

State Bar of South Dakota

Newsletter

MEMBERSHIP FEES

Are due by December 31, 2024

November 2024

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Attention Members!

Reminder that inactive members who do not pay active dues for more than five calendar years lose the right to practice law in South Dakota, absent taking the Bar Examination, unless you meet one of the exceptions set forth in Article IV – 4.3 of the State Bar By-Laws.

Example 1: inactive members who have not paid active dues during the years 2021-2024 should pay active dues for the 2025 calendar year (due December 31, 2024). Your invoice for 2025 will reflect the active dues amount.

Example 2: inactive members who have not paid active dues during the years 2020-2024 have until December 31, 2024 to change from inactive to active status for the calendar year 2024.

If you are uncertain when you last paid active bar dues, call the State Bar office at 605-224-7554 Option 1 or email tailynn.bradford@sdbar.net.

State Bar of South Dakota

October 2024

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PRESIDENT'S **CORNER**

Sarah Sharp Theophilus



For the past fourteen years I have had the privilege of working for the Office of General Counsel within the U.S. Department of Veterans Affairs. The Department of Veterans Affairs is fulfilling President Lincoln's promise to care for those who have served in our nation's military and for their families, caregivers, and survivors.

This month we commemorate Veterans Day, honoring all military veterans who served in the armed forces. We owe a debt of appreciation to the folks who served and who continue to serve to make our lives safe and comfortable. Veterans Day is an important day to show appreciation.

You might consider volunteering at a local Veterans' organization or donating to nonprofits that support Veterans' health and well-being can also make a meaningful impact. Even simple acts like attending a Veterans Day ceremony or flying the American flag show respect and solidarity. As Roy Rogers said, "We can't all be heroes; someone has to sit on the curb and clap as they go by." November 11th is a great chance to do just that.

Below are a few events across South Dakota for Veteran's Day this year:

Saturday 11/9:

- 5th Annual Northern Hills Veterans Appreciation Fair
- Community Center in Sturgis from 11:00 a.m. – 2:00 p.m.

Saturday 11/9:

- Veterans Military Appreciation Event
- Joy Ranch in Florence from 10:30 a.m. – 1:30 p.m.

Saturday 11/9:

- 3rd Annual Day County Veterans Banquet
- Webster Armory at 5:00 p.m.

Monday 11/11:

- SD Fallen Hero Bridge Dedication – 1LT Josef L. Thorne
- High School Gym in Beresford at 1:30 p.m.

If you are so inclined, you can click the link listed here Military Appreciation and Giving Back to Veterans on Veterans Day | [Military.com](https://www.military.com) for organizations that are making special efforts to recognize Veterans Day by donating a portion of their sales to Veteran causes or featuring special programs that give back to Veterans and their families during November 2024 and, in some cases, beyond.

Again this year this edition of our Newsletter will include our impressive list of members who are Veterans and active military. Please let me or any State Bar staff know if we have missed any names and please thank these Veterans when you see them next time. I would like to mention two attorneys from the list that I have had the privilege of having served as my mentors over the years.

The first is Bob Morris. I met past State Bar President Bob Morris while serving as Young Lawyer President in 2009. Bob and I collaborated and formed the Hagemann-Morris Mentorship Coin Program. Bob is a U.S. Air Force Veteran and comes from a family of servicemen. Bob's Dad was a Navy Veteran and his four brothers are Veterans as well. Bob served four years as law enforcement, military working dog handler and a drug dog handler. Bob is a charter member of the Belle Fourche Air Force Association. Bob, thank you for your service!

and attended the Wreaths Across America event at the South Dakota Veterans Cemetery. Gary was selected to take an Honor Flight to D.C. this past summer. He is active in military and Veteran's matters working with both active duty and former military personnel on a pro bono basis. Gary is co-chair of the State Bar's Veterans Committee. Thank you for your service, Gary.



Robert Morris 1955



Bob Morris 1975



Gary Thimsen

Another State Bar member and Veteran who I have had the opportunity to work with is U.S. Army Vietnam Veteran Gary P. Thimsen. Gary and I have worked together for many years on the Veterans Committee

On behalf of the State Bar, I want to thank all of our members who are Veterans and active duty military. We appreciate you.



State Bar of South Dakota

YOUNG LAWYERS SECTION



Chelsea Wenzel
President

Rivalry. The concept that gets even the most indifferent sports fans excited. In South Dakota, one of the biggest (and best) rivalries is between South Dakota State University and the University of South Dakota. The days, and even weeks, leading up to the recent football match up was full of razzing, playful trash talk, and hopeful confidence. Everyone who is even



tangentially interested in either team looks forward to this game every year. In past years, there have even been some low-level office bets on the game. (See picture of Stephen Gemar, the YLS Board 6th Circuit Representative and diehard Coyotes fan, in royal blue and yellow).

On Saturday the Jackrabbits narrowly beat the Coyotes in overtime (GO JACKS!). Both teams worked hard to bring their best to the field. On Monday at work, there were a few high fives and “good jobs” followed by “we will see you next year.” There were no truly hard feelings or animosity, just a friendly rivalry. Indeed, with the exception of the SDSU/USD football game, I have heard a lot of diehard Jacks fans cheer for the Yotes (and vice versa) when they play anyone else. Outsiders don’t always get it, but those who are a part of the rivalry do.

Like sports, the practice of law is ripe for rivalries. We

have an adversarial system of justice that often pits one side against another. The trick is keeping the rivalries friendly and in the courtroom. A well-known friendly rivalry was that between Antonin Scalia and Ruth Bader Ginsburg. While they were ideologically opposed in the courtroom, they were good friends outside of the courtroom. You can bet that when one was writing a dissent to the majority opinion of the other, both the dissenter and majority writer brought their A game. But when the robes were hung up, the friendship remained.

In my practice, I have had the opportunity to step into a lesser-known friendly rivalry between several criminal litigation attorneys in my office and the Raleigh Hansman/Clint Sargent defense attorney duo out of Sioux Falls. As an appellate attorney (and a law clerk) I was able to hear about and see both sides be fierce advocates in the courtroom and friends in the hallway. The first time I was able to be part of the rivalry was during an appeal before the South Dakota Supreme Court when our case was called for oral argument. Raleigh approached me while I was standing outside the courtroom, greeted me, and started a conversation. My parents, who came to watch the oral argument, joined in the conversation. It was casual and relaxed; we both answered questions my parents had about the process.

When the Justices entered the courtroom, it was all business. Knowing Raleigh was intelligent, experienced, and prepared, I overprepared to ensure I brought my A game. We both passionately advocated for our positions and then the case was submitted. At the end, we shook

hands. Raleigh was out of the courtroom before me and ran into my parents in the hall. She stopped to say hello and answered a few remaining questions that they had. She also complimented my briefing and argument. Later, my parents shared their surprise that she and I were on opposite sides. I hope bystanders consistently have that reaction when they see opposing counsel interacting outside of the courtroom.

As a full-time criminal litigator, I get to face off against one or both of the duo on a regular basis. I can say that the friendly rivalry is alive and well. I overprepare and bring my A game, both as an advocate and to keep the respect that fosters the friendship (and good-humored banter) outside of the courtroom. I always try to be well-prepared, regardless of my opposing counsel. However, when I am up against my friendly rival, there is a different kind of preparation, perhaps one that is even more fun and enjoyable. The mutual respect and relationship involved in a friendly rivalry also keeps a person honest. When high stakes and pressure are involved, one more reason to stay the course is never a bad thing.

In the end, civility takes on many forms, both inside and outside the practice of law. Surround yourself with friendly rivals that make life and the practice of law a little more fun.



1. Where you grew up – **Rapid City, South Dakota.**
2. Where you work – **Evans, Haigh, & Arndt, LLP, in Sioux Falls, South Dakota.**

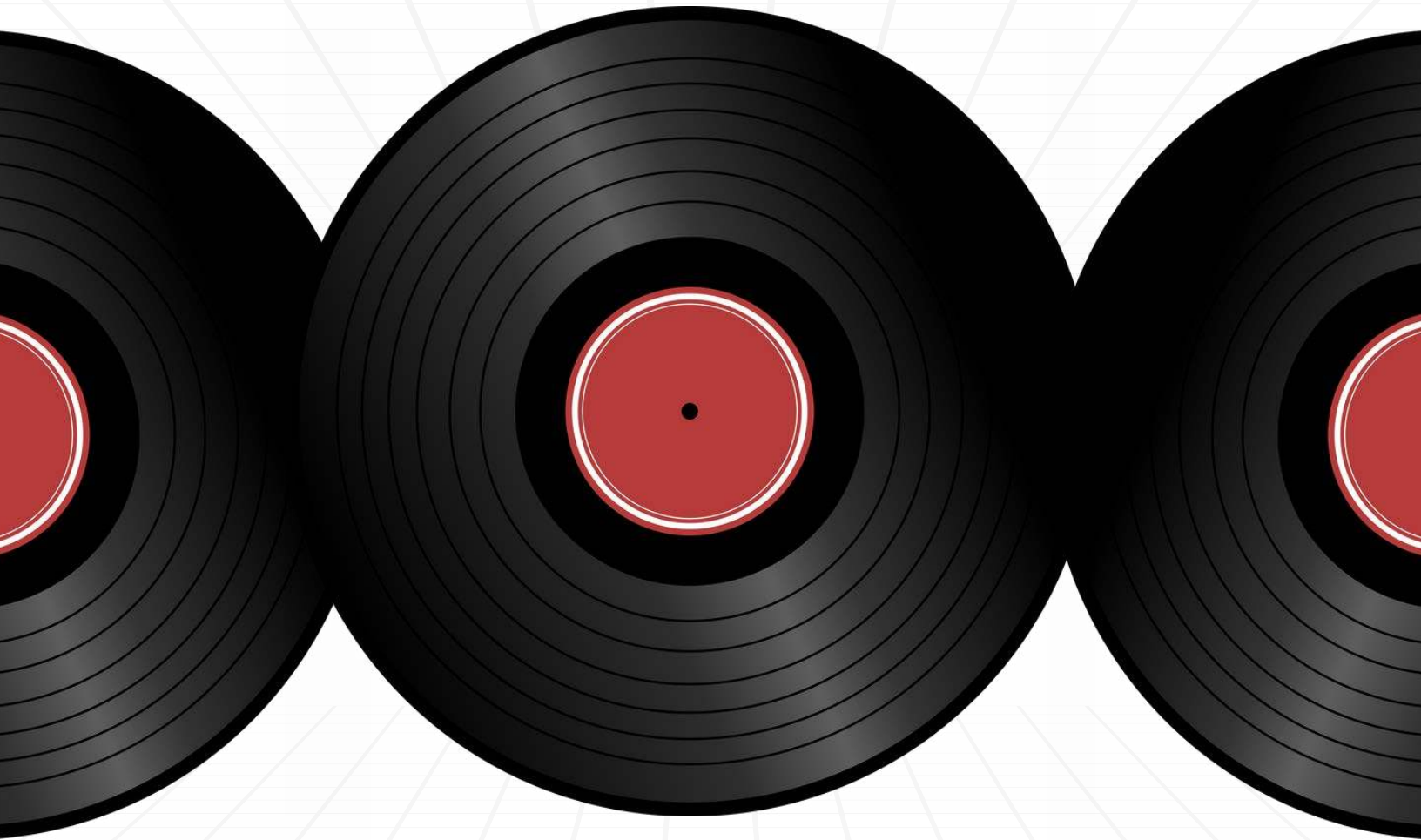
3. Practice area – **Civil Litigation.**
4. Favorite band/song – **You’re Gonna Go Far Kid; The Offspring.**
5. Tell us about your family – **My wife, Christina, and I live in Sioux Falls with our five-month-old son, and our dog Mya.**
6. What is an interesting fact about you most people don’t know? **I played chess for years in my youth, and went to the “Supernational” tournament twice (although I got my butt kicked on both occasions).**
7. How did you start getting involved with YLS? **I was introduced to the prospect of running for a YLS leadership position by Brooke Schmidt, the former Second Circuit Representative for the Young Lawyers Section.**
8. What is some advice you wish you had 5 years ago? **Bet on yourself; no one else will believe in you if you don’t believe in yourself.**
9. Do you have any advice for experienced attorneys? **Consider the prospect of mentoring a young lawyer, if you’re not doing so already. “Passing it forward” ensures South Dakota has a continually-strong, competent bar association to serve the State and its citizenry.**
11. Advice for newer attorneys? **Don’t be afraid to put yourself out there and network with experienced attorneys you look up to, but don’t currently have a working relationship with. The worst they can do is say no; although in my experience, most are more-than-willing to share their time and wisdom.**
12. Who has been your most influential mentor so far? **The late, great, Professor Thomas Horton, and the partners at my firm, Evans, Haigh, & Arndt. I have benefitted, and continue to benefit, from their guidance and advice, and remain incredibly grateful for the same.**
13. Interests/hobbies outside the law. **I love to play golf, play adult-league soccer, watch sports (Manchester United and the Los Angeles Rams) and spend time with my little family.**

