4% increase approved by legislature effective July 1, 2024. 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 June 21, 2024**. Applicants should make sure the application submitted is the 2018 version.

If you applied for the Second Circuit Positions M and N in May, 2024, and you also wish to apply for Position F, you do not need to submit a new application. Instead, please simply send a letter to Lori Grode at the address below indicating your intention to also apply for Position F. You can include supplemental information with your letter, but you should not resubmit the materials previously provided with your earlier application.

The application form may be obtained 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: Lincoln and Minnehaha.

In Memoriam



Anita Zastrow

Zastrow, Anita Miriam (Odens) was born on August 28, 1945 in Yankton, South Dakota to Philip and Eva (Kastein) Odens. She grew up on a farm and attended Perkins School in rural BonHomme County before attending Springfield High School. After graduating from high school in 1963, she attended Southern State College in Springfield where she received her degree in Business Education and English. While in college, Anita met her lifetime love. She married Laurence Joseph Zastrow on August 18, 1967 in Springfield before moving to Vermillion, SD.

Anita was a lifelong learner. She loved school and proudly began her teaching career at Elk Point High School while Lary attended law school. During the summer of 1970, Anita and Lary moved to Rapid City, SD where they welcomed both of their daughters, Stephanie (Jason) Ley, Western Springs, IL and Stacie (Joseph VanTassel) Zastrow, Phoenix, AZ. While in Rapid City, she worked as the assistant to the President and taught at National College of Business. Anita later continued her teaching career at Belle Fourche High School where she taught Business English and was the cheerleading coach. She also taught at T.F. Riggs High School in Pierre, SD before joining Lary for the remainder of their careers working for the State Bar of South Dakota. Retirement brought Anita and Lary to Scottsdale, Arizona where she died peacefully on May 7 surrounded by her family following a fourteen month battle with metastatic breast cancer.

Anita was actively involved within her community. She loved organizing events and activities as much as she loved meeting new people and making new connections locally and across the globe. For much of her adult life, Anita volunteered her time to many groups that were incredibly important to her. Some of those organizations were Zonta International, AAUW (American Association of University Women), United Methodist Women (Pierre and Scottsdale), P.E.O., BPW

(Business & Professional Women), and the Pierre/Ft. Pierre Genealogical Society. She was particularly passionate about causes related to education, women's rights and social justice.

One of her most cherished roles was that of grandmother. Anita loved and was extremely proud of her three 'favorite' grandchildren. She was always happy to share photos and stories of her twin grandchildren, Marit and Henning Ley, and her youngest grandson, Skye Zastrow Durnford. She and Lary attended countless school performances, sport events, and dance recitals regardless of location and miles required to reach them. Anita was thrilled that a whole family trip to Germany took place recently after several years of discussing and planning.

Anita was preceded in death by her parents, her brother, Robert Odens, and twin grandsons, Daniel and Caleb Ley.

Plans for Memorial services in Scottsdale and South Dakota are being made. In lieu of flowers, donations may be made to Hospice of the Valley by accessing a mail-in form or making an online donation at hov.org/donate/.



David J. Vickers

David J. Vickers, 81, of Sioux Falls, passed away peacefully on April 28, 2024, surrounded by family and the compassionate care of Dougherty Hospice House.

Dave was born in Sioux Falls in 1942 to the late Archie R. Vickers and Bernadette A. Vickers. He graduated from Cathedral High School (Class of 1960), Loras College, and Creighton University School of Law. He married Ruth A. Landsberger (Hazelton, ND) in 1970, and together they built their lives around their family, friends, and community.

Dave was a partner at the Sioux Falls law firm of Boyce, Murphy, McDowell and Greenfield for 33 years. He appeared frequently before the South Dakota

Department of Labor and Regulation in Worker's Compensation cases, and represented clients in numerous Circuit Courts cases, in the South Dakota Supreme Court, and in the United States District Court. At home, he was a role model to his daughters in ethical behavior, humility, and personal and professional integrity.

Dave dedicated time in service to others. Among his varied volunteer activities, he provided legal assistance to Sioux Vocational Services and to St. Michael Cemetery, and served on the Cathedral All-School Reunion Committee, and the Christ the King Parish Council.

