

STATE BAR OF SOUTH
DAKOTA

Newsletter

JANUARY

2025

HAPPY NEW YEAR!

MEET VERA

VERA, The ALPS Virtual Ethics Risk Assessment, is your friendly guide to understanding potential malpractice risks in your firm.

Take 20 minutes to get your free risk assessment today!

alpsinsurance.com/resources/vera



► Proudly endorsed by the **State Bar of SD**



ATTENTION!

2025 MEMBERSHIP FEES

were due by December 31, 2024

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

State Bar of South Dakota

January 2025

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PRESIDENT'S **CORNER**

Sarah Sharp Theophilus



Maximize your State Bar Membership in 2025

Goal 1 of our Strategic Plan is to “Strengthen the State Bar of South Dakota’s operations and infrastructure to enable it to successfully carry out its mission.” Strategy 1 to achieve this goal is to “Reaffirm the core responsibilities of the State Bar of South Dakota to ensure the continued self-regulation of the profession through the mandatory bar.”

Maximizing your State Bar benefits in 2025 starts with staying informed about the resources and opportunities available through your membership. Our Bar offers a wide range of tools, including free continuing legal education (CLE) programs, networking events, and practice management resources to help you thrive in your legal career.

Tamara Nash heads up the CLE committee, and along with 28 other attorney volunteers, they ensure your educational needs are met by providing live and online programming that is relevant and aligns with your practice areas. One upcoming CLE event is our January Law for Lunch, a one-hour Tax Update on January 21, 2025, from 12:30 PM until 1:30 PM CST. Click [here](#) to register.

On statebarofsouthdakota.com, your membership gives you access to the monthly Newsletter, Supreme Court Opinions, Legislative Updates, the Hagemann-Morris Mentorship Program, the Career Center, ALPS Malpractice Insurance information, etc.

Using your State Bar membership to get involved can significantly enhance your professional growth and expand your network. Join one of our 36 Committees or 4 Sections that align with your interests or practice areas to collaborate with like-minded professionals. Watch for the form in your Newsletter and fill it out to let us know what Committee you would like to join. Or volunteer for pro bono initiatives to give back to the community while gaining valuable experience and exposure. The State Bar offers Access to Justice programs and South Dakota Free Legal Answers, where South Dakota residents can ask an attorney for help with a legal issue. Ask-A-Lawyer, Veterans Legal Clinics, Project Destination, Disaster Legal Services Hotline, Teen Court Volunteer Recruitment, or Law Day are other short-term opportunities.

Another way to take advantage of your membership is to run for the Bar Commission. Nominating petitions are available from the State Bar office. At Large Petitions require 15 signatures and Circuit Petitions require 5 signatures, and the State Bar Bylaws contain further information.

Additionally, take advantage of wellness programs and professional development initiatives to maintain a healthy work-life balance through our Lawyers Assistance Program and through Sand Creek / AllOne Health. These programs provide free and confidential assistance to members and their family members - please see information in the Newsletter for details.

And last but certainly not least is the Annual Convention. This event is designed to inspire, educate, and connect our legal professionals from across the state. This year's Annual Meeting will take place in Rapid City on June 18-20, 2025, and will not disappoint. Please join us!

By fully engaging with your bar membership this year, you can position yourself for success, build valuable connections, and stay ahead in an evolving legal landscape.



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More

UPCOMING LIVE WEBINARS

Discover a whole new approach to well-being.

Free to all Bar Members!



Taking Control of Your Finances

January 8, 2025
1:30 pm EST - 2:30 pm EST
[Register for this Webinar](#)



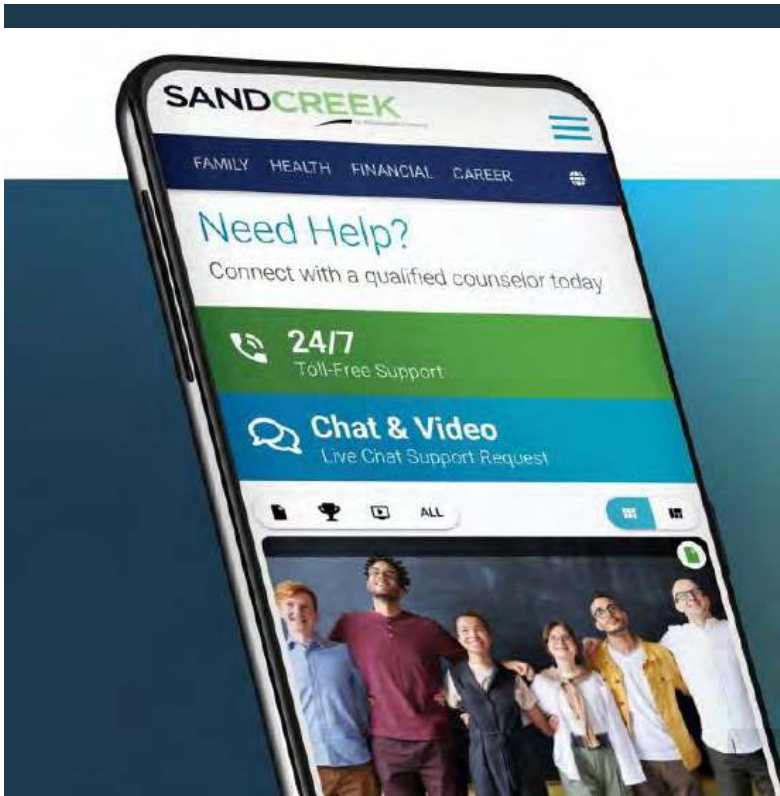
Mindfulness

January 23, 2025
12:00 pm EST - 12:45 pm EST
[Register for this Webinar](#)



Increasing Mental Toughness

February 12, 2025
1:30 pm EST - 2:30 pm EST
[Register for this Webinar](#)



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.



JANUARY LAW FOR LUNCH - TAX UPDATE

JANUARY 21, 2025
12:30 PM - 1:30 PM CT
ZOOM

REGISTER
HERE



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

Fellows - \$500 (per year)

| | |
|--------------------|---------------------------|
| Hon. John Bastian | Craig A. Kennedy |
| 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

Last spring, Assistant Dean Eric Young left the McKusick Law Library to move back closer to family in Ohio. Sarah Kammer, who some of you likely know, agreed to serve as Interim Director and recently accepted an offer to become Director of the library on a permanent basis. Everyone here is excited about Sarah's leadership. To start 2025, I've invited Sarah to share an introduction and some updates about the McKusick Law Library.

Thank you to Dean Fulton for providing his column space to the Law Library this month!

January marks the beginning of the calendar year, and represents a time for renewed goals, new resolutions, and fresh starts. This is the perfect month for a Law Library column, as we are very fortunate to be starting out 2025 in our fully renovated space. In the summer of 2023, the lower level was transformed with new student seating, upgraded study rooms, and compact shelving to store the library's main print collection. In the summer and fall of 2024, our main level was completely renovated, providing us with a spacious entrance, enhanced office space, and more new student seating, along with sleek shelving and a modern circulation desk. The end result is a beautiful and cohesive space that is student-focused and efficiently uses our square footage. You can see all of the Law Library and Law School renovations here: <http://libguides/law.usd.edu/renovations>. We also invite you to visit us and experience the new space for yourself. We are open to the public from 8-5 on weekdays and are always happy to provide a library tour.

Much credit for the new space design goes to our former Assistant Dean and Law Library Director, Eric Young, who departed USD last summer to become the Associate Dean and Law Library Director at Northern Kentucky University Chase College of Law, his alma mater. I am very grateful to have learned from him, for the opportunity to lead the Law Library as Interim Director following his departure and now, to serve as Assistant Dean and Law Library Director. Having been the Law Library's Head of Public, Faculty & Student Services since 2014, I am probably a familiar face to many of our newer alumni, but for those of you who may not know me, I'll provide a brief introduction. I am a Nebraska native and a graduate of the University of Nebraska at Lincoln and of Duke University School of Law. I practiced law in Cleveland, Ohio and in Lincoln and then went on to pursue a Master's Degree in Library Science from the University of Missouri. After a stint on the West Coast, I was very lucky to find myself back near home, here at the University of South Dakota Knudson School of Law.