Please join the

2ND CIRCUIT YOUNG
LAWYERS SECTION MIXER

VINYL SOCIAL CLUB

3690 WESTERN AVENUE | SIOUX FALLS
NOVEMBER 21 | 4:30 PM CST



THOSE IN ATTENDANCE WILL HAVE THE OPPORTUNITY TO HEAR FROM TWO ESTABLISHED 2ND CIRCUIT CIVIL LITIGATORS - JAMI BISHOP OF JOHNSON, JANKLOW, & ABDALLAH, LLP, AND DELIA DRULEY OF EVANS, HAIGH, & ARNDT, LLP.

JAMI AND DELIA WILL SPEAK ON THE IMPORTANCE OF CIVILITY FROM "ACROSS THE AISLE," AND BEST PRACTICES FOR MAINTAINING INTER-BAR COLLEGIALLY DURING CONTENTIOUS LITIGATION.

Chips, salsa, queso, and guacamole will be provided. We hope you can join us for great food and lively discussion!



PLEASE JOIN US FOR THE
INVESTITURE CEREMONY OF

THE HONORABLE
CAMELA C. THEELER

UNITED STATES DISTRICT JUDGE
UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA

NOVEMBER 15, 2024

3:00 P.M.

ANDREW W. BOGUE UNITED STATES COURTHOUSE
AND FEDERAL BUILDING | COURTROOM 1
RAPID CITY, SOUTH DAKOTA



RECEPTION TO FOLLOW
THE RUSHMORE HOTEL
WASHINGTON ROOM
445 MOUNT RUSHMORE ROAD
RAPID CITY, SOUTH DAKOTA

PLEASE RSVP TO
THEELER_CHAMBERS@SDD.USCOURTS.GOV
BY NOVEMBER 5, 2024



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.

Love Your
Lawyer Day!
NOVEMBER 1, 2024

OATH OF ATTORNEY



I DO SOLEMNLY SWEAR, OR AFFIRM, THAT:

**I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES AND THE
CONSTITUTION OF THE STATE OF SOUTH DAKOTA;**

**I WILL MAINTAIN THE RESPECT DUE TO COURTS OF JUSTICE AND
JUDICIAL OFFICERS;**

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

**I WILL EMPLOY FOR THE PURPOSE OF MAINTAINING THE CAUSES
CONFIDED TO ME SUCH MEANS ONLY AS ARE CONSISTENT WITH
TRUTH AND HONOR, AND WILL NEVER SEEK TO MISLEAD THE JUDGE
OR JURY BY ANY ARTIFICE OR FALSE STATEMENT OF FACT OR LAW;**

**I WILL MAINTAIN THE CONFIDENCE AND PRESERVE INVIOLEATE THE
SECRETS OF MY CLIENT, AND WILL ACCEPT NO COMPENSATION IN
CONNECTION WITH A CLIENT'S BUSINESS EXCEPT FROM THAT CLIENT
OR WITH THE CLIENT'S KNOWLEDGE OR APPROVAL;**

**I WILL ABSTAIN FROM ALL OFFENSIVE PERSONALITY, AND ADVANCE
NO FACT PREJUDICIAL TO THE HONOR OR REPUTATION OF A PARTY
OR WITNESS, UNLESS REQUIRED BY THE JUSTICE OF THE CAUSE WITH
WHICH I AM CHARGED;**

**I WILL NEVER REJECT, FROM ANY CONSIDERATION PERSONAL TO
MYSELF, THE CAUSE OF THE DEFENSELESS OR OPPRESSED, OR DELAY
ANY PERSON'S CAUSE FOR LUCRE OR MALICE.**

Fellows of the South Dakota Bar Foundation

Sustaining Life Fellow - \$50,000 plus

Fred & Luella Cozad

Diamond Fellows - \$10,000 plus

Thomas C. Barnett, Jr.
Robert E. Hayes
Scott N. Heidepriem
Andrew J. Knutson
David L. Knudson
Robert A. Martin
Kimberley A. Mortenson

Platinum Fellows - \$10,000

Hon. Richard H. Battey
Melissa Nicholson Breit
P. Daniel Donohue
Chet Groseclose
Hon. John B. Jones
Jerome B. Lammers
Scott C. Moses
Charles L. Riter
William Spiry
Hon. Jack R. Von Wald

Gold Fellows - \$5,000

Renee H. Christensen
Richard A. Cutler
William F. Day, Jr.
Dana J. Frohling
David J. King
Richard L. Kolker
Kimberley A. Mortenson
Timothy J. Rensch
Michael Sharp

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

Neil Fulton
Hon. Bobbi J. Rank
Timothy J. Rensch

Life Fellow - \$25,000 plus

Frank L. Farrar
Gregory A. Yates

Presidential Fellows - \$10,000

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

Fellows - \$500 (per year)

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Hon. John L. Brown	Denise Langley
Mary Jane Cleary	Hon. Judith K. Meierhenry
Paul L. Cremer	Hon. Robert A. Miller
Andrew L. Fergel	Robert C. Riter, Jr.
Michael S. Fischer	Jason R.F. Sutton
Tom E. Geu	Lea Wroblewski

Raising the Bar: Our Profession. Our Responsibility.

YOU ARE INVITED TO JOIN!

Fellows of the South Dakota Bar Foundation

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

Full Name _____

Address _____

City _____ State _____ Zip Code _____

I would like to contribute:

in Lump Sum Annually Semi-Annually Quarterly Monthly

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

In Memoriam

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

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

Mail payment to:

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

Or you can email this form to:

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

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

Raising the Bar
Our Profession. Our Responsibility.



UNIVERSITY OF
SOUTH DAKOTA
KNUDSON SCHOOL OF LAW



DEAN'S LIST: NEWS FROM THE LAW SCHOOL



Neil Fulton
Dean, School of Law

As another election season draws to a close, it is easy to feel dejected about the state of American politics and civic engagement. Too often genuine debate on matters of public concern is replaced by dissembling of candidates and activists or social media misinformation and echo chambers. We can readily become fixated on voices that shout division and disaster to the exclusion of more reasoned voices articulating opportunities for consensus and collective action in service of the common good. It does not take much to find negative actions and actors these days.

A different picture exists if we look for it, however. I am happy to say that I have seen it in recent actions by students here at the Knudson School of Law. This is a heartening picture for a couple reasons. First, it provides a bright contrast to the darker narrative of toxic politics and civic engagement that often predominates. Second, because it comes from the actions of students, the students who will become our next generation of leaders, it bodes well for our future. It is important to consider these examples from aspiring law students and what it suggests for our culture of civic engagement.

The first example came at orientation when the Class of 2027 came to Vermillion to begin their legal careers. While orientation focuses on introducing the study of law and members of the law school community, this year students were introduced to the skill of public parliamentary debate. Incoming students, who at this point barely knew each other, participated in a parliamentary debate on the question of repealing the

death penalty. This debate was led by an undergraduate student who belongs to an organization named Braver Angel. Braver Angels seeks to transcend division and polarization by bringing together citizens from competing political perspectives for civil civic engagement.

These brand-new law students rose to the occasion brilliantly. The debate was vigorous, articulate, thoughtful, and unfailingly respectful. That is no small feat given the complexities of morality, legality, and emotion that unavoidably run through discussion of the death penalty. Students learned on day one that they can all contribute to the discussion of issues of public concern, that dialogue can increase their understanding even if it does not produce full agreement, and that they can disagree without being disagreeable. This is important because law students must frequently discuss complicated and controversial issues in a reasoned and reasonable way. Perhaps more importantly, as they move from law school into the world, they will have the opportunity to guide other citizens in doing the same. Law school is developing not only practitioners of the art of civil discourse, but leaders of it as well. It was gratifying to see that taking place among our newest students.

The second example took place just a few weeks ago and was entirely the product of student initiative. Students hosted a panel discussion of affirmative action in college admissions. This event was organized by two student groups here at the law school. It is significant

that students took the initiative to organize a balanced and informative discussion of another complicated and controversial legal issue. More significant was the fact that the two collaborating organizations were ones whose student members generally have quite different views on the issue. While these groups might disagree on the substance of the issue, they agreed that it was important to discuss together and united to do the work to make that happen.

As a result of this joint sponsorship, student turnout for this event was fantastic. Our largest classroom was nearly full for the discussion. Students were attentive, engaged, and respectful. There was no disruption of the discussion. There was a thoughtful and vigorous exchange of questions and answers with the panelists. Student interest was so great that once the allotted time was over (and the classroom had to be given back over to the next class), students and panelists moved to the student commons for more than an hour of follow-up discussion. All this discussion was robust but respectful; nobody shined away from difficult ideas, disagreement, or willingness to rethink their own positions. Everyone walked away more informed, more engaged, and with more mutual understanding, if not full agreement.

One panelist, who speaks on the issue of affirmative action nationally, remarked that he had never experienced such a respectful and engaged audience in a law school. Unfortunately, there have been instances at other law schools of students shouting down speakers or resorting to other disruptive tactics. Not here, however, where I am proud to say that the culture among students is to engage with each other on critical issues vigorously but respectfully. It was gratifying for a visitor to recognize. In fact, that speaker authored a glowing social media post about their visit which sang the praises of USD Law students who organized and participated in the event. It also encouraged others to come here to speak and to hire our graduates.

Student activity of this type and caliber matters. The students of today will be our civic leaders of tomorrow. It is imperative that they are well-formed in the inclination and ability to engage in civil civic discourse. Our legal and political systems depend upon it. It also sets an example for both younger students who follow and step into well-established culture of free expression, open dialogue, and respectful engagement. Beyond that, I hope it provides a model to those of us who are

no longer students but remain interested in politics and civic engagement about what our civic engagement can and should be. It can be vigorous without becoming violent. It can be collegial without always achieving consensus. It can, as the Founders hoped, make us a more perfect union without being perfect ourselves.

As the current electoral cycle closes, the basest political impulses are too often at the fore. A better vision exists if we focus on it. As Abraham Lincoln so lyrically said in his First Inaugural Address:

We are not enemies but friends. We must not be enemies. Though passion may have strained it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely as they will be, by the better angels of our nature.

The “better angels of our nature” have been on full display among students here at the School of Law as they empathetically engage with their colleagues, carefully deliberate on matters of public concern, and retain mutual respect.