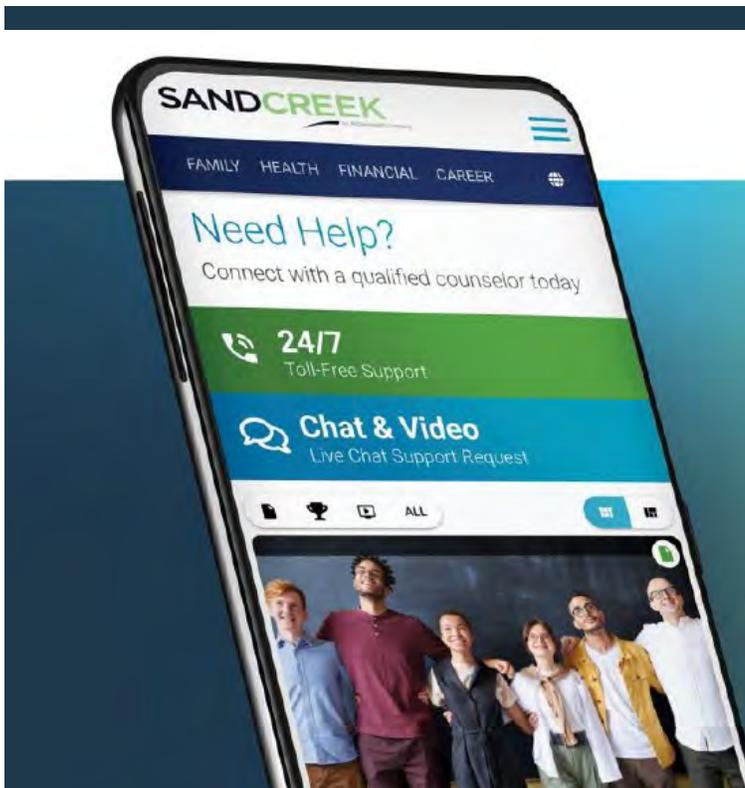
Although a quiet and introspective person, Dave could raise the volume when cheering for his favorite sports teams, playing card games with his grandchildren, and laughing with his wife and daughters. He especially enjoyed being part of "Camp Seimershine," a group of men from the Midwest and East Coast who gathered annually at a Minnesota lake cabin for fishing and fun. Dave attended consistently for 40 years, building lasting friendships and memories. More recently, he enjoyed reconnecting with longtime friends for intellectually stimulating conversations and debates over lunch.

Dave is survived by his beloved wife, Ruth, his daughter, Kristin and her daughters Anna and Claire (of Rochester, MN), his daughter Kerri, her son Elliot, and husband Alan (of St. Paul, MN), his sister, Mary Susan (of Reston, VA.), and his cousin, Carolyn Hobson (of Sioux Falls).

We sincerely thank the many family members, friends, and health care providers who significantly contributed to Dave's quality of life. Special thanks to Dr. Paul Olson, Pam Oppold, RN, and the entire team at Avera Heart Hospital who provided decades of advanced specialty care delivered within a compassionate, healing relationship.

Memorials may be directed to the Children's Home Shelter for Family Safety (formerly Children's Inn) and the Bishop Dudley Hospitality House.

Mass of Christian Burial will take place at Christ the King Catholic Church on Monday, May 13, 2024, at 11:00 a.m., with a luncheon to follow. Family will be present one hour before the service for visitation. Private family burial will take place at St. Michael's Catholic Cemetery. www.heritagesfsd.com



PLEASE NOTE:

The State Bar is providing expanded wellness member benefits through our EAP provider, Sand Creek.

These benefits are available to ALL State Bar members and their household family members, and to USD Law students and their household family members.

Please take advantage of these expanded wellness benefits.

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;**

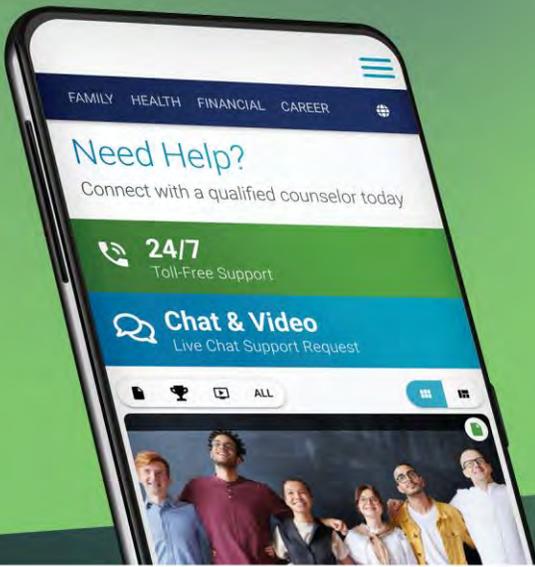
**I WILL NOT COUNSEL OR MAINTAIN ANY SUIT OR PROCEEDING WHICH
SHALL APPEAR TO ME TO BE UNJUST, NOR ANY DEFENSE EXCEPT
SUCH AS I BELIEVE TO BE HONESTLY DEBATABLE UNDER THE LAW OF
THE LAND;**