Joining the staff of the Knudson School of Law and the McKusick Law Library was a wonderful decision. I've had the opportunity to help guide hundreds of law students through their legal education, work with an amazing faculty, and provide service to the state, its attorneys, and the public. Our current Law Library team consists of myself, and two other librarians, Justin Huston and Sue Benton. Justin Huston, a central Iowa native, is the Head of Instructional Services and is a 2018 graduate of the Knudson School of Law. He received his Master's Degree in Information Science from the

University of Iowa and has been with us a year and a half, returning home after beginning his library career at the University of Alabama Bounds Law Library. Sue Benton, who is from northwest Iowa, is the Head of Technical and Collection Services, a role she has served in for eight years, after serving for many years as a cataloging librarian at the USD University Libraries. She celebrates forty years of service to USD this year, and we are grateful for her experience and knowledge in maintaining our many resources. Justin is our resident expert in instructional technology and emerging tools such as artificial intelligence. Justin provided a Lunch & Learn to the State Bar covering AI tools last summer and is currently working on an AI guide.

I am grateful for their talents and support as we head into this new year. We have a very strong future ahead of us, and several goals we hope to achieve. One goal is to increase our outreach efforts and publicize our offerings to attorneys in the state. So this column is a great start! I'll use it as an opportunity to mention a variety of resources and tools that the South Dakota bar can utilize, such as:

- Public access to Westlaw and Practical Law from within the Law Library
- Alumni access to the HeinOnline Law Journal Library database remotely
- Online access to the South Dakota Law Review and

Faculty Publications via the University's institutional repository USD RED

- Our expanding online research guide content, including a Historical Statutory Research Guide provided in partnership with the South Dakota State Library
- Document delivery service of South Dakota Supreme Court briefs at a reasonable fee of \$1/page
- Access to our staff and student research assistants for reference questions
- Circulation privileges for print items (most items check out for four weeks and can be shipped). You can search our catalog for items [here](#).

Another goal will be to build on our strong foundation in Legal Research instruction. Legal research skills are core skills for our graduates as they enter into practice and will be increasingly tested on the NextGen bar coming down the road.

Please do not hesitate to contact me with any questions about Law Library resources and services, or with suggestions on how we can best serve you as the practicing attorneys in our great state. I can be reached at sarah.kammer@usd.edu or (605) 658-3522. Happy New Year from all of us at the McKusick Law Library!

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derouche.agconsulting@triotel.net

34 years Farm Business Instructor at Mitchell Tech
4 years of Ag Lending
• 9 years Research, Deposition, Testifying
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HAPPY NEW YEAR WORD SEARCH



Find and circle the words.

| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| F | I | R | E | W | O | R | K | A | S | W | H | P | T |
| R | U | L | N | E | W | Y | E | A | R | C | L | C | M |
| U | R | M | I | D | N | I | G | H | T | O | D | E | Q |
| T | K | F | W | N | T | W | P | E | A | U | N | L | F |
| R | E | S | O | L | U | T | I | O | N | N | J | E | A |
| X | Y | Z | D | U | L | O | R | H | A | T | A | B | M |
| H | F | R | I | E | N | D | S | R | C | D | N | R | I |
| U | X | G | B | P | A | R | T | Y | K | O | U | A | L |
| M | E | M | O | R | I | E | S | S | P | W | A | T | Y |
| P | G | O | D | Y | B | S | O | N | T | N | R | E | U |
| K | T | R | A | D | I | T | I | O | N | D | Y | L | M |

- | | | |
|-----------|---------|------------|
| Firework | Party | New Year |
| Midnight | Family | Celebrate |
| Tradition | Friends | Resolution |
| Memories | January | Countdown |

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 _____

"Start your day the legislative way" — JANUARY 15, 2025

East River Legal Services, Dakota Plains Legal Services, Access to Justice, and the State Bar of South Dakota are pleased to jointly host morning refreshments in the Senate and House Lobbies at the State Capitol prior to the State of the Judiciary presentation on January 15, 2025.

Please join your fellow SBSB members, Legislators, Lobbyists, and members of the public for coffee and donuts.

What: Coffee, donuts and conversation

Where: Senate Lobby and House Lobby, SD Capitol in Pierre, SD

When: January 15, 2025, 8:00 AM – 9:30 AM CT (times are approximate)

You are also invited to visit the Dakota Plains Legal Services Justice Bus on January 15th at the Capitol.

Thank you to Boyce Law Firm, LLP, and May Adam Gerdes & Thompson, LLP, for sponsoring Coffee and Donuts with the Legislature.

We appreciate their generosity!



SAVE THE DATE

Spring On-Campus Interviews Dates:

- Feb 6-7 On-Campus Interviews Round I. [Register Here.](#)
- Feb 24 Spring Career Fair
- March 20-21 On-Campus Interviews 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.](#)



**THANK YOU TO ALL OF THE ATTORNEYS THAT VOLUNTEERED THROUGH ACCESS
TO JUSTICE AND SOUTH DAKOTA FREE LEGAL ANSWERS IN 2024!
ANNOUNCING THE A2J & SDFLA 2024 LEGAL SUPERHEROES!**


AARON DAVIS
AARON PILCHER
ABIGAIL MONGER
ADAM ALTMAN
ALAYNA HOLMSTROM
ALISON RAMSDELL
ALVIN PAHLKE
ANGELA COLBATH
ANONYMOUS
ANONYMOUS
ANTHONY TEESDALE
ASHLEY BROST
AUSTIN SCHAEFER
BERKLEY FIERRO
BETH ROESLER
BILL GARRY
BRENDA ASK
BRIAN UTZMAN
BRUCE BAUER
CALE FIERRO
CARLA GLYNN
CASSIE WENDT
CESAR JUAREZ
CLAIR GERRY
CODY MILLER
COLE ROMNEY
COLLIN FISCHER

CRAIG THOMPSON
DENNIS DUNCAN
DERIC DENNING
DIANA BONI
DYLAN MILLER
DYLAN NOVAK
EDWARD HRUSKA
ERIKA OLSON
ERIN BYER SCHOENBECK
GABBY SAYALOUNE
GAVIN POCHOP
GEORGE JOHNSON
GREG SPERLICH
HENRY EVANS
JACOB DAWSON
JAMES (JIM) MYERS
JAMES BILLION
JAMES CRAIG
JAMES D. TAYLOR
JASON RUMPCA
JASON SUTTON
JEFF BECK
JEFF BREKKE
JELENA DJORDJEVIC
JENNIFER TOMAC
JOAN POWELL
JODI BROWN

JOEL ARENDS
JOHN HARALDSON
JOHN HUGHES
JOHN KNIGHT
JOHN NELSON
JORDAN BORDEWYK
JOSEPH HOGUE
JOSH ZELLMER
JUSTIN DIBONA
KATIE JOHNSON
KELLEN WILLERT
KELLY SANDERSON
KEN BERTSCH
KIMBERLY LANHAM
KODY KYRISS
KYLE BEAUCHAMP
KYLE KRAUSE
LILLIAN GAITHER
LINDSAY RITER RAPP
LONALD GELLHAUS
MALLORY SCHULTE
MARWIN SMITH
MARY AKKERMAN
MARY ASH
MARY BURD
MCLEAN THOMPSON KERVER
MELISSA SOMMERS


MICHAEL CHRISTENSEN
MICHAEL ROSENBLUM
NICHOLE CARPER
NICOLE GRIESE
NICOLE PHILLIPS
PAUL CREMER
PAUL JENSEN
RACHEL HALE
RACHEL MAIROSE
RENEE CHRISTENSEN
RICHARD (DICK) ERICSSON
RICHARD JOHNSON
ROB MEADORS
ROSEANN WENDELL
STAN ANKER
STANTON ANKER
STEVE HUFF
THOMAS BLAKE
THOMAS FRANKMAN
THOMAS FRIEBERG
TIFFANI LANDEEN
TIM BOTTUM
TOM KELLER
TRAVIS JONES
VICTOR RAPKOCH

**ARE YOU INTERESTED IN BECOMING A LEGAL SUPERHERO
AND MEMBER OF THE A2J JUSTICE SQUAD?
PLEASE SEND A MESSAGE TO ACCESS.TO.JUSICE@SDBAR.NET**



A2J

HERO



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



Announcement

Your mental health and well-being matters. That’s why we offer an Employee Assistance Program as one of our benefits, providing mental health counseling and a wide range of whole health support services for all State Bar members and their immediate family members. Our EAP partner, Sand Creek, recently announced that they will now be doing business as AllOne Health. This is primarily a name change, and access to your benefits will continue without interruption.