It turns out that the kids are all right. We could all do well to be guided by their example.



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Application for Pro Bono Emeritus Status

I, _____, an active member of the State Bar of South Dakota, do hereby apply for Pro Bono Emeritus Status, for the year 2025.

I understand that if approved, rather than pay regular dues for the year 2025, I will only be required to tender the sum of \$125 (same as inactive dues) but I will be entitled to all the rights and privileges of an active member of the State Bar.

Further, I recognize that this status means that I will be requested from time to time to take a referral from East River Legal Services, Dakota Plains Legal Services, or Access to Justice, and I am willing to accept at least one referral in the year 2025.

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

Dated this _____ day of _____, 20____

Signature _____

Printed Name _____

Address _____

City, State, Zip Code _____

Phone _____ Email _____



FILE YOUR CLIENT'S FINCEN BENEFICIAL OWNERSHIP INFORMATION REPORT TODAY!*

WWW.CTA.SOLUTIONS

All reporting companies formed prior to **JANUARY 1, 2024** must file prior to **DECEMBER 31, 2024**.

STANDARD CTA
605-496-7760
email@cta.solutions

** Bulk filing and white label options for law firms available.*

SAVE THE DATE

SPRING OCI DATES:

- Nov 13 Black Hills Virtual Networking Event. [RSVP here.](#)
- Feb 6-7 OCI Round I. [Register Here.](#)
- Feb 24 Spring Career Fair
- March 20-21 OCI Round II

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](#).





**JUSTICE
SQUAD**

**THANK YOU TO THE FOLLOWING ATTORNEYS THAT
ACCEPTED A PRO BONO OR REDUCED RATE CASE IN AUGUST
AND SEPTEMBER 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.**

#celebrateprobono



October 20-26, 2024

**NATIONAL CELEBRATION
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**THOMAS BLAKE
DIANA BONI
JORDAN BORDEWYK
JODI BROWN
JIM MEYERS
ROSEANN WENDELL**

Special Thanks to:

**ADAM ALTMAN
JOSEPH HOGUE
STEVE HUFF
KYLE KRAUSE
DENISE LANGLEY
DYLAN MILLER
ALISON RAMSDALL
MARWIN SMITH
JAMES TAYLOR**

For Your Help on SDFLA!

In honor of the 16th annual National Celebration of Pro Bono week, A2J & SDFLA would like to thank all of the S.D. attorneys that have volunteered through Access to Justice and South Dakota Free Legal Answers in 2024.

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

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



A2J

HERO



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



ANNOUNCEMENTS

Cutler Law Firm, LLP
is pleased to announce the addition of

Taylor J. Anderson
as an associate attorney

Cutler Law Firm, LLP
140 N. Phillips Ave., 4th Floor
Sioux Falls, SD 57104

Telephone: (605) 335-4968

E-mail: TannerJ@cutlerlawfirm.com

www.cutlerlawfirm.com

Cutler Law Firm, LLP
is pleased to announce the addition of

Matthew J. Pesicka
as an associate attorney

Cutler Law Firm, LLP
140 N. Phillips Ave., 4th Floor
Sioux Falls, SD 57104

Telephone: (605) 335-4968

E-mail: MatthewP@cutlerlawfirm.com

www.cutlerlawfirm.com

Effective November 14, 2024

Bangs McCullen Law Firm

will be moving. Their new address is

Bangs McCullen Law Firm
5048 East 57th St., Suite B
Sioux Falls, SD 57108

Telephone: (605) 339-6800

www.bangsmccullen.com

Rensch Law Office
is pleased to announce the addition of

Kyra J. Sundleaf
as an associate attorney

Rensch Law Office
832 Saint Joseph St.
Rapid City, SD 57701

Telephone: (605) 341-1111

E-mail: kyra.sundleaf@renschlaw.com

<https://renschlaw.com/>

Boyce Law Firm, LLP
is pleased to announce the addition of

Sara M. Mangan
as an associate attorney

Boyce Law Firm, L.L.P.
300 S. Main Avenue
P.O. Box 5015
Sioux Falls, SD 57117-5015

Telephone: (605) 336-2424

E-mail: smmangan@boycelaw.com

www.boycelaw.com

Riter Rogers, LLP
is pleased to announce the addition of

Emily E. Easton
as an associate attorney

Riter Rogers, LLP
319 S Coteau
P.O. Box 280
Pierre, SD 57501

Telephone: (605) 224-5825

E-mail: e.easton@riterlaw.com

www.riterlaw.com



The Department of Social Services Division of Child Support is seeking proposals for skilled legal representation across South Dakota.

Prosecutors contracted under this Request for Proposals will provide services to DCS to assist in locating payors of support, establishing paternity, establishing child support obligations and modifications, enforcing child support and medical support obligations, and collecting and disbursing child support payments. This involves both civil and criminal matters.

DCS provides child support services to individuals receiving state benefits as well as non-recipients requesting child support services.

RFP#24RFP11777 was published Oct. 30 and can be found at <https://dss.sd.gov/keyresources/rfp.aspx>. Proposals must be received by Dec. 18 to be considered.



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Amiotte Law PC
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Sioux Falls, SD 57108

Telephone: (605) 595-7658

E-mail: stephanie@amiottelaw.org

*** Thank You ***

VETERANS

HONORING ALL WHO SERVED

Kirk Albertson	Casey Fideler	Don McCarty	Ronald Schulz
Trevor Archer	Clair Gerry	Mathew Meyer	Gary Schumacher
Joel Arends	Bruce Ford	Mathew Michels	Tracye Sherrill
Dylan Bakken	Dusty Ginsbach	Bob Morris	Justice Glen Severson
John Bastian	Paul Hancq	Brian Murphy	Jim Seward
Ken Bertsch	Chris Hutton	David Natvig	Amanda Seykora
Paul Brankin	Kenneth Jasper	Gordon Nielsen	Michael Sharkey
Leslie Adam Bryson	Christian Jensen	Mark O'Leary	William Sims
Jason Campbell	Darrell Jesse	Matt Olson	Hon. Robert Spears
Robert Coacher	Clifton Katz	Hon. Patrick Pardy	Phillip Stiles
Jamie Damon	Amanda Kippley	Robert Pasqualucci	Hon. Greg Stoltenburg
James Davies	Randy Kirkvold	Kaleb Paulsen	Hon. Eric Strawn
Lee Dayton	John Konenkamp	Zachary Phelps	James Sword
Wade Druin	Stacy Kooistra	Michael Pickett	John Taylor
Jeremy Duff	Hon. Charles Kornmanm	Hon. Larry Piersol	William Taylor
John Duffy	Jonathan Kotilnek	Matthew Powers	Creighton Thurman
Kristian Ellendorf	Kevin Krull	Spencer Prosen	Gary Thimsen
Harry Engberg	Denise Langley	John Quaintance	Stuart Tiede
Gregg Engler	Paul A. Lewis	Richard Rahn	Joseph Twidwell
Eric Erickson	Larry Long	Rick Ramstad	Damian Vacin
Jason Erickson	Nathan Lukkes	Hon. Mark Salter	Kellen Willert
Craig Evenson	Karla MacArthur Harris	Tom Sannes	Fred Winkler
Dennis Evenson	Don McCarty	Austin Schaefer	Russel Zephier
Chris Farris	Mathew Meyer	Ashley Schartz	

*While we have made every effort to include all veterans in our list, there is a possibility that a name may have been inadvertently omitted. We sincerely apologize for any oversight and express our deep gratitude for your invaluable service. Your feedback is highly appreciated, and we encourage you to contact our office to ensure your recognition in the future.

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NOVEMBER 19TH

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1:30 PM CDT

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Alex Halbach

HALBACH | SZWARC LAW FIRM



Emily Maurice

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- John F. Kennedy



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State Bar of South Dakota Association

Avera Healthcare Plans

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

EASTERN SOUTH DAKOTA

Office Location

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

Agency

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

Contact

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

WESTERN SOUTH DAKOTA

Office Location

West River

Agency

Black Hills Insurance Agency
Black Hills Insurance Agency
Carver Insurance

Contact

Dan Maguire
Everett Strong
Lisa Knutson

Questions on Eligibility, Rates, and Services?

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



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STENOGRAPHY: THE GOLD STANDARD

by Cheri M. Wittler, RPR, CRR
President **South Dakota Court Reporters Association**

Stenography is a critical element of the legal profession, and it has a long and distinguished history dating back to ancient Rome. The modernization of stenography has evolved into state-of-the-art equipment, yet other inferior methods of capturing the record continue to threaten the accuracy and integrity of legal proceedings.

Stenographers are highly trained professionals who undergo extensive, specialized training and complete courses in court and deposition procedures, English grammar and punctuation, and legal and medical terminology. Stenographers achieve advanced professional certifications, such as the RPR, RMR, RDR, and CRR, and engage in continuing education training to keep current with the latest technology and industry standards.

Stenographers make a live record of the proceedings from start to finish. To ensure that the record is verbatim and accurate, which is crucial for legal proceedings, stenographers continuously monitor and manage situations like multiple speakers, overlapping speech, and soft-spoken individuals. We know immediately if we need to interrupt to clarify the record. Stenographers provide instantaneous readbacks, realtime translation, rough drafts, and expedited transcripts. We are vigilant in handling off-the-record discussions, a critical aspect for maintaining the integrity of the legal process. We are bound by confidentiality requirements. We adhere to a Code of Professional Ethics.

Alternative methods of capturing spoken words, such as digital reporting, have limitations which impact their reliability. The integrity and accuracy of the transcript completely depends on the quality of the recorded audio. Technical issues and glitches affect digital recordings, and the ability to accurately capture multiple speakers, overlapping speech, and strong accents presents challenges. There are lower standards for certification, and many digital reporters are not certified. When a digital reporter appears for your deposition, he or she is making notes along the way to be referenced by a transcriptionist. The audio files are frequently broken up and outsourced to individuals who were not present at the proceedings to produce the transcript, thereby jeopardizing the security of your clients' names, birth dates, phone numbers, banking, and other sensitive information.

There are many compelling reasons why stenography remains the gold standard for court reporting. While alternative capture methods may have their place, the trained stenographer is irreplaceable for ensuring the accuracy and integrity of legal proceedings. Don't be caught off guard by a notice allowing a digital audio recorder to appear for your proceedings when you and your clients deserve a stenographic reporter.

THE HAGEMANN-MORRIS YOUNG LAWYER MENTORSHIP COIN PROGRAM THE STATE BAR OF SOUTH DAKOTA YOUNG LAWYERS SECTION

I. PROGRAM OBJECTIVE

The Hagemann-Morris Young Lawyer Mentorship Coin Program strives to foster mentorship within the State Bar by pairing members of the Young Lawyers Section with Mentors who can provide candid and insightful guidance to Young Lawyers as they navigate the beginning stages of their legal career. The Program hopes to:

- Foster the development of the Young Lawyers practical skills and their knowledge of legal customs;
- Create a sense of pride and integrity in the legal profession;
- Promote collegial relationships among legal professionals;
- Improve legal ability and professional judgment; and
- Encourage the use of best practices and highest ideals in the practice of law.

State Bar members are members of the Young Lawyers Section until they reach age 40 or have practiced law for ten years, whichever occurs later.

II. HOW IT WORKS

1. Young Lawyers and Mentors sign up with the State Bar by completing the online forms linked below.
2. The YLS Board establishes a compatible mentorship pair.
 - The YLS Board creates mentorship pairs using the information provided in the applications and reaching out to attorneys believed to be a good fit for the Young Lawyer.
 - Young Lawyers may also request specific mentors or request Mentor Coins for an already-established mentorship.
3. The YLS Board will send the Young Lawyer and Mentor an informational packet with suggested conversations and activities. The Young Lawyer will also receive Mentor Coins.
4. The Young Lawyer may present a Mentor Coin to their Mentor as an invitation for mentorship and acknowledge their trust in such Mentor.