**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;**

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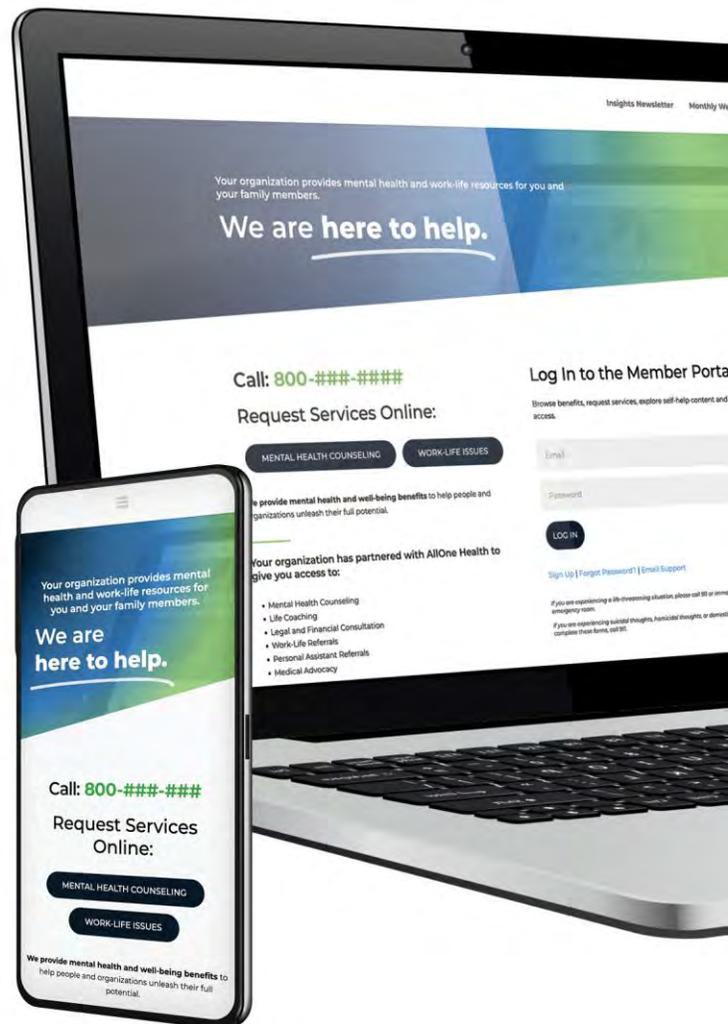
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Manage stress, anxiety, and depression, resolve conflict, improve relationships, and address any personal issues. Choose from in-person sessions, video counseling, or telephonic counseling.

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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.

Member Portal

Access your benefits 24/7/365 through your member portal with online requests and chat options. Explore thousands of self-help tools and resources including articles, assessments, podcasts, and resource locators.



Contact Sand Creek EAP
Call: 1-888-243-5744
Visit: www.sandcreekeap.com
Code: **sdhelp**

SANDCREEK EAP™
An AllOne Health Company

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



In House Counsel – Sioux Falls

Position Overview: Aladdin is seeking an attorney to join our team. The successful candidate will be responsible for providing legal advice and guidance to the company in matters related to factoring, leasing and equipment, commercial lending, commercial finance transactions and litigation, asset-based lending, lending compliance, and DOT compliance/safety. You will be expected to ensure that the company always operates within the law, and that all legal risks are identified and addressed.