Learn more about what’s included in your Employee Assistance Program and how to access your benefits by reviewing these promotional flyers.

If you’re interested in learning more about AllOne Health, you can visit AllOneHealth.com or follow them on [LinkedIn](#).



Memo

To: Members of the State Bar of South Dakota
RE: New HIPAA Requirements for Disclosure of Reproductive Health Records

New regulations regarding the disclosure of reproductive health records that were promulgated by the Department of Health and Human Services, Office for Civil Rights (OCR) (the “Regulations”) are scheduled to take effect December 23, 2024.

The new regulations will likely affect subpoenas and other requests for health records. Please visit <https://www.hhs.gov/hipaa/for-professionals/special-topics/reproductive-health/index.html> for further information.

Thank you.

Goosmann Law Firm
is pleased to announce

Madelyn Kline
as an associate attorney.

Goosmann Law Firm
2101 W. 69th Street, Ste. 200
Sioux Falls, SD 57108

Telephone: (605) 275-7985

Email: KlineM@GoosmannLaw.com

www.GoosmannLaw.com

Kennedy Pier Loftus Reynolds & Brandt, LLP
is pleased to announce

Nicole Brandt
as partner.

Kennedy Pier Loftus Reynolds & Brandt, LLP
322 Walnut Street
Yankton, SD 57078

Telephone: (605) 665-300

nbrandt@yanktonlawyers.com

Goosmann Law Firm
is pleased to announce

Carissa Crockett
as an associate attorney.

Goosmann Law Firm
2101 W. 69th Street, Ste. 200
Sioux Falls, SD 57108

Telephone: (605) 275-7985

Email: CrockettC@GoosmannLaw.com

www.GoosmannLaw.com

The Duncan Law Firm, LLP
is pleased to announce

Shon Dougherty
as an associate attorney.

The Duncan Law Firm, LLP
515 W. Landscape Place, Suite 101
Sioux Falls, SD 57108

Telephone: (605) 361-9840

Facsimile: (605) 271-7872

shon@ddlawsd.com

Glenn Roth

Hutchinson Co States Attorney, is retiring from public service after 42 years of service. His final day is
January 10, 2025; he will remain in private practice.

Hutchinson County Welcomes

Robert Konrad
as the new States Attorney.

2024 John R. Justice Student Loan Repayment Program

The John R. Justice (JRJ) Grant Program provides student loan repayment assistance for local, state and federal public defenders and local and state prosecutors who commit to extended service in those roles. All Applications and a Service Agreement along with a recent loan statement must be received or postmarked on or before **January 31, 2025**. A recent monthly statement from the borrowing agency is preferred over the generic "Loan Details" print out option as the monthly statement contains the pertinent information needed.

[2024 John R. Justice Grant Program Application](#)

[2024 John R. Justice Grant Service Agreements](#)

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

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

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

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

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

Application and a service agreement with original signatures must be submitted to the address below by January 31, 2025. A recent loan STATEMENT must be included that provides the following: (1) account number; (2) your name on the account; and (3) bank payment mailing address.

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

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>

STUDENT BAR ASSOCIATION

University of South Dakota Knudson School of Law

414 East Clark Street

Vermillion, SD 57069



Members of the State Bar of South Dakota,

Marshall M. McKusick, who served the legal profession and the University of South Dakota Knudson School of Law for nearly six decades, truly made a lasting impact. The resources he has provided have been of great benefit and value to law students, past and present, and will continue to have a positive impact on those entering into the legal profession for generations to come.

Each year, in honor and celebration of Marshall McKusick's dedication and service to the legal community in South Dakota, the Student Bar Association recognizes an outstanding member of the South Dakota Bar for their contribution to the legal profession and the University of South Dakota Knudson School of Law.

The 2025 McKusick Award nominations are now open. Please consider submitting a nomination. The award will be presented at the State Bar Convention this June.

Nominations can be submitted via e-mail to Brock.Brown@coyotes.usd.edu, or addressed to Brock Brown c/o Student Bar Association, University of South Dakota Knudson School of Law, 414 East Clark Street, Vermillion, South Dakota 57069.

We look forward to receiving your nominations prior to the due date of March 1, 2025.

Sincerely,

Brock A. Brown

SBA President 2024-25

USD Knudson School of Law

Brock Brown
President

Garrett Adams
Vice President

Kelsey Milford
Secretary

Isabelle Kremeier
Treasurer

Tia Vlasman
ABA Rep.

Eric Gednalske
SGA Rep.

Wine Review

South Dakota Law Review

invites you to join us for an evening of dinner and wine to celebrate Volume 16's Editor-in-Chief and distinguished alumnus,

Jack Theeler



Friday, February 7, 2025

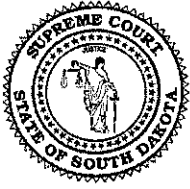
The Depot, Mitchell
210 S. Main St.

Doors open at 6:00 p.m. Dinner begins at 7:00 p.m.

RSVP by sending an email to
benjamin.titus@coyotes.usd.edu by January 25th, 2025

RSVP Tickets \$55. Tickets at door \$65.





Supreme Court of South Dakota

OFFICE OF THE CLERK
500 East Capitol Avenue
Pierre, South Dakota 57501-5070
(605) 773-3511

Shirley A. Jameson-Fergel
Clerk

Amy Hudson
Deputy Clerk

Sarah L. Gallagher
Deputy Clerk

December 2, 2024

Mr. Paul Cremer
Executive Director
State Bar of South Dakota
111 West Capitol Ave #1
Pierre SD 57501-2596

Re: February 2025 Rules Hearing

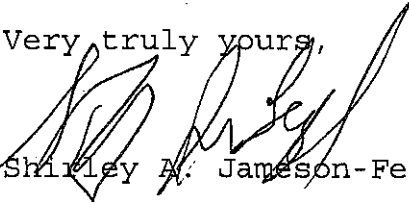
Dear Mr. Cremer:

A Supreme Court Rules Hearing will be held Tuesday, February 18, 2025, at 11:00 a.m., CT in the Courtroom of the Supreme Court, Capitol Building, Pierre, South Dakota.

An original and one copy of proposals for amendment or adoption of rules should be filed with the Clerk of the Court no later than December 30, 2024. Please comply with SDCL 16-3-5.1 when submitting proposals.

Please post this letter in the December 2024 edition of the State Bar Newsletter. Thank you.

Very truly yours,


Shirley A. Jameson-Fergel

ALL Members:

Certificate of Compliance Due January 31, 2025

**DID YOU
KNOW**

you can send in your certificate of
compliance electronically?



Email your completed form to:

mandy.fergen@sdbar.net



Certificate of
Compliance form

CERTIFICATE OF COMPLIANCE

INSTRUCTIONS

The certificate of compliance for calendar year 2024 must be submitted to the State Bar of South Dakota by **January 31, 2025**.

IMPORTANT INFORMATION concerning compliance with trust accounting records and procedures, including the reporting form, appear immediately following this notice. All attorneys who were **"ACTIVE members" of the State Bar of South Dakota in 2024 must file the compliance form** with the State Bar no later than January 31, 2025. **This rule includes retired lawyers, lawyers engaged in teaching, banking, insurance, full-time government employees, etc.** This reporting requirement does NOT include those who were "inactive members" in 2024, nor does it include Judges (Federal or Unified Judicial System) who are full time and did not have private clients. Thank you.

State Bar of South Dakota

TRUST ACCOUNT COMPLIANCE FORM INSTRUCTIONS

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

1 - check (a), (b), or (c) if applicable

2 - self explanatory (usually appropriate for inactive or retired members)

3 - self explanatory (usually exclusive or full-time corporate, legal aid, or public sector lawyer. Please identify the employer.)

3(a)- self explanatory (usually appropriate for part-time Bankruptcy trustees)

4 - self explanatory (usually appropriate for the employee or associate of a law firm who does not have trust account writing authority.) At this point, inactive, retired, full-time corporate, legal aid, or public sector lawyers, and associates without trust account check writing authority may sign the form and stop.