JOIN THE PROGRAM



<https://statebar.typeform.com/mentorship>

Ethics Opinion 2024-01

Question Presented: May a lawyer serve as a criminal prosecutor for a state’s attorney’s office regarding cases adverse to criminal defendants represented by attorneys in a firm in which the lawyer’s spouse also practices (and vice versa)?

Short Answer: Yes, so long as the lawyers who are spouses do not actually represent the state’s attorney’s office and a criminal defendant in the same case and take other protective action.

Rules Implicated: 1.7, 1.10, 1.11.

FACTS

County State’s Attorney’s Office (“SAO”) has employed Lawyer for a time regarding civil matters. SAO now wants Lawyer to start working on criminal cases. Lawyer is married to Spouse, who is an attorney in a firm that regularly represents criminal defendants being prosecuted by the SAO. Spouse also represents some of the criminal defendants in those cases.

SAO inquires whether this general arrangement will violate any conflicts of interest rules. Assuming it does not, SAO also inquires whether Lawyer and Spouse can engage in this representation regarding the same criminal defendant (i.e., Lawyer represents the SAO and Spouse represents a criminal defendant in the same case) so long as the concurrent representation is limited to occasions where the criminal defendant is appearing at “non-substantive” hearings, such as arraignments, status hearings, and non-evidentiary motion hearings.

ANALYSIS

The general rule under Rule 1.7 (which also applies to Lawyer working for the SAO under Rule 1.11(d)(1)) is that lawyers who are spouses cannot represent clients with adverse interests in the same case. Rule 1.7 references conflicts arising from “personal interests” of the lawyer, and Comment [11] of the rule clarifies that a “personal interest” includes situations where adverse parties would be represented by attorneys who are siblings, parent/child, or spouses.

Accordingly, Lawyer and Spouse cannot represent their respective clients’ interests in the same matter. This includes non-substantive matters, such as occasions where a court might hold a series of arraignments or other non-evidentiary hearings on multiple criminal matters on a rolling basis.

The conflict is *potentially* waivable, so long as both the SAO and the criminal defendant provide the waiver contemplated by Rule 1.7(b)(4) with the required informed consent. However, obtaining a waiver is not the end of the analysis. Under Rule 1.7(b)(1), the Lawyer and Spouse, must also be satisfied that the SAO’s and criminal defendant’s interests will be competently and diligently (and, by implication—zealously) represented notwithstanding the close personal relationship of the two advocates. The Committee does not opine this is *per se* impossible, but notes it is uniquely problematic in this particular situation.

This conflict does not *per se* extend to other members of the SAO or Spouse’s law firm. Rule 1.10 clarifies that, although Rule 1.7 conflicts are ordinarily imputed to all members of the firms involved, they are not imputed if “the prohibition is based on a personal interest of the prohibited

lawyer and does not present a significant risk of materially limiting the representation of the client by the remaining lawyers in the firm.”

Here, the primary source of “material limitation” would be access to confidential information. The SAO and Spouse’s law office should both ensure that Lawyer and Spouse, respectively, do not have access to any files in which the other attorney is involved, and are not included in any discussion regarding those cases.

Although this addresses most concerns, the SAO and Spouse’s law office must also be satisfied that denying Lawyer and Spouse access and involvement on these cases does not hamper the SAO’s and Spouse’s office’s overall ability to effectively represent their clients’ interests, given the loss of Lawyer’s and Spouse’s input and availability in certain cases. For example, on occasions where the court holds a rolling-calendar of non-substantive matters on its criminal docket, the SAO will need to ensure there is an attorney other than Lawyer who can step in to represent the SAO on matters where Spouse is representing the criminal defendant.

The Committee cannot opine on whether there are any constitutional, substantive, or procedural criminal law principles that would require Spouse or Spouse’s firm to advise its clients who are criminal defendants of the fact that Spouse is married to an attorney who works for the SAO, but simply notes this is something Spouse and Spouse’s firm should independently consider.

SOUTH DAKOTA BAR FOUNDATION

Minutes of January 31, 2024, Meeting, held via Zoom

South Dakota Bar Foundation (“SDBF”) President Reed Rasmussen called the meeting of the Board to order at 2:01 PM CST. Board members present were President Rasmussen, Vice President Steve Huff, Eric Schulte, Renee Christensen, Thomas Frieberg, Stephanie Judson, Lisa Marso, Kim Mortenson, and Anthony Sutton.

Also present for all or part of the meeting were Assistant Director Nicole Ogan, Access to Justice Coordinator Denise Langley, and Executive Director/Secretary-Treasurer Paul Cremer.

Director Judson made a motion to approve the minutes of the June 21, 2023, South Dakota Bar Foundation Meeting. Director Schulte seconded the motion. Motion carried.

Director Judson made a motion to memorialize email votes listed below from August 24, August 25, and August 31, 2023. Director Frieberg seconded the motion. Motion carried.

On August 24, 2023, the Bar Foundation Board, through a motion and email vote, approved a request from the Project Rural Practice Committee of the State Bar of South Dakota to provide \$2000 as a sponsor for an evening meal at the Law Review Symposium regarding Rural Lawyers to be held September 21-23, 2023, at USD Knudson School of Law.

On August 25, 2023, the Bar Foundation Board, through a motion and email vote, approved a request from the State Bar of South Dakota for a \$15,000 grant to help establish and provide sexual harassment ombuds services within the South Dakota legal profession.

On August 31, 2023, the Bar Foundation Board, through a motion and email vote, approved a request from South Dakota News Watch to provide \$500 to help sponsor training sessions for journalists to help understand court processes.

Director Sutton made a motion to allow the South Dakota Bar Foundation to execute a contract with the State Bar to allow the State Bar to provide services to the Bar Foundation for \$1, in similar fashion to previous years. Director Christensen seconded the motion. Motion carried.

Nicole Ogan provided information regarding the audit conducted by ELO of the Bar Foundation. Director Mortenson made a motion to approve the IRS Form 990 and to allow Cremer to execute related audit and IRS documents. Director Schulte seconded the motion. Motion carried.

The Foundation Directors discussed rural practice internship funding requests. Director Mortenson made a motion to allow funding for at least six summer internship positions. Director Frieberg seconded the motion. Motion carried. The Foundation Directors agreed to consider more funding for internship positions if needed.

The Foundation Directors discussed some potential future grant applications, including Pathways. It appears that the South Dakota Guardianship Program will no longer be an ongoing entity, and the Bar Foundation will likely not need to provide funds for the Guardianship Program.

Denise Langley presented the board with a report on the Access to Justice Program, including statistics and successes from the previous fiscal year, and plans for the upcoming fiscal year. Langley noted that A2J attorneys handled 173 cases, involving approximately 700 hours of service, with an estimated value of \$163,000. Approximately 33 attorneys provided assistance to citizens via South Dakota Free Legal Answers, and those volunteers answered 272 questions, including questions involving family law, and landlord-tenant issues. Langley noted that A2J, East River Legal Services, and Dakota Plains Legal Services are continuing to work on website and online application improvements. The legal needs assessment has been beneficial for legal aid entities. A Spanish translation of video training regarding guardianship and conservatorship matters will be produced using CEAC funding. Increased use of the website by citizens has led to increased applications to legal services entities. Langley is spending more time reviewing applications and spending less time on case-matching activities. Langley may need assistance with some administrative tasks to allow her to spend more time on case-matching activities.

South Dakota Public Broadcasting thanked the Bar Foundation for continued support of various activities, including legislative coverage. The Bar Foundation thanked SDPB for our continued partnership. The Bar Foundation considered a particular request for program sponsorship involving a podcast series, and the Bar Foundation determined that the sponsorship for that particular project does not fit within the Bar Foundation mission. Directors Frieberg and Schulte recused themselves from the SDPB discussion.

The Foundation Directors discussed the Bar Foundation Strategic Plan. Topics included a potential RFP for an IOLTA enhancement plan and exploring options involving Foundation activities and fundraising.

Cremer provided an update regarding ongoing State Bar efforts to obtain ombuds services.

The Foundation Directors discussed efforts made by the Bar Foundation to promote awareness of the Bar Foundation.

Bar Foundation President Rasmussen adjourned the meeting at 3:00 pm CST.

Respectfully submitted,

Paul Cremer
Executive Director/Secretary-Treasurer

BOARD OF BAR COMMISSIONERS

Minutes, August 28, 2024; Via Teams

President Elect John Richter called the meeting to order at 9:04 AM CDT on August 28, 2024. Present for all or part of the meeting were President Elect Richter, and Commissioners Tyler Matson, Carrie Srstka, Jerry McCabe, Erika Olson, Teramie Hill, Sarah Covington, Kristen Edwards, and Steve Blair. Also present for all or part of the meeting were Executive Director/Secretary-Treasurer Paul Cremer, Director of Operations Tracie Bradford, Strategic Plan Coordinator Carrie Gonsor Sanderson, Lawyers Assistance Program Director Becky Porter, and Access to Justice Inc. Coordinator Denise Langley.

Approve minutes of July 11, 2024, Meeting: Commissioner Blair moved to approve the minutes of the July 11, 2024, Bar Commission meeting. Commissioner Matson seconded the motion. Motion carried.

Approve minutes of July 26, 2024, Meeting: Commissioner Blair moved to approve the minutes of the July 26, 2024, Bar Commission meeting. Commissioner Covington seconded the motion. Motion carried.

Approve Minutes of August 14, 2024, Meeting: Commissioner McCabe moved to approve the minutes of the August 14, 2024, Bar Commission meeting. Commissioner Hill seconded the motion. Motion carried.

USD Law listserv information regarding State Bar: Commissioner Teramie Hill presented information regarding the USD Law listserv and a proposal to provide outreach regarding the State Bar to members of the listserv.

Annual Meeting Program resources: Commissioner Sarah Covington discussed plans to make annual meeting information available via online resources in addition to the printed materials.

At 9:20 AM CDT, Commissioner Covington made a motion to go into executive session to discuss personnel matters. Commissioner Edwards seconded the motion. Motion carried. Present for the executive session were the Commissioners and Cremer, who answered questions and provided information. The Commission adjourned executive session at 9:55 AM CDT. Bar staff joined the meeting at this point.

Ombuds Update: Cremer gave an update on State Bar efforts to obtain ombuds services as per recommendations from the Supreme Court Commission on Sexual Harassment in the Legal Profession.

Legislative Involvement by State Bar Members: Cremer recounted a recent discussion with a legislator regarding Bar member involvement in the legislative process. The legislator stressed the importance of participation by legal professionals in the legislative process, including the service of lawyer legislators, and Bar members who provide advice to legislators. The State Bar encourages Bar members to participate in the legislative process and the Bar Commission thanked Bar members who participate in the legislative process in various capacities.

LAP – Ad Hoc Committee to explore options regarding LAP sustainability: The Bar Commission discussed the potential creation of an ad hoc committee to work with Lawyers Assistance Program Director Becky Porter regarding the sustainability of LAP resources and services.

State Bar Technology Upgrades – ad Hoc Committee: The Bar Commission discussed the potential creation of an ad hoc committee to review State Bar technology resources.

vLex Fastcase Update: Cremer said that vLex Fastcase is upgrading Fastcase in SD and nationwide over the next several weeks. VLex is planning to phase out Dakota Disc by the end of December 2024, and all Dakota Disc subscribers can use Fastcase because the content available on Dakota Disc is available on Fastcase. More information will be provided.