Responsibilities:

- Advise the company on legal matters related to factoring, leasing and equipment, and compliance/safety.
- Hard collections and small claims court filings.
- Ensure compliance with applicable laws and regulations in the transportation industry.
- Draft and review contracts, agreements, and other legal documents related to the company's operations.
- Conduct legal research to stay up to date on changes in laws and regulations that may impact the company's operations.
- Work collaboratively with other members of the executive team and other departments within the company.
- Manage outside counsel when necessary.
- Advise senior management on legal issues and provide strategic guidance.

Qualifications:

- Juris Doctor degree from an accredited law school.
- Admission to the bar in South Dakota

- Strong written and verbal communication skills.
- Ability to work independently and manage multiple priorities.
- Strong analytical and problem-solving skills.
- Ability to work collaboratively with other departments and stakeholders within the company.

We offer a competitive salary and benefits package, as well as opportunities for professional development and growth. If you are a talented and motivated lawyer with a passion for the transportation industry and fintech, we encourage you to apply for this exciting opportunity.

Why work for Aladdin?

- **Environment:** Be part of a growing, tight-knit, employee-centric company
- **Stability:** Consistent growth since 2010
- **Culture:** A work hard, play harder, family-first culture. Be proud of where you go to work & who you work with.
- **Pride:** a well-respected company in Sioux Falls, with active leadership involvement.
- **Perks:** Snacks, drinks, Great Shots pass, and Premier Center box seats

Benefits:

- Medical, Dental, Vision, Life, Short, and Long-term disability insurance offered
- Health Savings Account
- 401(K) plan with employer match
- PTO and 6 paid holidays

Contact: Jay Larson

Phone: (605)951-9064

Email: jay@aladdincap.com

City Attorney – Spearfish

Responsibilities: This position is responsible for providing legal representation and guidance to the city government, elected officials, and city staff. This is a full-time position.

Requirements: Candidates for the City Attorney position must possess a Juris Doctor Degree and be licensed by the State Bar of South Dakota. Candidates must have experience sufficient to thoroughly understand the diverse objectives and functions of the departments and operations of the city in order to provide effective legal representation and support, interpreted to require five years of related experience. Possession of or ability to readily obtain a valid driver's license issued by the State of South Dakota for the type of vehicle or equipment operated.

How to Apply: Candidates must complete our online application process. Please visit the "Career Opportunities" page on the city's website www.cityofspearfish.com. Candidates will be required to upload a resume and cover letter with their online application package. Hiring salary range \$119,100.80 - \$145,121.60 (position salary range \$119,100.80 - \$181,230.40) plus excellent benefit package. Equal Opportunity Employer. Position is open until filled. Individuals with disabilities who need reasonable accommodation to complete the job application process should contact the human resource director to commence the accommodation interactive process.

The City of Spearfish seeks to provide an equitable process in selecting candidates. The city does not consider references prior to the interview process.

Associate Trust Officer – Rapid City

Due to growth and a commitment to customer service, South Dakota Trust Company is seeking a full-time Associate Trust Officer for its Rapid City location. The ideal candidate for this position should possess a bachelor's degree and/or have three years of trust related experience. A legal degree, accounting degree, or professional certification is desired. This individual is responsible for the day-to-day administration of a diverse book of complex personal trust accounts for high net worth individuals and families along with onboarding new trust relationships. They will work closely with the account advisors, family office managers

as well as the individual clients. An understanding of estate planning, taxes and fiduciary law is preferred.

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

SDTC offers a competitive salary and benefits package. Interested applicants should submit a resume and cover letter to jobs@sdtrustco.com.

Paralegal Positions - Lincoln County

Join Our Team!

The [Lincoln County State's Attorney's Office](#) is accepting applications to fill two paralegal positions. The two outgoing paralegals have recently been admitted to law schools in SD and NC. The paralegal openings are in our Civil Division, which represents and advises the Board of Commissioners and other county officials, and our Criminal Division. As a paralegal, you'll be a vital team member of our department. Your tasks will include drafting legal documents, conducting legal research, managing cases, and assisting with court proceedings.

Why join us?

You'll tackle a diverse workload and enjoy a comprehensive benefits package, including 12 paid holidays; health, dental, vision, and life insurance; generous PTO program; extended sick leave program; and 6% matching inclusion into the South Dakota Retirement System (SDRS)!

Please include a cover letter and resume with an online application at www.lincolncountysd.org/jobs. Posting will remain open until the position is filled.