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

5 - state the name, address, and account number of trust account financial institution.

6 - the blanks should be completed with the most recent monthly trust account reconciliation.

Keep in mind monthly reconciliations are required. For example, if this form were completed on 1-15-25, you would insert the closing date of the most recent bank statement (i.e. 12-31-24).

6(a)-(h), and 7 - type or print yes or no in space provided. If you can answer "yes" to each of these questions, you are in compliance with SDCL 16-18-20.2. If you must answer any of these in the negative, you need to make changes in your trust accounting system.

A negative answer will result in further inquiry.

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

Occasionally, trust accounts have an odd amount, such as \$4.54, which has been in the account for years and the client has disappeared. The compliance report should so note the amount and reason (lawyer unable to disperse the sum of \$4.54 belonging to a client because the client is not able to be located).

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

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

All lawyers must submit the compliance form no later than January 31, 2025. **Please submit compliance forms after reviewing your December bank statements.** If you have questions, please give us a call. Thank you.

2024 CERTIFICATE OF COMPLIANCE

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

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

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

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

____ (a) a sole practitioner;

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

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

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

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

____ 3. I have practiced law in South Dakota exclusively as an employee of (designate name of government agency, corporation, or other non-member of the Bar) _____ and I do not handle or become responsible for money or property in a lawyer-client relationship, other than money or property received in the course of official duties and disposed of in accordance with regulations and practices of (designate name of government agency).

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

____ 4. I have engaged in the practice of law in South Dakota as an employee or as an associate of a sole practitioner or of a firm, as the case may be, practicing under the name of _____ and to the best of my knowledge all legal business performed by me is shown in the books, records and accounts of such sole practitioner or firm.

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

(Signature)

Full Name (Print or Type)

Business Address

City, State, Zip

Date _____, 2025

Please state the total number of hours of pro bono service, as defined by the South Dakota Rules of Professional Conduct 6.1, that you (or the whole firm) provided in 2024. Enter 0 if none. Total Hours: _____.

Rule 6.1. Voluntary Pro Bono Public Service

A lawyer should render public interest legal service.

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

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

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

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

6. During the fiscal period ended December 31, 2024, to the best of my (our) knowledge I (we), or the firm of which I am a member, as the case may be, maintained books, records and accounts to record all money and trust property received and disbursed in connection with my/our practice, and as a minimum I/we maintained:

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

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

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

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

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

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

10. If you are a solo practitioner, have you made arrangements with another lawyer to secure your files and trust account and protect your clients in the event of your death or disability? Yes _____ No _____

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

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

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

(Signatures)

(Printed Name)

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

_____, 2025
Date

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

All Responding Lawyer Signatures:

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

_____, 2025
Date

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE DISCIPLINE) JUDGMENT OF PUBLIC CENSURE
OF KENT R. HAGG, AS AN ATTORNEY)
AT LAW) #30879

On October 28, 2024, the Disciplinary Board of the State Bar of South Dakota filed findings of fact, conclusions of law and a recommendation that respondent Kent R. Hagg be publicly censured, which documentation, pursuant to SDCL 16-19-67, constitutes a formal accusation.

On November 26, 2024, respondent filed an answer to the formal accusation admitting the allegation in the formal accusation of the Disciplinary Board.

The Court thoroughly considered the Board's findings of fact, conclusions of law and recommendation and respondent's answer, and the Court having determined that public censure is an appropriate discipline to be imposed upon respondent, it is therefore

ORDERED that Kent R. Hagg be publicly censured.

IT IS FURTHER ORDERED that formal discipline be imposed upon Kent R. Hagg in the form of a public censure for violating Rules 8.4(c), 8.4(d), and 1.15 of the South Dakota Rules of Professional Conduct.

#30879, Judgment

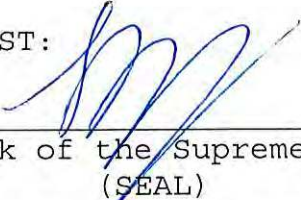
IT IS FURTHER ORDERED that respondent reimburse the State Bar of South Dakota for its expenses in investigating and prosecuting this matter as permitted under SDCL 16-19-70.2.

IT IS FURTHER ORDERED that respondent shall on or before January 30, 2025, pay Three-thousand, Five-hundred, Forty-six and 80/100 Dollars (\$3,546.80) to the State Bar of South Dakota as reimbursement of its itemized expenses allowable under SDCL 16-19-70.2, proof of said payment to be filed with the Clerk of this Court on or before March 3, 2025.

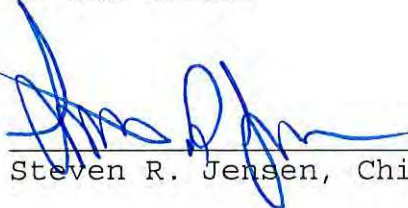
DATED at Pierre, South Dakota, this 12th day of December, 2024.

BY THE COURT:

ATTEST:



Clerk of the Supreme Court
(SEAL)



Steven R. Jensen, Chief Justice

PARTICIPATING: Chief Justice Steven R. Jensen and Justices Janine M. Kern, Mark E. Salter, Patricia J. DeVaney and Scott P. Myren.

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

DEC 12 2024


Clerk

Attorney Health & Wellness Resources

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LAWYERS CONCERNED FOR LAWYERS

INDEPENDENT RESOURCE
(605) 391-5191

rebecca.porter@sdlawyersconcerned.org

FREE & CONFIDENTIAL

- *SD Bar Members & household family members*
- *USD Law Students & their household family members*

SANDCREEK EAP

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AVAILABLE 24/7

**JUDICIAL QUALIFICATIONS COMMISSION
STATE OF SOUTH DAKOTA**

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

Robert L. Morris, Chair
Timothy Engel, Vice Chair
Hon. Cheryle Gering, Secretary
Rory King
Hon. Bobbi Rank
Raleigh Hansman
Eric DeNure

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

December 30, 2024

Notice of Judicial Vacancy – Third Judicial Circuit, Position D

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

With the upcoming retirement of the Hon. Gregory Stoltenburg in the Third Judicial Circuit, the Judicial Qualifications Commission is now taking applications. The duty station for this position will be Brookings. The current salary for a circuit court judge position in South Dakota is \$181,426.30 annually and will be subject to any increase as approved by the legislature effective July 1, 2025. In addition, circuit court judges and their dependents are eligible to participate in the State of South Dakota's health insurance plan, and circuit court judges participate in the State's defined benefit retirement plan.

All lawyers and judges interested in applying should obtain the application form at <http://ujs.sd.gov/>, or contact Lori Grode at the State Court Administrator's Office. The application must be returned to the Administrator's Office and must be postmarked no later than **5:00 PM on February 14, 2025**. Applicants should make sure the application form submitted is the 2018 version.

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

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

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

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



Law Student Volunteer-Summer 2025

Hiring Organization

USAO District of South Dakota

Hiring Office

Criminal, Civil, or Appellate

Location:

Multiple Locations

Application Deadline:

Friday, January 17, 2025

About the Office

The United States Attorney's Office for the District of South Dakota investigates and prosecutes federal crimes and represents the interests of the United States in both criminal and civil cases and matters in U.S. District Court for the District of South Dakota, as well as in the Court of Appeals for the Eighth Circuit.

The office has three litigating divisions—Criminal, Appellate, and Civil. The Criminal Division is concerned with the prosecution of all federal criminal violations, which include controlled substance violations, violent crime, organized crime, fraud, tax violations, white-collar crime, civil rights violations, crimes against children, and national security offenses. The Appellate Division handles the office's appeals and provides guidance to AUSAs. The Civil Division is devoted to cases involving bankruptcy, collections, affirmative civil enforcement, federal tort claim defenses, EEOC matters, and prisoner petitions. Employees work from the Sioux Falls (headquarters), Rapid City, or Pierre offices.

As the federal agency whose mission is to ensure the fair and impartial administration of justice for all Americans, the Department of Justice is committed to fostering a diverse and inclusive work environment. To build and retain a workforce that reflects the diverse experiences and perspectives of the American people, we welcome applicants from the many communities, identities, races, ethnicities, backgrounds, abilities, religions, and cultures of the United States who share our commitment to public service.

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many communities, identities, races, ethnicities, backgrounds, abilities, religions, and cultures of the United States who share our commitment to public service.