Committees/Sections – Strategic Plan Update: State Bar Strategic Plan Coordinator Carrie Sanderson provided information about recent meetings in Rapid City and Sioux Falls with President Sharp Theophilus and State Bar committee and section chairs. Sanderson also requested that the Bar Commission schedule time at the September 27 Bar Commission meeting to consider the updated strategic plan, which was recently drafted by the Strategic Planning Committee.

President Elect Comments: President Elect John Richter thanked Commissioners Teramie Hill and Sarah Covington for sharing their ideas with the Commission. He then encouraged other Commissioners to bring any ideas they have to future meetings “because the Commission is composed of talented individuals that have a lot to offer in terms of advancing the Bar and adding value for its members.”

Miscellaneous: Sioux Falls attorney Mark W. Haigh has presented nominating petitions pursuant to section 5.2 of the State Bar Bylaws to qualify as a candidate for President Elect at the election to be held during the 2025 annual meeting. Haigh is planning to send a letter to Bar members regarding his candidacy.

Next Meeting: The next Bar Commission meeting is scheduled for September 27, 2024, at 9:00 AM CDT, at Drifters in Ft. Pierre and online, and will be held in conjunction with the Statewide Swearing-in Ceremony.

Adjourn: President Elect Richter adjourned the meeting at 10:45 AM CDT.

Respectfully submitted,
Paul Cremer
Executive Director/Secretary-Treasurer

BOARD OF BAR COMMISSIONERS

Minutes, September 19, 2024, 11:00 AM CDT; Via Teams

President Sarah Sharp Theophilus called the meeting to order at 11:01 AM CDT on September 19, 2024. Present for all or part of the meeting were President Sharp Theophilus, President Elect John Richter, and Commissioners Tyler Matson, Carrie Srstka, David Strait, Jerry McCabe, Justin Bell, Erika Olson, Teramie Hill, Amber Mulder, Kristen Edwards, and Steve Blair. Also present for part of the meeting was Executive Director/Secretary-Treasurer Paul Cremer.

At 11:02 AM CDT, Commissioner Bell made a motion to go into executive session to discuss personnel matters. Commissioner Srstka seconded the motion. Motion carried. Present for the executive session were the Commissioners and Cremer, who answered questions and provided information. Cremer left the meeting at 11:32 AM CDT and the Commission continued in executive session. The Commission adjourned executive session and the meeting at 12:15 PM CDT. No votes were taken.

Respectfully submitted,
Paul Cremer
Executive Director/Secretary-Treasurer

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ACCESS TO JUSTICE BOARD OF DIRECTORS

Minutes, July 26, 2024, Clubhouse Hotel Sioux Falls, SD

President Sarah Sharp Theophilus called the meeting to order at 1:05 PM CDT on July 26, 2024. Present for all or part of the meeting were President Sharp Theophilus, President Elect John Richter, and Directors Tyler Matson, David Strait, Justin Bell, Erika Olson, Teramie Hill, Sarah Covington, Stacy Johnson, Kristen Edwards, and Steve Blair. Also present at the meeting were Executive Director/Secretary-Treasurer Paul Cremer, Communications/Membership Director Tracie Bradford, Administrative Assistant Kylee Alfrey, Strategic Plan Coordinator Carrie Gonsor Sanderson, and Lawyer's Assistance Program Director Becky Porter.

Approve minutes of May 17, 2024, Meeting: Director Strait made a motion to approve the minutes of the May 15, 2024, A2J meeting. Director Olson seconded the motion. Motion carried.

Approval of FY 2024-2025 Budget Approval: Director Strait made a motion to approve the FY 2024-2025 budget as presented. Director Johnson seconded the motion. Motion carried.

Anderson Nill, Signature Authority, Account Authority:

Anderson Nill requested authority to work with State Bar-related accounts and information, including A2J. Banks that work with the State Bar requested an update to State Bar signature authority because of the departure of Nicole Ogan. Director Johnson made a motion to approve the following resolution:

Executive Director Paul Cremer is hereby authorized to retain signature authority for financial transactions, legal documents, and other official agreements involving the State Bar and related entities. State Bar staff member Tracie Bradford also has signature authority for financial transactions if previously approved by Executive Director Paul Cremer. This authority is consistent with and does not supersede policies and procedures regarding spending authority.

Anderson, Nill, and Associates, Inc. of Pierre, SD, is hereby granted the following authority as necessary for bookkeeping purposes and for the operation of the State Bar and related entities: to make financial transfers as approved by the State Bar and related entities, to have access to financial information of the State Bar and related entities, to file financial records, and to use a signature stamp of Executive Director Paul Cremer.

Director Olson seconded the motion. Motion carried.

Adjourn: President Sharp Theophilus adjourned the meeting at 1:10PM CST.

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

SPECIAL ANNOUNCEMENT

FROM ACCESS TO JUSTICE:



The new Spanish version of the Guardianship/Conservatorship Training video is now available on the State Bar of South Dakota website!

<https://www.statebarofsouthdakota.com/guardianship-conservatorship/>

Special Thanks to the following attorneys and paralegal for their assistance with this important project:

Lane Haskell
Erika Olson
Alejandra Hight (paralegal)

****This video project was made possible through a grant from the Commission on Equal Access to the Courts. The new Spanish version of the Guardianship/Conservatorship training video will provide the public with an additional training option to complete the required training to become a guardian/conservator in South Dakota.*



Robert Trzynka
Attorney
Sioux Falls, SD



Trinette LaFleur
Attorney
Jefferson, SD



Jack Brown
Attorney
Sioux Falls, SD



Janell Broekemier
Attorney
Sloan, IA



Christal Schreiber
Paralegal
Pierre, SD



Lisa Braet
Legal Assistant
Sioux City, IA



Michele Wiggs
Finance Manager
Sioux Falls, SD



Jennifer McLaughlin
Office Coordinator
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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.

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In Memoriam



Carlyle E. Richards
July 21, 1935 –
September 15, 2024

Carlyle E. Richards, 89, of Aberdeen, died September 15, 2024, at Sanford Medical Center in Sioux Falls, following a brain

injury.

Carlyle Edward Richards was born at Deadwood, SD, on July 21, 1935, to Clinton and Marian (Coventry) Richards. He grew up in Deadwood and graduated from Deadwood High School in 1953; from Northwestern University in Evanston, IL, in 1957; and from the University of South Dakota School of Law in 1960.

Upon graduating from law school, Carlyle was engaged as the law clerk for U.S. Federal District Court Judge Axel Beck. Because Judge Beck was in Aberdeen, it was necessary for Carlyle to move to Aberdeen.

One of the first people he met in Aberdeen was Sheila Beaver of Indianapolis, Indiana, who was attending Northern State.

Carlyle and Sheila were married at First United Methodist Church in Aberdeen on December 23, 1961. They had three children: Leisa, Keith and Renee; and adopted their daughter Iris in 1970.

After clerking for Judge Beck for one year, Carlyle practiced law with C.W. (Bill) Hyde from 1961-1964; with Mike Ronayne from 1964 until Mike's retirement in 1993; and then with Harvey Oliver, Vic Fischbach and Tom Tonner until Carlyle's retirement in 2019, just three weeks shy of his 84th birthday. In 1971, Carlyle was appointed U.S. Magistrate for the Northern Division of the District of South Dakota, where he served under U.S. Federal District Court Judge Charles B. Kornmann.

Carlyle retired from this post in 2000, but served again in 2008 and 2009. He also served as counsel for the South Dakota Wheat Growers (now Agtegra) for the majority of his time in practice, because he specialized in cooperative law and enjoyed representing the many agricultural cooperatives of eastern South Dakota.

In 2015, he was inducted into the South Dakota Cooperative Hall of Fame.

Carlyle was an active member of the United Methodist Church his entire life. He was a member of First UMC in Aberdeen from 1960 through 2005. During that time, he taught Sunday School to high school students and college students; and then, with other young married couples, formed the Anglers Sunday School class, which he taught for 35 years. At First UMC, he also served on the Pastor-Parish Relations Committee and the Board of Trustees. He provided special music when asked, and sang in the choir. From 2005 until his death, he was a member of North Highland UMC, where he taught the adult Sunday School class, sang in the choir, and chaired the Finance Committee. On the UMC Conference level, he served many years as a delegate to the Conference; he chaired the United Campus Ministry Committee for 20 years; and he was a member of the Conference Board of Trustees. One of the greatest joys in his life was the fellowship and hilarity of the United Methodist Men's breakfast gathering every Saturday at 6:30 a.m.

Carlyle believed in supporting his community in every way possible. He served on the board of Northeastern Mental Health Center from 1968-1981. He was also a founder, member and president of the Northeastern Mental Health Center Foundation. He served on the state-wide advisory board of Lutheran Social Services from 1988-1992, both as a director and vice-president.

He served as director of the Charles A. Howard Memorial Fund for 30 years, awarding scholarships (with the assistance of the Board) to local college students. He served on the board and as secretary and legal counsel for the Paul and Mayme Green Memorial Foundation. He has been a member of the Aberdeen Lions Club since 1963; he served terms as president and was the music-maker for the weekly meetings. Every year from 1968 on, he donned his Santa Claus suit for the annual Lions Christmas party at the South Dakota School for the Blind and Visually Impaired. He was a lifetime member of the Salvation Army Board of Directors. He was a member of Masonic Lodge No. 38 A.F. and A.M. (Master in 1970); the Scottish Rite; and the Yelduz Shrine, where he was a member of the Shrine Band. He and his wife Sheila were original members of the Prairie Players. Carlyle played the Scarecrow in its production of *The Wizard of Oz*. He and Sheila founded the local AA chapter of Families Anonymous.

Carlyle loved music, from classical to current. He loved his wife's Steinway grand piano and played it every single day, even the last day he was in his home. He especially loved the music of J.S. Bach, Handel's oratorios, and hymns of faith played on a pipe organ. He also loved trains and railroads; and as a hobby, he built a large model railroad and town in the basement of his Dakota Street home. When he and Sheila had to move to a more accessible home, they made sure the new place faced the train tracks, so he could monitor the operation of the Burlington Northern RR from the north side of his living room! The final five years of his life, he could be found most days eating his lunch and watching the activity at the Aberdeen train yards with his grand-dog Copper. He loved the writings of H.L. Mencken and C.S. Lewis; and he read the Wall Street Journal every day, the Sunday New York Times, and the New Yorker Magazine every week. He kept his huge lawn mowed all summer and the long sidewalks shoveled every winter. And he walked. And walked. And walked. He never took a car anywhere if he could walk and this included walking to and from work year 'round.

This obituary is adapted from two versions written by Carlyle himself in 2022. The following is from the family.

Carlyle is survived by his wife of nearly 63 years, Sheila; his children Leisa of Aberdeen, Keith of Los Angeles, and Renee of Minneapolis; his sister Cynthia Richards Borsa of Pavia, Italy, and Denver; his brother Reed (Mary) Richards of Spearfish, SD; grandchildren, great-grandchildren, and nieces and nephews. He was preceded in death by his parents and his daughter Iris. The family wishes to especially recognize and thank Joanne Anliker, Carlyle's long-time and faithful secretary. She is the only person on this earth who could read his handwriting.

A musical Celebration of Life will take place on Friday, October 11, 2024, at 10:30 a.m. at Bethlehem Lutheran Church in Aberdeen with Rev. Jeff Whillock and Rev. Andrea Johnson presiding, and a light lunch to follow. The family asks that in lieu of flowers, please send those flowers or a card or a note to someone you love or someone you know is struggling.
www.spitzerfuneralhome.com.