What will your work look like:

- Draft and review legal documents including research memorandums, briefs, pleadings, contracts, correspondence, and legislation. Ensure all necessary paperwork and information is prepared prior to proceedings.
- Collect and relay information. Perform legal research, investigate, review police reports,

and assist attorneys in determining appropriate charges. Prepare cases and files for legal proceedings and grand jury presentations.

- Accompany attorneys to court proceedings or attend other proceedings as assigned.
- Create and maintain resource filing systems, office brief bank, office handbook, and office law library. Create and maintain templates and assist in the development of programs.
- Contact witnesses, victims, and grand jury members on changes or updates to legal proceedings. Prepare the grand jury room for proceedings.
- Prepare and process subpoenas.
- Coordinate and schedule law enforcement officers to testify in court.
- Initiate communication with victims, witnesses, attorneys, law enforcement, medical professionals, and others to obtain information for legal filing.
- Schedule court reporters.
- Screen and direct incoming phone calls.
- Provide aid and support to legal office assistants.

What Qualifications You Need to Succeed:

- Completion of a paralegal or legal assistant program.
- Two years of relevant experience.
- Strong understanding of legal terminology and procedures.
- Excellent communication skills, both written and verbal.
- Strong attention to detail.

Ideal Candidates Will Also Have:
Previous government experience.

EEO Statement

Lincoln County is an Equal Opportunity Employer and does not discriminate on the basis of race, color, religion or creed, national origin or ancestry, citizenship, sex or gender including pregnancy, sexual orientation, gender identity, marital status, age, disability, veteran's status, genetic information, or any other legally protected status. Arrangements for accommodations required by disabilities can be made by contacting Human Resources at (605) 764-6609.

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.

Deputy State's Attorney – Lincoln County

Come Join Our Team!

The Lincoln County State's Attorney's Office is accepting applications for a Deputy State's Attorney to join our team. You are an integral part of the criminal justice system closely collaborating with law enforcement, probation, parole, juvenile justice centers, and numerous community agencies. This opening will be working primarily with our magistrate court cases.

By joining one of the fastest-growing counties in the country, you will find a caseload that keeps you engaged and provides you the opportunity to make a difference in the community.

In addition to a thriving work environment, you will enjoy an extensive benefits package that includes 12 paid holidays; health, dental, vision, and life insurance; generous PTO program; extended sick leave program; matching inclusion into the South Dakota Retirement System (SDRS); and a deferred compensation plan!

Please include a cover letter and resume alongside your online application.

The hiring range is \$3,581.93 - \$3,953.55/biweekly with full earning potential up to \$5,300.79/biweekly.

The posting will remain open until the position is filled. Application review begins on May 30, 2024.

How You Will Make an Impact

- Prepare and manage a caseload of predominantly misdemeanor cases, low-level felonies, juvenile violation cases, and juvenile abuse and neglect cases. Present cases for legal proceedings. Perform legal research. Prepare, draft, and file legal documents and correspondence.
- Review offenses, police reports, and evidence to make determinations on charges. Prepare, send, and track subpoenas for witnesses and records. Prepare and interview witnesses for legal proceedings. Select jurors.
- Stay informed on changes in relevant laws, statutes, and proposed legislation and policy pertaining to criminal law, juvenile delinquency, and juvenile abuse and neglect. Draft proposed legislation and appear before legislative committees.
- Communicate, correspond, and collaborate

with parties involved in cases including victims, parents, school personnel, attorneys, court personnel, and law enforcement regarding procedures and actions for those cases. Respond to inquiries from the public and the media.

- Make recommendations for custody, parental rights, sentences, and restitution.
- Represent the State's Attorney's Office at public, private, and inter-governmental programs and events, communicate with the media, prepare press releases, and serve on boards, panels, and task forces.
- Train and educate volunteers, law enforcement, and social workers on their roles and duties on legal issues and the court process duties. Train interns. Supervise clerical staff and interns.
- Answer, handle, or direct phone calls and walk-in traffic from clients and the general public regarding legal concerns and questions.
- Occasional travel between work sites.