Job Description

The District of South Dakota is seeking outstanding candidates as Law Student Volunteers for the Sioux Falls and Pierre, SD offices. One opening is available in each office. The program is overseen by experienced Assistant U.S. Attorneys who provide daily supervision and coordinate work assignments. The following are a few of the activities Law Student Volunteers normally perform while working in this role:

- providing research on legal issues and stating their findings orally and/or through written memoranda;
- assisting and/or preparing pre-trial and post-trial motions and responses;
- assisting in the writing of trial and appellate briefs;
- observing various stages of federal proceedings (witness interviews, depositions, trials, sentencings, appellate arguments, etc.);
- assisting in the preparation of affidavits, exhibits, and notebooks for trial; and
- for those who qualify under the student-practice rules, participating in court hearings.

Other opportunities provided include:

- meeting with federal agencies (FBI, DEA, ATF, HSI, etc.);
- attending "Law Student Volunteer Panels" hosted by Assistant U.S. Attorneys; and
- receiving personal introductions to federal district judges.

The summer session runs from approximately June to August. For the best experience, Law Student Volunteers are expected to be in-person, 40 hours a week, for a minimum of 8 weeks.

Qualifications

To be eligible for this experience ALL of the following requirements must be met:

• **Law Student Status:** Acceptance of applications for this announcement will be limited to first-year (second semester), second and third-year law students. Law school graduates are not eligible for Law Student Volunteer positions. An eligible student is an individual who is enrolled in law school pursuing a Juris Doctor Degree and is taking at least half-time academic course load in an accredited university. Successful candidates must have outstanding academic records, superior writing skills, and be in good academic standing with their educational institution.

•**Citizenship:** Law Student Volunteers must be United States citizens or owe permanent allegiance to the United States. (Currently, natives of American Samoa, Swains Island and certain inhabitants of the Commonwealth of the Northern Mariana Islands are the only groups that owe permanent allegiance to the United States.)

•**Background Investigation:** You must successfully complete a background investigation to determine your suitability for Federal selection.

•**Volunteer Agreement:** All Law Student Volunteers are required to sign the Participant Agreement (will be completed later if selected).

Application Process

Please provide the following information as one combined PDF attachment to: USASD.Applications@usdoj.gov no later than January 17, 2025:

- Cover letter including your contact information, the litigating division(s) you are interested in, office preference (Sioux Falls and/or Pierre), and the dates you are available for the Law Student Volunteer position. We encourage you to address your interest in the USAO's work and your ties to (or interest in) the District of South Dakota.
- Current resume.
- Current law school transcript (unofficial). If your **most recent semester's** grades are unavailable when you submit your application, you must provide them as soon as they become available.
- A legal writing sample (not to exceed 10 pages).

Those selected for interviews will be notified. We typically participate in on-campus interviewing (OCI) at the University of South Dakota Knutson School of Law. For students farther afield or when on-campus interviews are not feasible, arrangements will be made for interviews online or in person at the U.S. Attorney's Office in Sioux Falls.

Salary

This is a voluntary position without federal compensation or benefits. Academic credit may be available. Students are required to coordinate their eligibility and any associated requirements through their respective law school in advance.

Number of Positions

Multiple Positions May Be Filled

Travel

None required.

Relocation Expenses

Relocation expenses are not authorized.



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.

Life comes with challenges. Your Assistance Program is here to help.

Your Assistance Program can help you reduce stress, improve mental health, and make life easier by connecting you to the right information, resources, and referrals.

All services are free, confidential, and available to you and your family members. This includes access to short-term counseling and the wide range of services listed below:

Mental Health Sessions

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

Life Coaching

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

Financial Consultation

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

Legal Referrals

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

Work-Life Resources and Referrals

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

Personal Assistant

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

Medical Advocacy

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

Member Portal

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



Contact AllOne Health
Call: 888-243-5744
Visit: www.sandcreekeap.com
Code: sdhelp





Introducing Your Member Portal

Browse benefits. Request services. Enjoy 24/7/365 access.

Your Assistance Program offers a wide range of benefits to help improve mental health, reduce stress and make life easier—all easily accessible through your member portal.

Request a Mental Health Session

Request counseling by submitting an online form or live chat. Choose from in-person or virtual counseling options to meet your needs.

Request Referrals & Resources

Submit a request for family care and lifestyle support including childcare and eldercare referrals, legal referrals and financial consultation, personal assistant referrals and medical advocacy consultation.

Explore Thousands of Self-Care Articles & Resources

Health and lifestyle assessments, interactive checklists, soft skills courses, podcasts, resource locators, exclusive discounts, and expansive articles on whole health and well-being.

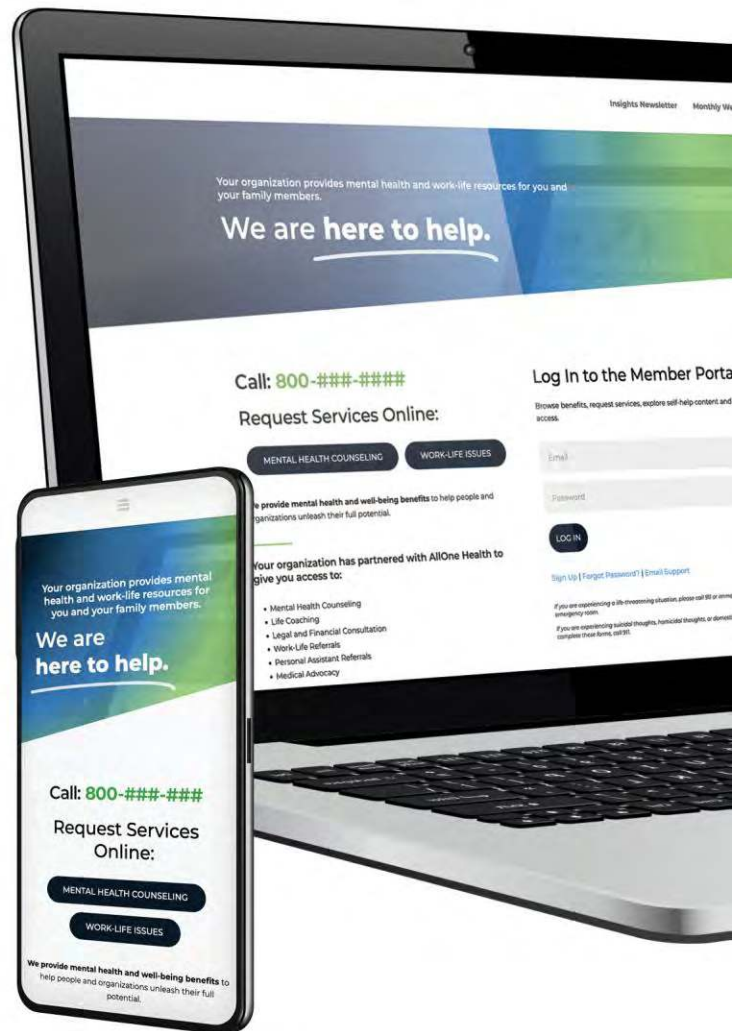
Visit Your Online Financial Center

Featuring worksheets, calculators, and a wide range of financial resources and tools to help reach personal goals and build financial wellness.

Getting Started Is Easy

1. Visit www.sandcreekeap.com and click on “Sign Up” below the login form
2. To create an account and sign in, enter your email address and company code: sdhelp
3. For login assistance, select “Email Support”

** You can always call to access services, without needing to create an account or log in to the portal.*



Contact AllOne Health
Call: 888-243-5744
 Visit: www.sandcreekeap.com
 Code: sdhelp

In Memoriam



Donald R. Shultz
September 14, 1930 –
November 24, 2024

Donald R. Shultz, 94, passed away peacefully on November 24, 2024. Don had a wonderful friendly and generous spirit that touched

numerous lives. Born on September 14, 1930 to Milo Walden Shultz and Ruth Train Shultz in Mitchell, S.D., he shared many fond childhood memories of enjoying swimming, ice skating and playing marbles with his brother, Maury. He grew up in Huron and graduated from Huron College with a degree in History. He met the love of his life Frankie Swett and they married in 1953. In 1954, he obtained his law degree from the University of S.D. He remained very active and passionate about the USD Law School Foundation. Don was deferred from the Korean War to complete law school, upon graduation he served in the Army in Okinawa, Japan for 15 months. Don and Frankie moved to Rapid City in 1956 where he practiced law with Lynn, Jackson, Shultz, & Lebrun, P.C.