Senator Tim Johnson 1946-2024

“Former U.S. Senator Tim Johnson, 77, of Sioux Falls, SD, died on October 8, 2024, surrounded by his loving wife, Barbara, and their family in Sioux Falls. A funeral service will be held at 10:30 am on Friday, October 18 at Our Savior's Lutheran Church in Sioux Falls.

As a fourth-generation South Dakotan, Tim was a prominent elected official in South Dakota for 36 years. Born in Canton, he never knew his parents' political affiliation, only their belief in public service and civic participation. He graduated from Vermillion High School, where he held the record for touchdowns scored in a single season. He attended the University of South Dakota (USD), earning a BA, MA, and JD. He was a member of the Phi Beta Kappa Honor Society.

Tim met his wife, Barbara Brooks of Sioux Falls, while both were freshmen at USD. Their love and support for each other during 55 years of marriage helped them become loving parents and grandparents, as well as seeing them through numerous professional and personal challenges. Together, they raised three children: Brooks, Brendan, and Kelsey. Despite a demanding career, he seldom missed their activities. While Tim is best known for his legislative career, he found his role as a father to be his most profound experience because “From the first cry, our lives were changed and enriched forever.”

In 2006, Tim suffered a severe brain hemorrhage that brought him close to death. When he returned to the Senate nine months later, the Senate floor was filled with Senators from both parties. Dana Milbank, writing for the Washington Post, described his return as the feel-good story of the summer. “Feuding political factions united to celebrate the earnest lawmaker's against-the-odds triumph over illness.”

First elected to the state legislature in 1978, Tim won 16 consecutive primary and general elections to become the longest-serving public official in South Dakota history. Before retiring in 2015, he served two terms in the SD House of Representatives (1979-1983), two terms in the SD Senate (1983-1987), five terms in the

US House of Representatives (1987-1997), and three terms in the US Senate (1997-2015).

During his tenure in office, Tim made an impact in virtually every community, county and corner of South Dakota. He worked to increase access to health care, advocated for veterans, farmers and members of the military, worked closely with Native American communities, and stood with working men and women. Tim's leadership will continue to benefit South Dakotans for many years to come.

In his first term in Congress, he successfully passed more legislation than any other Freshman member. Later, as Chairman of the Senate Committee on Banking, Housing, and Urban Affairs and a longtime member of the Senate Appropriations Committee, he was in a pivotal position to secure funding for important priorities across South Dakota.

In an excellent example of bipartisan leadership, Senator Johnson spearheaded the push for the Mni Wiconi water project over more than two decades, which ultimately delivered clean drinking water to thousands of people. The project required a leader trusted by both reservation and ranching communities. Tim introduced the bill to authorize construction during his first term in Congress and pushed for funding year after year until it was completed.

Tim received numerous awards and honors from both South Dakota and national groups, including a special ceremony from the Lakota people where Chief David Bald Eagle honored him by giving him the name "Wacante Ognake," which means "holds the people in his heart," a name he cherished.

His public service was recognized with honorary doctorates from the South Dakota School of Mines and Technology, South Dakota State University, and the University of South Dakota.

Tim always believed that hard work, compromise, and a focus on helping people would yield lasting results. The grandson of Lutheran Pastor Peder Ljosveit, his religion was a guiding force throughout his life. He was a dedicated member of St. Mark's Church.

Tim is survived by wife Barbara (Brooks) and children Brooks (Naida) Johnson, Millis, MA, Brendan (Jana)

Johnson, and Kelsey (Tim) Billion of Sioux Falls. His eight grandchildren, Arijus, Aureja, Trualem, Penn, Sutton, Cooper Johnson, and Jay and Tom Billion, were the joy of his life. He is also survived by his brother Tom (Brenda) Johnson of Yankton, and sister Julie (Steve) Spencer of Richmond, MI., and his brothers-in-law Ted, Bob (Judy), Ron (Lauri), Ray (Lisa), Rick (Carol) and Steve (Janice) Brooks and 17 nieces and nephews. He was preceded in death by his parents, Van and Ruth Johnson, his nephew Kent Johnson, and sisters-in-law Nancy Brooks and Ricky Erway.

In lieu of flowers, memorial donations may be made in Tim's honor to the Promising Futures Fund, 834 S. Phillips Avenue, Sioux Falls, SD 57104 or www.promisingfuturesfund.org and Feeding South Dakota, 4701 N. Westport Ave, Sioux Falls, SD 57107 or at <https://www.feedingsouthdakota.org/>



Romain Oliver Nelsen
December 14, 1935 —
October 11, 2024

Romain Oliver Nelsen, who graduated with an unremarkable class standing of 108th of 477 for the class of 1953, died October 11, 2024 at his home in Davis, California, where he had resided since 1998. He enjoyed an exceptional life's ride, largely on the generosity and forbearance of others.

Romain's parents were Palmer Granville Nelsen, of Volin, South Dakota, and Stella Margarett Johnson Melum Nelsen, a parentless waif adopted by Kristen Melum and JoNettie Ranum Melum from the Lutheran Orphanage at Beloit, Iowa. Romain was born December 14, 1935 in Spenser, Iowa, the location necessitated by the hazards of winter travel in a Model T Ford.

Romain leaves his beloved wife, Pamela Marie LaCore Anthony; the lifetime gifts of their five children, by age: Toni Anthony of Boulder, Colorado; Kay Nelsen of Elk Grove, Ann Aguilar of San Jose, Susan Nelsen of Sacramento, and Christopher Palmer Nelsen of Denver, Colorado; two cherished younger sisters: Karen Lea Eason of Garden Grove, California, who predeceased him, and Cynthia Kay Young of Tustin, California; and his honored former spouse, Carol LaJean Graham

(WHS Class of 1959) of San Jose, California. Good fortune was multiplied by ten grandchildren, in age order: Maria Elena Aguilar, Sara Nelsen Tarbay, Tanner Jackson Anthony, David Nelsen Roldan, Marcos Javier Aguilar, Laura Nelsen Tarbay, Eric Nelsen Roldan, Pablo Cesar Aguilar, Pedro Lucas Aguilar, and Mateo Diego Aguilar; and one great-grandchild, Joshua Emmanuel Aguilar. Esteemed friends, many from the 175th Fighter Interceptor Squadron of the South Dakota Air National Guard round out his family.

His first years were on a small acreage at Beloit, on the Iowa bank side of the Big Sioux River a smidgen south of Canton, where he was under the care of his Grandmother JoNettie, the Norwegian immigrant who had adopted his mother. She stressed discipline, exemplary conduct and good order, imparted in him with limited success.

World War II brought the family to Sioux Falls, South Dakota, where his father worked as a fireman at the Army Airbase hastily built there. With war's end, the family was reduced to a marginal life of trailer courts and road construction camp sites. He benefitted from publicly supported education and training at Sioux Falls High School, and at South Dakota State College. He learned aviation skills in the United States Air Force,

beginning as a fighter-interceptor radar operator and then as an R-102 fighter-interceptor pilot. He served in the South Dakota and California Air National Guard, attaining O-4 rank in over 15 years, during which he neither gave nor took a hostile shot.

In a shortened fifteen-year Airline pilot career with Continental Airlines, he flew Boeing 707 and 747 aircraft and achieved captain and check airman ratings on Boeing 727 and Douglas DC-10. When Continental fell victim to a hostile corporate take-over, he left that pleasurable pursuit at year end 1981 to avoid post-merger turbulence.

While flying with Continental, Romain completed a J.D. from Whittier College School of Law in 1974 and practiced insurance litigation through his Los Angeles firm until year-end 1999. He retired to four delightful years as a student in the University of California at Davis Open Campus Program. As a last act, from 2005 through 2015, Romain devoted final energies to be part of the Osher Lifelong Learning Institute (OLLI) at U.C. Davis, interspersed with hobby woodworking.

He has requested no service but encourages whatever gift may serve his memory, by giving to the "least of these," this world's needy.


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Is It Risky to Agree to Do Pro Bono Work?

By: Mark Bassingthwaite,
Risk Manager



If you're hesitant to do pro bono work based upon a belief that this type of work is risky, I'm here to say "not necessarily!" To understand why, start by trying not to buy into the view that pro bono work is somehow different than work done for paying clients. It isn't. A client is a client regardless of whether money is changing hands. This means the risks that come with pro bono work are the same as the risks that come with providing legal services to a paying client. Most of the risks associated with providing pro bono services are risks that you have a great deal of control over.

For example, if you are being encouraged to embrace pro bono work as a way to broaden your skill set or to learn a new practice area, why not go for it? As a risk manager, I have no problem with this. Wanting to learn a new practice area in this fashion can be a real benefit as long as you are responsible in how you go about it. Consider Comment [2] to ABA Model Rule 1.1 which states:

[2] A lawyer need not necessarily have special training or prior experience to handle legal problems of a type with which the lawyer is unfamiliar. A newly admitted lawyer can be as competent as a practitioner with long experience. Some important legal skills, such as the analysis of precedent, the evaluation of evidence and legal drafting, are required in all legal problems. Perhaps the most fundamental legal skill consists of determining what kind of legal problems a

situation may involve, a skill that necessarily transcends any particular specialized knowledge. A lawyer can provide adequate representation in a wholly novel field through necessary study. Competent representation can also be provided through the association of a lawyer of established competence in the field in question.

Therefore, just as you should never dabble in an unfamiliar practice area with a paying client, you should never do so with a pro bono client. When navigating in unfamiliar waters, have a map! Seek guidance. Get educated. Steps such as consulting with a trusted colleague or researching the law become mandatory and if that can't happen, stop. Sometimes the necessary time commitment alone is reason enough to require that you say no. Yes, this may mean there will be times where a potential pro bono client may be left with an unmet need; but remember the adage "First, do no harm." If you are not up to the task, take a pass and look to provide assistance to someone who needs help in practice areas you are more comfortable with.

Another risk with pro bono work can be the temptation to take shortcuts on and/or neglect pro bono matters simply because these clients are non-paying clients. It's important to note that the Rules of Professional Conduct make no distinction between paying and nonpaying clients; so, resist that temptation at all costs, particularly as it relates to client communication, diligence, and file documentation. A rationalization that the standard of

care should be a lower because the work is pro bono isn't going to cut it in the world of malpractice or attorney discipline because the money issue simply isn't a factor when it comes to professional accountability.

Again, think about what our ethical rules require. To remain in compliance with Model Rule 1.4, you are to keep your pro bono clients reasonably informed about the status of their matters; promptly comply with reasonable requests for information; and most important in my mind, explain a matter to the extent reasonably necessary to permit them to make informed decisions.

Next, keep in mind the warning found in Comment [3] to ABA Model Rule 1.3 Diligence which states:

[3] Perhaps no professional shortcoming is more widely resented than procrastination. A client's interests often can be adversely affected by the passage of time or the change of conditions; in extreme instances, as when a lawyer overlooks a statute of limitations, the client's legal position may be destroyed. Even when the client's interests are not affected in substance, however, unreasonable delay can cause a client needless anxiety and undermine confidence in the lawyer's trustworthiness.

I say this because reputational harm isn't limited to paying client situations only.

And finally, always thoroughly document the scope of your representation, to include what you are not going to be responsible for if any limitations are to be placed on your scope of representation. Make sure you create and maintain a complete record of the advice being given and the decision-making process throughout the course of representation.

Of course, there is always the liability risk. When it comes to pro bono matters, some lawyers refuse to ever

take on such a matter out of a fear that their malpractice insurance will not cover that work. While a legitimate concern, this fear can be addressed and alleviated. Start by asking if your existing coverage is in play? It may or may not be. You are going to be covered for the work you do on behalf of clients of the named insured, which is your firm. If your pro bono client is a client of your firm, and documented as such, there shouldn't be an issue. That said, if you need additional reassurance make that quick call to your insurance carrier and see what they say.