Minimum Qualifications

Graduation from a college of law, attainment of a Juris Doctorate degree from an accredited law school, and admission by the Supreme Court of South Dakota to practice law in the state of South Dakota or be licensed to practice law in any other state and able to take the next available South Dakota bar examination or be a recent or imminent law school graduate, eligible to sit for the next available South Dakota bar examination. A comparable combination of education and experience may be considered. Working knowledge of civil and criminal law and methods and practices of pleadings, court procedures and rules of evidence, principles, methods, materials, and practices utilized in legal research, and general law and established precedents. Ability to prosecute cases. Ability to work under strict time constraints. Ability to speak and write effectively in the preparation and presentation of legal matters. Ability to establish and maintain effective working relationships with coworkers, other agencies, and the public. Ability to maintain professional appearance and demeanor.

Ideal Candidates Will Have

Previous experience in and a working knowledge of civil and criminal law and methods and practices of pleadings, court procedures, and rules of evidence.

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 employer paid 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

Staff Attorney – Fort Yates ND

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 in our Fort Yates, North Dakota, branch office. The Fort Yates office serves the counties of Campbell, Corson, Walworth, and the Standing Rock 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 employer paid 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.

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 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..

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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.

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.

Research and Writing Specialist – Cedar Rapids, IA

The Federal Public Defender for the Northern and Southern Districts of Iowa is accepting applications for a Research and Writing Specialist to be stationed in our Cedar Rapids office.

ABOUT US:

The Federal Public Defender Office operates under authority of the Criminal Justice Act (18 U.S.C. § 3006A) to represent individuals who are unable to afford counsel and are prosecuted in our federal courts. Our office is committed to serving the distinct needs of these individuals with a diverse group of dedicated professionals who collaborate with, listen to, and advocate on behalf of one another. We welcome and value individuals of any race, color, religion, ethnicity, national origin, sexual orientation, gender, gender identity or expression, disability, age, veteran status, and other status protected by law. Click [here](#) for more information about our office.

JOB DESCRIPTION:

This is an ideal position for an attorney with strong research and writing skills and a commitment to federal criminal defense work. The Research and Writing Specialist writes briefs, motions, petitions for certiorari, and legal memoranda for review and filing by the Federal Public Defender and staff attorneys. General duties include examining, analyzing, and researching records and issues; performing legal research and preparing legal documents; and assisting staff with all aspects of case preparation, training, and continuing legal education and supervision of other research staff as appropriate. The Research and Writing Specialist does not ordinarily sign pleadings or make court appearances, but may be asked to do so in exceptional circumstances and with the authorization of the court. It is anticipated that the position will require travel throughout the state of Iowa to attend trials and hearings to assist with research and writing needs that arise. The position may also require travel to assist with oral arguments before the U.S. Court of Appeals for the Eighth Circuit, typically in St. Louis, Missouri, or St. Paul, Minnesota.

REQUIREMENTS AND QUALIFICATIONS:

Applicants must have 1) a law school degree (J.D.) with admission and good standing before the highest court of any state; 2) one year of law experience, criminal preferred; 3) knowledge of federal criminal law and

procedures; 4) outstanding legal research and writing skills; 5) strong typing skills; and 6) a strong desire to be a team-player and an excellent coworker.

SELECTION CRITERIA:

The successful applicant will have an established capacity or clearly demonstrated aptitude for excellence in criminal defense practice, a commitment to the representation of indigent accused persons, and a reputation for personal integrity. Applicant must also possess the ability to communicate effectively with clients, witnesses, staff, colleagues, and other individuals that they will come in contact with as part of their employment. Experience with and a working knowledge of the federal sentencing guidelines is preferred. Experience as a federal judicial clerk is also an asset, but it is not required.

BACKGROUND CHECK:

The selected candidate will be subject to a background check as a condition of employment. Employment will be considered provisional until a satisfactory background check is confirmed.

SALARY AND BENEFITS:

This is a full-time position with a starting salary range of grade JSP-9/1, \$59,966, to grade JSP-15/1, \$143,736, commensurate with experience. Benefits include health and life insurance, retirement, and the Thrift Savings Plan. Some telework will likely be authorized, depending on the successful candidate's experience and other considerations. This position is subject to mandatory Electronic Funds Transfer payment of net pay.

HOW TO APPLY:

Electronically submit cover letter, resume and a writing sample in a single PDF by June 21, 2024 to Denise_Fest@fd.org. The email subject line ***must read:*** RWS Position Announcement 2401. The successful candidate must be able to commence employment no later than autumn 2024. Only applicants considered for an interview will be contacted. Position open until filled. No telephone calls please.