He loved the practice of law, with the firm's law partners and felt particularly passionate about preserving the right to trial by jury. He stated, "Of all the existing lawyer's groups, ABOTA is exclusively designed to defend the American civil justice system and the right to a civil jury trial." In 1993, Don was elected National President of ABOTA (American Board of Trial Advocates.) He served as President of the South Dakota State Bar, awarded the prestigious McKusick Award, served as Director of the University of South Dakota Foundation and was a member of many other legal organizations.

Don and Frankie raised three children: Jay, born in 1957, Joni in 1959, and Jan in 1961. They shared a close-knit family life filled with many happy times with the YMCA swim team, frequent skiing at Terry Peak, and traveling. He was a devoted family man and loving father, instilling moral strength, character, and wisdom. He was always by his children's side. When most snowbirds headed to the sunny south for the winter, Don and Frankie headed to Sun Valley, ID ski resort and enjoyed skiing and the

ski community. They cherished four grandchildren, JJ Shultz, Lauren (Shaun) Seiler, Donald (Bryanna) Borchert, and Caroline Chambers. He later welcomed three great grandchildren, Mia, Everly, and Kieran.

Don lived a full, purposeful life and enjoyed a loving marriage of 68 years. Don lived by these four "learned" life lessons: Have faith in yourself, Do not be afraid to lose, Enjoy your life, and Count your blessings.

A special thank you to the staff that cared for our Dad, Comfort Keepers and Peaceful Pines Senior Living. He was cared for with love, dignity and abundant kindness the last few years.

A funeral service will be held at Emmanuel Episcopal Church at 10:30 a.m. on December 5, 2024. A Celebration of a Great Life will follow at Arrowhead Country Club from 11:30 a.m. to 1:30 p.m. He will be laid to rest, with military honors, at the Black Hills National Cemetery at 3 p.m.

A memorial in Don's name may be made to the USD Law School Foundation, 1110 N. Dakota St., Vermillion, SD 57069.



Justice Robert
Amundson
July 12, 1938 –
December 11, 2024

The Honorable Robert "Bob" Amundson, 86, passed away on Wednesday, December 11, 2024, at Ava's House

Hospice in Sioux Falls. Memorial visitation will be from 2:00 p.m. until 4:00 p.m., Sunday, January 5, 2025, at George Boom Funeral Home & On-Site Crematory 3408 E. 10th Street, Sioux Falls. Memorial services will be 2:00 p.m., Monday, January 6, 2025, at First Lutheran Church 327 S. Dakota Avenue, Sioux Falls. In lieu of flowers, memorials may be directed in Bob's honor to Ava's House Hospice or the USD Law Foundation.

Robert Arnold Amundson (Bob) passed away on December 11th knowing that he was immensely loved by his family and friends. In his 86 years, Bob was known as many things to many people. It started with son, brother and then added friend, teammate, brother-in-law, lawyer, judge, justice, city attorney and professor

/ teacher. The most important titles that defined Bob were husband, Dad and Papa.

Bob was born on July 12, 1938 to Arnold and Marguerite Amundson. He was born on one of the hottest days of the summer and his arrival made the paper due to the fact that his father was also in the hospital recovering from appendicitis. Bob joined an older sister, Sharol and later a younger sister, Jan, both of whom he loved deeply. Their family lived near McKennan Park from the time Bob was 6. McKennan Park is where he developed his love for basketball as well as many life long friendships. He went to Washington High School from 1952 until 1956. After high school, he attended Augustana College where he “majored in fun” and also played basketball. After his graduation from Augie, Bob was undecided on his career path. His life changed course after talking with his brother-in-law, Denver Kaufman. Denver suggested that Bob should go to law school. Shortly after, he went down to the University of South Dakota to apply to law school in person. After the interview with the Dean of the Law School, the Dean pointed to a building and told him that was where Bob had to go to pay for his tuition next fall. He started law school in 1961.

In the spring of 1963, Bob encountered a young co-ed working in the law library, Katherine (Kathy) Larson. Bob recounted, while he was in the hospital, that he met a lovely woman on the lower floor of the library who he was interested in. If you ask Kathy, Bob took his own sweet time to ask her out! When he finally did, that was the beginning of their 60+ year relationship and life together. Their 59 year marriage began on August, 7, 1965. They settled in Pierre, SD where Bob worked as a State of South Dakota Assistant Attorney General and a Securities Commissioner. After 4 years of marriage, their lives changed for the better in September 1969 when Robert Scott arrived. In 1971, the family moved to Belle Fourche, SD where Bob practiced law as a partner in Mueller, Bennett & Amundson. Their family grew again in November 1973, when Beth Marie was born on Kathy’s birthday.

In 1974, Bob took an in-house counsel job at the Homestake Mining Company in Lead, SD while maintaining a private practice with his partner, Pete Fuller. Eventually Jack Delaney joined the firm. In February 1976, Bob and Kathy welcomed Amy Katherine into the family. Bob and family spent 14 years living in Lead where their young family made

many memories. Bob also made many lifelong friends. There were snowstorms to never forget, weekends in Spearfish Canyon, rounds and rounds of golf at Lead Country Club, cheering on Little League baseball, soccer games, swim meets for the Deadwood 76’ers and many basketball games for the Lead Goldiggers. Bob’s list could go on and on. In 1985, Bob and his partners focused on their private practice.

In 1987, Bob was appointed as a Judge in the 2nd Judicial Circuit Court in Sioux Falls, SD. He served as a judge until 1991 when he was appointed to the South Dakota Supreme Court and he presided on the bench for 11 years. Bob always felt fortunate to have the privilege to serve the people of South Dakota in these two positions. He was adamant about his judicial oath and put his personal beliefs and opinions aside to examine the legal questions being discussed. Bob strongly believed that all judges should approach each ruling remembering the oath they promised. He was also known on the High Court for occasionally bringing a bit of humor to the hearings and his opinions. He always would joke that he was ranked 19 out of 18 students in his law school class.

After retirement from the Court, Bob did not rest on his laurels. He spent two years as a Regents Scholar while working as an arbitrator and a mediator. In 2008, he was asked by his long-time friend, Dave Munson, to be the Sioux Falls City Attorney. These jobs challenged him in different ways but were equally fulfilling. Bob also used his vast legal knowledge to help prepare the next generation of hopeful attorneys. He taught government and ethics in the law courses at the University of Sioux Falls until 2022.

Bob was known as the Grouch in his family. This was a nickname he gave himself one afternoon while driving around two of his grandchildren. “The Grouch” stuck and we all loved it, but he was not really that grouchy! He had a razor sharp wit and some of the best stories. He loved to share his life’s wisdom over and over. He would constantly tell the kids how proud he was of them and he knew that they could do anything they set their minds to. Bob loved seeing how each of his children was always working on being a good person in work, life and family. He supported his kids and eight grandkids in all the activities they participated in. In his spare time, Bob loved all sports and would watch anything from football to horse racing, but his first love was basketball followed closely by golf.

Bob loved South Dakota and being a South Dakotan. He once said that his journey was 100% traveled in South Dakota (he joked that he was sentenced to life in South Dakota). Bob would be the first to say, "he was lucky to have a wife that stayed by his side through all the ups and downs of life." Bob always gave credit to Kathy for how his life and his kids turned out, however, we all know he was equally responsible for these successes. He received many accolades in his lifetime, but the thing he was most proud of in life were his wife, three kids and their families. He will forever be missed by his family and by everyone who had a chance to know him.

He was preceded in death by his parents, Arnold and Marguerite; his sister, Sharol and his brother-in-law, Denver. He is survived by his wife of 59 years, Kathy; his children, Robert Scott (Shelly), Beth Marie, Amy Katherine (Kristofer); and his sister, Jan. He also is survived by eight grandchildren, two great-grandchildren, one niece, one nephew and many cousins.

South Dakota Paralegal Association

www.sdparalegals.com

Established in 1989 and made up of legal assistants and paralegals from across South Dakota.

OUR MISSION . . .