Yes, a potential problem could arise if you were to provide pro bono services under the auspices of another entity such as a legal clinic. Certain malpractice policies would not provide coverage in this situation because any such clients would not be clients of the named insured. They would be clients of another entity.

If you are considering providing pro bono services under the auspices of another entity, however, simply ask a few questions. Many of these other entities will have a policy in place that covers all volunteer lawyers for any work they do on behalf of that entity's clients. For those entities that don't have their own coverage, call your carrier, and clarify whether your coverage will extend to your specific situation. If not, the solution may be as simple as providing the work through your firm as opposed to under the auspices of an outside entity or program. In other words, make the pro bono client a firm client instead of having them be the other entity's client.

In sum, try not to allow any excuses or assumptions to get in the way of allowing you to give back professionally. The next time you're asked to take on a pro bono matter, hopefully what I have shared here will help you feel more comfortable responding with a "Sure, I'd be happy to." After all, you are simply being asked to do what you are always being asked to do, practice law. You got this.



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.

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Chief Public Defender

Public Defender Office

Opening date: 10/01/2024

Wage: \$4615.38 - \$5384.61/bi-weekly; DOE

Closing date: 10/25/2024

JOB SUMMARY

The Brown County Public Defender Office will provide quality legal defense to persons who cannot afford counsel in felony, misdemeanor, juvenile, mental health commitments and alcohol commitment cases in Brown County, SD. The Public Defender will also sit on the Brown County treatment courts.

The Chief Public Defender will lead an office of attorneys and staff. The Chief will be a full-time employee of Brown County. Outside legal work is prohibited.

This is an opportunity to help create a public defender office from the ground up.

MAJOR DUTIES

The Chief oversees and provides representation, consultation and advice to indigent defendants in circuit, magistrate and juvenile court proceedings.

The Chief will ensure that all attorneys and staff are trained to comply with state and federal constitutions, state and federal laws, ethical rules, and best practices, including holistic, client-centered representation.

The Chief supervises professional and support personnel.

The Chief allocates resources for services, equipment, facilities, and finances planning and advocating for future services and budgetary needs of the office.

The Chief hires, evaluates, disciplines, and dismisses

attorneys and staff.

The Chief supervises planning, development, preparation, and monitoring of annual budget, grant funding, and statistical reports.

The Chief directs staff on legal issues, case dispositions, and advocacy.

The Chief represents the public defense function in criminal justice coordinating meetings with clients, judges, prosecutors, commissioners, and others.

The Chief presents to social and civic groups, incarcerated persons, and other organizations to explain, publicize, and promote the public defender program and defendants' rights.

The Chief represents the Public Defender Office in appropriate public and professional meetings and conferences; in interactions with state, county, and municipal officials; county and state bar associations; and citizen groups.

The duties listed above are intended only as illustrations of the various types of work that may be performed.

The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

KNOWLEDGE REQUIRED BY THE POSITION

- Knowledge of local, state, and federal law.
- Knowledge of investigative tools and techniques.
- Knowledge of trial proceedings.
- Knowledge of computers and job-related software programs.
- Skill in the completion of legal research and writing.
- Skill in producing persuasive legal arguments.

- Skill in the analysis of problems and the development and implementation of solutions.
- Skill in training and supervising personnel.
- Skill in oral and written communication.
- Skill in leadership, management, and budgeting

SUPERVISORY CONTROLS

The Chief reports regularly to the Brown County Public Defender Advisory Committee and the Brown County Board of Commissioners.

GUIDELINES

The Chief Public Defender ensures that the office provides quality criminal defense representation that complies with federal and state constitutions, federal law, state statutes, rules of professional conduct, ethics rules, and state and national best practices, as well as county and department policy and procedure. These guidelines require judgment, selection, and interpretation in application.

COMPLEXITY/SCOPE OF WORK

- The work consists of varied legal duties. The variety of tasks to be performed contributes to the complexity of the position.
- The fast pace of the working environment contributes to the complexity of the position.
- The purpose of this position is to participate in the defense of criminal cases. Success in this position contributes to the successful defense of criminal cases.

CONTACTS

- Contacts are typically with co-workers, legal assistants, other county employees, other attorneys, law enforcement personnel, judges, victims, witnesses, defendants, and members of the general public.
- Contacts are typically to provide services; to give or exchange information; to resolve problems; to motivate or influence persons; or to justify, defend or negotiate matters.

PHYSICAL DEMANDS/ WORK ENVIRONMENT

- The work is typically performed while sitting at a desk or table or while intermittently sitting, standing, or stooping. The employee occasionally lifts light objects.
- The work is typically performed in an office or courtroom.

SUPERVISORY AND MANAGEMENT RESPONSIBILITY

- This position will supervise attorneys and staff.

MINIMUM QUALIFICATIONS

- Graduation from an accredited school of law.
- Current, active membership in the State Bar of South Dakota or ability to obtain at the most immediate opportunity.
- Candidates for Chief Public Defender should possess leadership, litigation, public defense, supervision, management, and budgeting skills:
- Has litigated criminal cases for at least 7 years.
- Has tried multiple cases to verdict.
- Has worked as a criminal defense lawyer for at least 5 years.
- Has supervised at least 5 attorneys and staff.
- Has served as a supervisor for at least 4 years.
- Has managed daily operations for a legal organization for at least 4 years.
- Has helped create or oversee an organizational budget.
- Priority will be given to candidates who meet or exceed the description above.

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APPLY BY

Submit Brown County application to:

Brown County
Human Resources
25 Market St
Aberdeen, SD 57401

Fax: 605-725-2355

Email: Humanresources@browncounty.sd.gov

Email: Allison.Tunheim@browncounty.sd.gov

Circuit Court Staff Attorney, First Judicial Circuit

Location: Yankton, SD

Salary: \$77,778.00 annually

JOB ID: 27328

Closing Date: Open Until Filled

Position Purpose: This position performs professional legal work through legal research and writing during all phases of the judicial process to assist the judges of the Unified Judicial System (UJS); supervises circuit court law clerks and reviews and coordinates their work.

Duties may include:

- performing legal research and writing to provide assistance to Circuit Judges in analyzing legal issues or cases before them and to facilitate efficiency in court operations;
- training and supervising law clerks and coordinating their work to facilitate continuity in the quality of assistance provided by law clerks in the performance of judicial duties;
- providing assistance to Judges, clerks of courts offices, circuit administrative offices, the public, commissions, and individuals to contribute to the effective operation of the circuit;
- performing other work as assigned.

Minimum Qualifications: Graduation from an accredited law school and possession of a Juris Doctorate. Licensed to practice law in South Dakota. One (1) year of experience in the legal profession; or an equivalent combination of related education and experience. Successful completion of a criminal background investigation is required for employment.

Knowledge, Skills, and Abilities:

Knowledge of:

- the law and South Dakota law;
- functions of the court;
- court and judicial systems;
- library and technical resources.

Skill in:

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

Ability to:

- perform extensive legal research;
- analyze and summarize complex legal issues and facts;
- research and summarize applicable laws, and recommend appropriate resolutions to issues in question;
- exercise discretion, confidentiality, and impartiality in handling matters before the court;
- communicate effectively both orally and in writing with a wide variety of people;
- understand, analyze, and research issues raised throughout the circuit and provide timely and concise responses.

About the South Dakota Unified Judicial System

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

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

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

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

Apply at: <https://gen-stateofsouthdako-trn.inforcloudsuite.com/hcm/xmlhttp/shorturl.do?key=2H>

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Department of Social Services

Division of Legal Services

The Department of Social Services seeks an attorney committed to serving the public. As the largest state agency, DSS attorneys engage with a wide variety of legal topics and settings, including:

- Child protection, foster care, and adoption;
- Medicaid and behavioral health;
- Food and nutrition support, income and work programs;
- Child support;
- Professional licensing; and key public policy decision-making.

We practice before South Dakota's circuit courts and Supreme Court, as well as before administrative law judges. This is a senior attorney position with

supervisory responsibilities.

This is a Full-Time position with the Department of Social Services. Join the South Dakota State Government team where Family/Life balance is valued. We strive to meet this commitment by providing 15 days of paid vacation, 14 days of paid sick leave, family leave, and 11 paid holidays per year, along with reasonable flexibility and career development opportunities. Start and build your career here! To learn more about how DSS values and serves South Dakota citizens, visit <https://dss.sd.gov/>.

Becoming a team member with the State of South Dakota means that you are offered: employer health insurance with a \$0 premium option, dental, vision, with additional insurance options available, and excellent retirement benefits. We offer 6% matched retirement into the SD Retirement System (SDRS). Many other fringe benefits! You can view our benefits information at <https://bhr.sd.gov/job-seekers/work-for-state-government/>.

Gain experience in and perform the following duties:

- Work in a leadership role within the Division of Legal Services and assist with supervision of attorneys within the Division. Participate in strategic planning and other agency wide initiatives.
- Represent the Department of Social Services in litigation, including in administrative hearings as well as circuit court. Plan and execute litigation, prepare witnesses; prepare motions, briefs, and exhibits; and argue cases.
- Assist with the management of other staff members.

The Ideal Candidate Will:

- display high standards of ethical conduct;
- communicate effectively and efficiently;
- understand litigation practice and strategies;
- exercise sound judgment when making decisions and take prompt, decisive action;
- analyze information, issues, situations, practices, and precedents to arrive at a logical interpretation;
- work independently while accepting guidance and soliciting input;
- actively seek, collect, and evaluate information to learn more about issues or events;
- successfully plan and organize work activities,

adjust to multiple demands, and prioritize tasks to complete assignments and meet schedules and deadlines.

Education/Licenses:

The applicant must be a graduate of an accredited law school; be a member of the South Dakota State Bar or willing and qualified to become a member of the South Dakota State Bar, and qualify for appointment as a Special Assistant Attorney General. Admission and/or experience with tribal courts would be a plus.

Additional Requirements: To be considered, please include a resume with your application.

This position is exempt from the Civil Service Act.

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

The State of South Dakota offers \$0 premium employee health insurance option plus eleven paid holidays, generous vacation and sick leave accrual, dental, vision, and other insurance options, and retirement benefits. You can view our benefits information at <https://bhr.sd.gov/job-seekers/work-for-state-government/>. This position is a member of Class A retirement under SDRS.

Must apply online: <https://gen-stateofsouthdako-trn.inforcloudsuite.com/hcm/xmlhttp/shorturl.do?key=9J>
You must apply online, emailed resumes or submissions will not be accepted.

South Dakota Bureau of Human Resources

Telephone: 605.773.3148 Email: careers@state.sd.us

<http://bhr.sd.gov/workforus>

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Department of Social Services Attorney

*** \$2000 Hiring Incentive! ***

Job ID: 28468

Agency: Department of Social Services

Location: Statewide

Salary: \$77,000 - \$84,000 annually, depending on experience

Pay Grade: L1

Closing Date: Open Until Filled

The Department of Social Services seeks an attorney committed to serving the public. As the largest state agency, DSS attorneys engage with a wide variety of legal topics and settings, including:

- Child protection, foster care, and adoption;
- Medicaid and behavioral health;
- Food and nutrition support, income and work programs;
- child support;
- Professional licensing; and
- Key public policy decision-making.

We practice before South Dakota's circuit courts and Supreme Court, as well as before administrative law judges.

This is a Full-Time position with the Department of Social Services. Join the South Dakota State Government team where Family/Life balance is valued. We strive to meet this commitment by providing 15 days of paid vacation, 14 days of paid sick leave, family leave, and 11 paid holidays per year, along with reasonable flexibility and career development opportunities. Start and build your career here! To learn more about how DSS values and serves South Dakota citizens, visit <https://dss.sd.gov/>.