Attorney - Sioux Falls

South Dakota Voices for Peace (SDVFP) seeks an Unaccompanied Children's Project (UCP) Staff Attorney to carry out direct legal services to children in immigration court, living in South Dakota, including state civil court proceedings as it relates to representation of children in immigration court. The UCP Staff Attorney will work on a team with other attorneys, paralegals, Community Health Workers, interns, interpreters and will be supervised by the CEO, an immigration attorney. The UCP Staff Attorney must be a self-motivated advocate with a passion for justice and equity and experienced in working with multilingual, vulnerable clients. The UCP Staff Attorney will represent children and families through the immigration process, including immigration court work. Immigration Court is in Fort Snelling, MN. This position is based in Sioux Falls, SD.

Primary Responsibilities:

- Conduct intakes, legal research, fact development, work with multilingual clients, work with children, draft and file immigration filings, affidavits, briefs, prepare clients for interviews and court proceedings.
- Attend Continuing Legal Education (CLE) opportunities as it pertains to children in immigration court and family law issues.
- Explain family law, immigration law, and procedures to children and their families.
- Represent clients through immigration court proceedings and understand EOIR practices and procedures.
- Represent clients through administrative agency proceedings including but not limited to USCIS (United States Citizenship and Immigration Services.)
- Represent guardians and custodians in SD state court as it relates to a child's immigration law proceedings.
- Stay abreast of all federal and state immigration policies and rule changes in immigration law and state laws related to guardianships, conservatorships, and custody.
- Represent SDVFP at regional roundtables and committees pertaining to immigration law and our practice area.
- Work with legal team to develop sound strategies in case management and track data for grant requirements.

- Work with SDVFP team to develop public education materials, Know Your Rights materials, and communication strategies.
- Work with SD Voices for Justice lobbyists to advance the goals of SD Voices for Peace and coalition partners on legislation impacting undocumented, immigrant and refugee populations. Support legislative advocacy with legal and policy analysis.
- Demonstrate a commitment to diversity, equity and inclusion in the workplace using a personal approach that values all individuals and respects differences in race, ethnicity, age, gender identity and expression, sexual orientation, religion, ability, and socio-economic circumstance.
- Commit to work collaboratively and respectfully toward resolving obstacles and/or conflicts.
- Travel as required.

Qualifications:

- Demonstrated commitment to the mission and goals of SD Voices for Peace and SD Voices for Justice.
- J.D. degree from an A.B.A accredited law school and 1-3 year experience in the legal field.
- Licensed to practice law in any U.S. jurisdiction with the ability to join the South Dakota Bar (willing to take the next bar examination or waive in) or eligible to take the next SD Bar Examination.
- Passionate commitment to and familiarity with immigrants' rights, racial and social justice, and state issues impacting immigrant communities.
- Demonstrated ability to work with vulnerable clients.
- Demonstrated ability to work with multilingual clients and interpreters.
- Demonstrated ability to work with multicultural team.
- Fluency in Spanish (written and spoken) preferred but not necessary.
- Proven ability to work independently as well as within a team.
- Excellent interpersonal, conflict resolution, and verbal communication skills.

To Apply:

This is a full-time position funded through Acacia Center for Justice Justice grant. Competitive salary starting at \$55,000 and commensurate with experience.

Health benefits; generous paid holidays; generous PTO; quarterly wellness days; optional flexible schedule; student loan repayment; professional membership dues, malpractice insurance, and SD Bar dues included. Applications will be accepted until the position is filled. Email the following in one PDF file named yourinitialsUCPAttny to CEO, Taneeza Islam taneeza@sdvfpeace.org :

- o A one-page cover letter with salary requirements;
- o Resume (2 pages only);
- o One writing sample (1000 word max); and
- o 3 references including Name, Title, phone # and email.

Law Clerk - Mankato, MN

The Honorable Terry Vajgrt, chambered in Luverne, MN, seeks a FT law clerk. Work directly with a Minnesota Judicial District Judge at the Trail Court level with the focus on the administration of justice.

Utilize your legal research and writing skills in a multi-faceted caseload drafting legal documents, correspondence and orders.

To view the full job description and to apply online visit: <https://www.governmentjobs.com/careers/mncourts/jobs/4477526/law-clerk-luverne-mn>

HIRING?

Find out how you can post your open positions here!

Email: tracie.bradford@sdbar.net



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