✓ **Establish good fellowship among association members, National Association of Legal Assistants (NALA), and members of the legal community.**

✓ **Encourage a high order of ethical and professional attainment.**

✓ **Continuing education among members of the profession.**

✓ **Cooperate with state bar associations.**

✓ **Support and achieve programs, purposes, and goals of NALA.**

We are committed to the preservation and continued growth of the paralegal profession.





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Review the depreciation schedule annually. Ask your accountant to remove or note fixed asset disposals on your depreciation schedule, even if the asset is fully depreciated. This schedule is not only used for tax purposes but is also a listing of the assets you own and is used in the valuation process. I have found that a depreciation schedule littered with old and previously disposed of fixed assets is the “sticking point” in the valuation process. Update the schedule. No need to leave “Typewriter” purchased in 1978 unless it is truly owned and being used in the business.

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Gary Jensen

Hear the inspiring story of Gary Jensen, a courageous bar member, as he shares his journey with esophageal cancer. Through his experiences, he raises awareness and inspires others with his strength, resilience, and determination.



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December 4, 2024

BY EMAIL

Paul Cremer – South Dakota Bar Association Executive Director

Hi Paul:

I've attached a PDF detailing my battle with esophageal cancer last year and providing advice on how to avoid a similar experience.

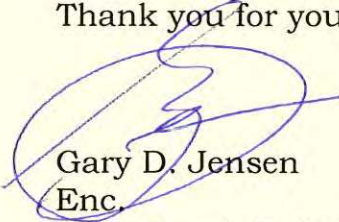
I'm reaching out to ask if the South Dakota Bar Association would consider publishing what I've written in its newsletter to help our colleagues recognize the importance of early detection and prevention of esophageal cancer. This truly is a life-or-death issue.

As you'll see in the document, the key to addressing esophageal cancer is an upper endoscopy—whether prompted by symptoms or as a proactive screening, much like a colonoscopy.

My GI physician in Rapid City fully supports the message and is encouraging me to share it as widely as possible. He's also willing to support these efforts in any way he can.

If we can persuade even one colleague to undergo an upper endoscopy, it will be a success. But I'm optimistic this message can inspire many more to take action. This could save lives—not just those of lawyers, but also their families and staff.

Thank you for your consideration.


Gary D. Jensen

Enc.

Cc: South Dakota Bar Association – elected officers:
Sarah Sharp Theophilus and John Richter

You have cancer!

Terrifying words when directed to you. Like being slugged in the gut with a baseball bat.¹

- They were directed to me on January 23, 2023.
- Esophageal cancer. Stage 3B.
- A cancer that rattles even health care providers.

Why I'm writing this -

I'm trying to help you avoid what happened to me. An upper endoscopy (EGD) is the key.

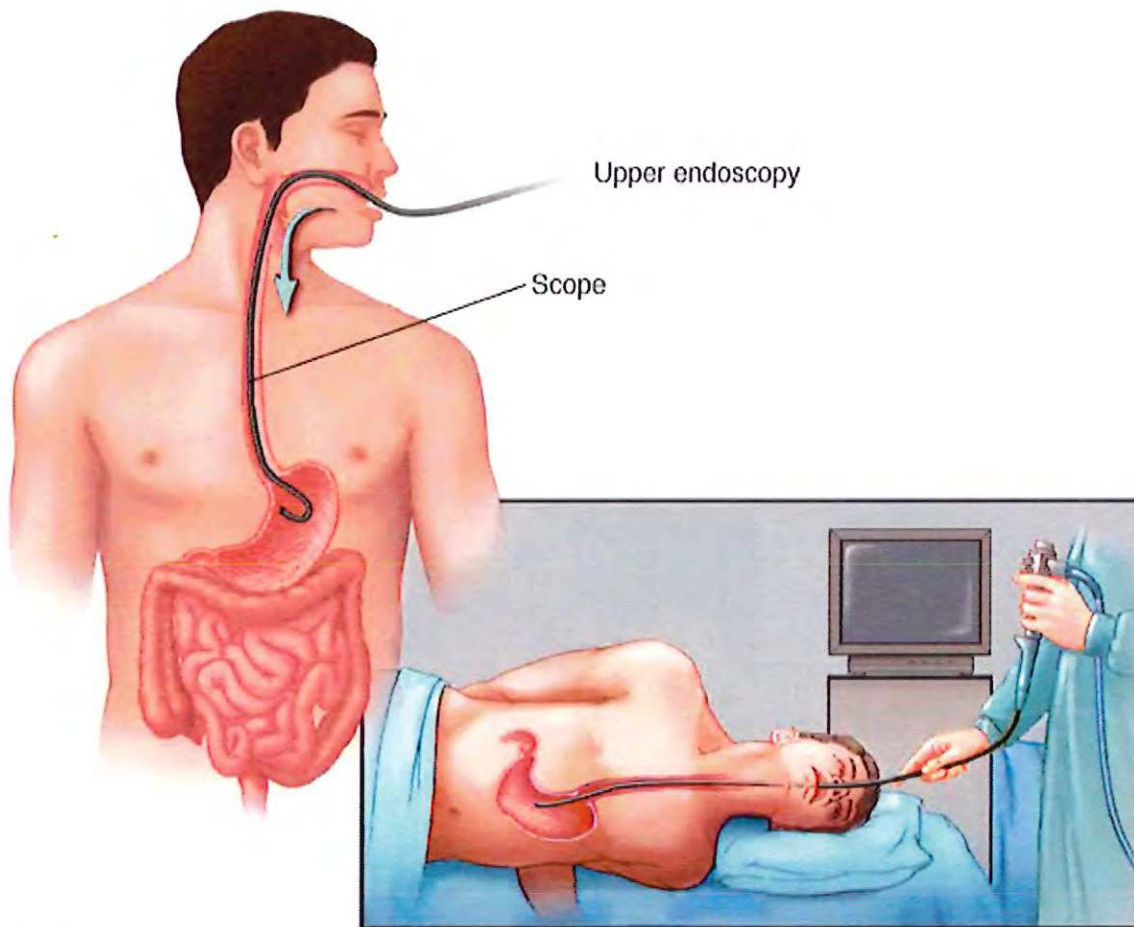
An upper endoscopy is a procedure for your upper digestive tract like a colonoscopy is for your lower digestive tract.

We should insist on having an upper endoscopy in two circumstances:

1. When we have symptoms like swallowing difficulties, reflux, heart burn and/or GERD. Or, are on medication for them.
2. Without symptoms – for screening at least by the time you're having screening colonoscopies. Perhaps earlier depending upon your history, genetics or other considerations.

Let's call circumstance No. 1 a **Symptom** Upper Endoscopy and circumstance No. 2 a **Screening** Upper Endoscopy. Illustrations follow.

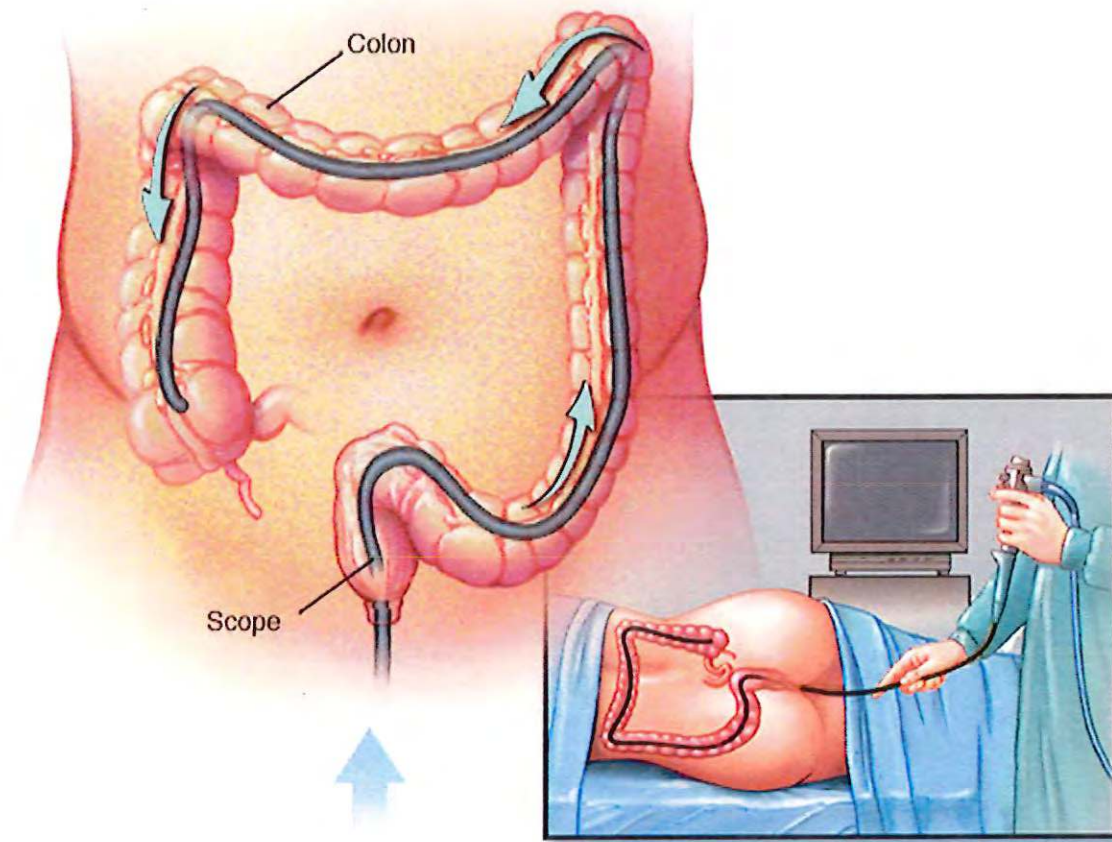
¹ I attended my own funeral many times when closing my eyes after hearing those words. What's worse? Your child or grandchild being told they have cancer. That would be indescribably worse.