Becoming a team member with the State of South Dakota means that you are offered: employer health insurance with a \$0 premium option, dental, vision, with additional insurance options available, and excellent retirement benefits. This position is a member of Class A retirement under SDRS. We offer 6% matched retirement into the SD Retirement System (SDRS). Many other fringe benefits! You can view our benefits information at <https://bhr.sd.gov/job-seekers/work-for-state-government/>.

Gain experience in and perform the following duties:

- An attorney interested in a range of legal subjects relating to professional licensing, open meetings

and open records, child abuse and neglect, child welfare agency licensing, Medicaid and other state/federal assistance programs, child support enforcement, and behavioral health services;

- A highly motivated attorney with a passion for serving the public and who displays a high level of effort and commitment towards completing assignments and goals;
- A dependable and organized individual who effectively plans and organizes work activities;
- A person who is dedicated and who will represent the Department of Social Service with integrity and enthusiasm; and An individual who works cooperatively with others and promotes a friendly work climate in order to achieve shared goals.
- Licenses and Certifications:
- The applicant must be a graduate of an accredited law school; be a member of the South Dakota State Bar or willing and qualified to become a member of the South Dakota State Bar, and qualify for appointment as a Special Assistant Attorney General.

The Ideal Candidate Will:

- display high standards of ethical conduct;
- communicate effectively and efficiently;
- understand litigation practice and strategies;
- exercise sound judgment when making decisions and take prompt, decisive action;
- analyze information, issues, situations, practices, and precedents to arrive at a logical interpretation;
- work independently while accepting guidance and soliciting input;
- actively seek, collect, and evaluate information to learn more about issues or events;
- successfully plan and organize work activities, adjust to multiple demands, and prioritize tasks to complete assignments and meet schedules and deadlines.

Additional Requirements: To be considered, please attach your resume.

This position is exempt from the Civil Service Act.

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

Must apply online: <https://gen-stateofsouthdako-trn.inforcloudsuite.com/hcm/xmlhttp/shorturl.do?key=A3>

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

South Dakota Bureau of Human Resources
Telephone: 605.773.3148 Email: careers@state.sd.us
<http://bhr.sd.gov/workforum>
“An Equal Opportunity Employer”

Deputy/Senior Deputy State’s Attorney

The Minnehaha County State’s Attorney’s Office is accepting applications for a Deputy/Senior Deputy State’s Attorney to join our team of prosecutors. Minnehaha County prosecutors are an integral part of the criminal justice system closely collaborating with law enforcement, probation, parole, juvenile justice centers, and numerous community agencies.

With a caseload that keeps you constantly engaged, our office provides an intriguing challenge for attorneys who want to make a difference in their community by helping victims of crime and ensuring due process for the accused. Even new attorneys have the opportunity to enjoy the excitement of hands-on courtroom trial work on a regular basis.

The hiring range is \$3,492.00 - \$3,949.60/biweekly DOQ, with full potential up to \$4,810.40/biweekly. Minnehaha County offers a competitive benefits package including health, dental, vision, and life insurance, a generous paid time off program, extended sick leave, retirement, and an employee assistance program. For a full list of qualifications and to apply visit: [http:// jobs.minnehahacounty.gov](http://jobs.minnehahacounty.gov). Review of applications begins on November 4, 2024. EO/AA Employer. Contact Human Resources with questions at 605-367-4337.

Staff Attorney - Mission

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

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

Reservation.

QUALIFICATIONS/RESPONSIBILITIES: Applicants must have a JD degree and be licensed to practice, or by reciprocity be able to obtain a license to practice, in South Dakota, or be qualified to take the next South Dakota Bar Exam; must be a bright, motivated, self-starter; must have the tenacity to assume immediate practice responsibilities, including handling a significant caseload touching on many different areas of law with regular appearances in court; and must demonstrate an interest in poverty law and working with Native American and low income clients.

SALARY/BENEFITS: 70,000+ starting salary for attorneys with 2 or more years of experience. DPLS has an excellent fringe benefits package including generous leave benefits of 6 weeks paid leave, and 15 paid holidays. Employer paid employee insurance coverage (medical, dental, life, disability). DPLS observes a 34 hour 4-day work week and offers matching 401(k).

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.

HIRING?

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

Email: tailynn.bradford@sdbar.net

Staff Attorney PCAP - Rapid City

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 Rapid City, South Dakota office providing legal representation for indigent criminal defendants to whom DPLS is court appointed in Pennington County.

SALARY/BENEFITS: 70,000+ starting salary for attorneys with 2 or more years of experience. DPLS has an excellent fringe benefits package including generous leave benefits of 6 weeks paid leave, and 15 paid holidays. Employer paid employee insurance coverage (medical, dental, life, disability). DPLS observes a 34 hour 4-day work week and offers matching 401(k).

QUALIFICATIONS/RESPONSIBILITIES: Applicants must have a JD degree and be licensed to practice, or by reciprocity be able to obtain a license to practice, in South Dakota, or be qualified to take the next South Dakota Bar Exam; must be a bright, motivated, self-starter; must have the tenacity to assume immediate practice responsibilities, including handling a significant caseload touching on many different areas of law with regular appearances in court; and must demonstrate an interest in poverty law and working with Native American and low income clients. Some same day travel is required.

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.

Deputy/Senior Deputy Public Defender

The Minnehaha County Public Defender's Office is looking for a dedicated Deputy/Senior Deputy Public Defender with excellent advocacy skills who is committed to ensuring justice to indigent clients appearing in the criminal and juvenile justice system. We are currently seeking someone who is interested in becoming part of an experienced litigation team that has a high capacity for trials and offers an expansive opportunity for courtroom practice. Apply now to be considered for this opportunity to grow your criminal defense practice, access our expansive document library, and surround yourself with skilled criminal defense attorneys. The hiring range is \$3,492.00 - \$3,949.60/biweekly DOQ, with full earning potential up to \$4,810.40/biweekly. Minnehaha County offers a competitive benefits package including health, dental, vision, and life insurance, a generous paid time off program, extended sick leave, retirement, and an employee assistance program. For a full list of qualifications and to apply visit: <http://jobs.minnehahacounty.gov>. Review of applications begins on October 25, 2024. EO/AA Employer. Contact Human Resources with questions at 605-367-4337.

Staff Attorney - Pierre/Eagle Butte

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 Eagle Butte, South Dakota office. The Eagle Butte office serves the counties of Dewey, Haakon, Hughes, Potter, Sully, Stanley and Ziebach along with the Cheyenne River Reservation. This position follows a hybrid schedule, working in office and remotely.

SALARY/BENEFITS: 70,000+ starting salary for attorneys with 2 or more years of experience. DPLS has an excellent fringe benefits package including generous leave benefits of 6 weeks paid leave, and 15 paid holidays. Employer paid employee insurance coverage (medical, dental, life, disability). DPLS observes a 34 hour 4-day work week and offers matching 401(k).

QUALIFICATIONS/RESPONSIBILITIES: Applicants must have a JD degree and be licensed to practice, or by reciprocity be able to obtain a license to practice, in South Dakota, or be qualified to take the next South

Dakota Bar Exam; must be a bright, motivated, self-starter; must have the tenacity to assume immediate practice responsibilities, including handling a significant caseload touching on many different areas of law with regular appearances in court; and must demonstrate an interest in poverty law and working with Native American and low income clients. Some same day travel is required.

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.

CLOSING DATE: Open until filled.

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

Staff Attorney - Sioux Falls

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 Sioux Falls, South Dakota, office.

SALARY/BENEFITS: 70,000+ starting salary for attorneys with 2 or more years of experience. DPLS has an excellent fringe benefits package including generous leave benefits of 6 weeks paid leave, and 15 paid holidays. Employer paid employee insurance coverage (medical, dental, life, disability). DPLS observes a 34 hour 4-day work week and offers matching 401(k).

QUALIFICATIONS/RESPONSIBILITIES: Applicants must have a JD degree and be licensed to practice, or by reciprocity be able to obtain a license to practice, in South Dakota, or be qualified to take the next South Dakota Bar Exam; must be a bright, motivated, self-starter; must have the tenacity to assume immediate practice responsibilities, including handling a significant caseload touching on many different areas of law with regular appearances in court; and must demonstrate an interest in poverty law and working with Native

American and low income clients. Some same day travel is required.

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 - 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/BENEFITS: 70,000+ starting salary for attorneys with 2 or more years of experience. DPLS has an excellent fringe benefits package including generous leave benefits of 6 weeks paid leave, and 15 paid holidays. Employer paid employee insurance coverage (medical, dental, life, disability). DPLS observes a 34 hour 4-day work week and offers matching 401(k).

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.

Office of the Attorney General Medicaid Fans

DETAILS: The Office of Attorney General seeks an attorney for a position with Medicaid FANS. This specialized attorney will oversee the investigation and prosecution of healthcare fraud cases, as well as cases involving abuse, neglect, and exploitation of healthcare patients and vulnerable adults. This attorney will practice both civil and criminal law. The right candidate will have an interest in healthcare law, strong organizational skills, and good judgment.

OFFICE LOCATION: The preferred location for this position is Pierre or Sioux Falls.

SALARY: Salary range is between \$80,000 to \$125,000 annually, depending upon experience and funding availability. The State of South Dakota has an excellent benefit package including retirement, state-paid health insurance, and paid leave.

QUALIFICATIONS: Applicants must have a JD degree and be licensed to practice law in South Dakota. Litigation experience of 3 to 5 years is preferred, but not required.

APPLICATION PROCESS AND DEADLINE DATE: Interested persons should send a resume containing three references, a writing sample under 10 pages, and a letter of interest addressed to Mandy Miiller by November 29, 2024, to the following:

MEDICAID FANS, OFFICE OF ATTORNEY GENERAL, 1302 E. HIGHWAY 14, SUITE 4, PIERRE, SOUTH DAKOTA 57501-8504, or email Sue.Zilverberg@state.sd.us

Office of the Attorney General Civil Litigation Position

DETAILS: The Office of Attorney General seeks an attorney for a position with the Civil Litigation Division. The Civil Litigation Division engages in defensive and affirmative civil litigation for the State. Division attorneys practice in both state and federal courts. Potential practice areas include constitutional law, environmental law, Indian law, and prisoner litigation. The right candidate will have strong research and writing skills, be able to communicate effectively with clients and the courts, and enjoy trial work.

OFFICE LOCATION: The preferred location for this position is Pierre. Other locations may be considered for the right candidate.

SALARY: Salary range is between \$80,000 to \$120,000 annually, depending on experience. The State of South Dakota has an excellent benefit package including retirement, state-paid health insurance, and paid leave.

QUALIFICATIONS: Applicants must have a JD degree and be licensed to practice law in South Dakota. Litigation experience of 3 to 5 years is preferred, but not required.

APPLICATION PROCESS AND DEADLINE DATE: Interested persons should send a resume containing three references, a writing sample under 10 pages, and a letter of interest addressed to Mandy Miiller by November 29, 2024, to the following:

CIVIL LITIGATION DIVISION, OFFICE OF ATTORNEY GENERAL, 1302 E. HIGHWAY 14, SUITE 1, PIERRE, SOUTH DAKOTA 57501, or email Jenna.McFarlane@state.sd.us

A stylized sunburst graphic with a white semi-circle at the bottom and rays extending upwards. The background is divided into horizontal bands of orange, yellow, light blue, medium blue, and teal.

FOR
UPCOMING
EVENTS

VISIT
WWW.STATEBAROFSOUTHDAKOTA.COM