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Upper endoscopy

During an upper endoscopy, a healthcare professional inserts a thin, flexible tube equipped with a light and camera down the throat and into the esophagus. The tiny camera provides a view of the esophagus, stomach and the beginning of the small intestine, called the duodenum.



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Colonoscopy

During a colonoscopy, the healthcare professional puts a colonoscope into the rectum to check the entire colon.

My experience -

I was treated at Mayo Clinic by highly skilled doctors who specialize in this cancer. I owe them my life.

Starting in March of 2023, I had two months of FLOT chemotherapy; essentially a “poison” that attacks healthy cells as well as cancer cells (so leaves life-long side effects). After that, I had 25 radiation sessions (with three more chemo infusions).

Then on August 3rd, I had an esophagectomy. Mayo Clinic says it’s a “big surgery.” It sure is.

My esophagus and surrounding tissue was removed. My stomach was “reconfigured” and pulled up through my diaphragm to be my new esophagus. An eight-hour surgery. Eleven days in the hospital. Several weeks recovery. Even if successful, as mine was, this “big” surgery results in huge life changes.²

An illustration of this surgery from Mayo Clinic is on the next page. You can learn more on the Mayo website or via Google. I encourage you to look.

² I’ve had three follow up surveillance ct scans since my 2023 surgery. No evidence of cancer. A miracle, literally. That’s what my doctors say. I’m extraordinarily fortunate, thankful, and grateful.

What Typically Happens During Surgery

- You are admitted to the hospital the morning of surgery.
- A small tube, called an intravenous (IV) catheter, is put into one of your veins. You receive fluid and medication through the IV.
- General anesthesia is given in the operating or procedure room.
- A tube is guided into your airway, and a ventilator is used to help you breathe during surgery.

During this surgery, parts of your esophagus and stomach are removed. The parts that stay typically are connected. The decision about where to connect your digestive tract depends on your condition. See Figures 7 and 8.

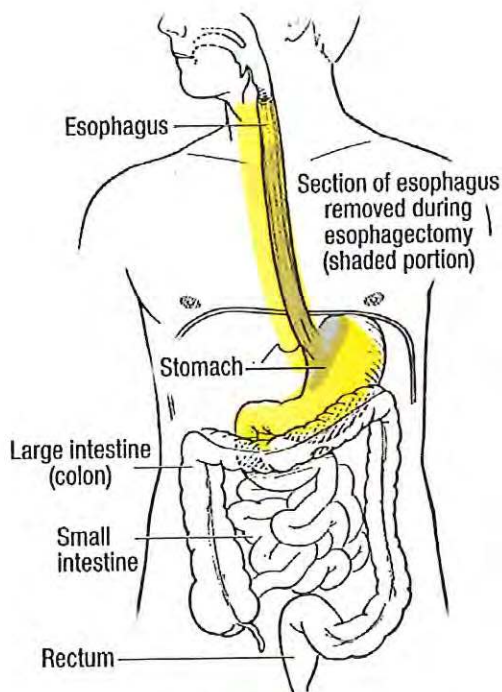


Figure 7. Before esophagectomy

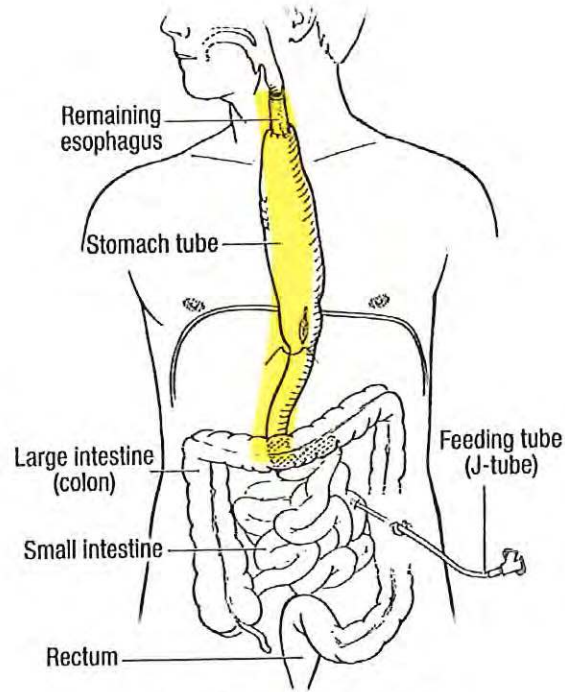


Figure 8. After esophagectomy

Your family and friends

While you are in surgery, your family and friends can wait in your hospital room or in the waiting room. If they leave the waiting area, they should tell a person at the desk or a member of the nursing staff where they can be reached. They should ask a member of the care team how and when surgery updates are provided.

Side effects –

Briefly on side effects from treatment –

I have permanent chemo-caused peripheral neuropathy in my hands and feet; worse in my feet. Pain, numbness, cold, swelling. All day every day. Medication helps.

Learning to eat and drink with my reconstructed digestive system which means much smaller portions many more times a day. Easy to state, hard to get right. Really hard.

When you don't get it right – eat or drink too much - a “bad” feeling overtakes you. It eventually goes away.³

I won't address emotional side effects. You've observed those with family and friends.

There are worse things -

As terrifying as esophageal cancer is, there's worse. A terminal cancer diagnosis where no treatment will stave off death. Terminal neurologic diseases such as ALS. Heart attacks. Strokes. Addiction. And so on.

I'm lucky – I have a fighting chance!

³ This side effect has its own side effects. Here are two examples: (1) terrible abdominal pain often with no identifiable cause which has landed me in the ER multiple times; and (2) the development of a “large” hernia because my colon decided to join my reconfigured stomach above my diaphragm and eventually pinch off my new esophagus (conduit) so I could not drink a thimble of water or eat one bite. A recent emergency surgery brought the colon down below my diaphragm where I hope it stays.

Good happens –

Good comes from cancer if you look for it.

- You experience extraordinary support from family and friends.
- You prove you're tougher than you think. Much tougher.
- You focus.
- Your priorities are radically reordered.
- You become more grateful and express it better.
- You are compelled to help others, especially cancer patients.
- You smile more and develop a higher hugging quotient.
- You read more books to your grandkids, spend more time with them at the park. On walks.
- You fish more. Not better, just more.

More good news -

You can avoid what happened to me.

Symptom Upper Endoscopy

I had symptoms for years so should have had a **Symptom Upper Endoscopy** long before I did.

My symptoms included intermittent swallowing difficulty, intense heart burn, and nasty reflux. The heart burn and reflux were moderated by omeprazole which I took for years (another sign of

potential trouble). There are other symptoms easily found on the Mayo website or by Google search. I encourage you to look.

Why didn't I have a **Symptom** upper endoscopy much earlier?

I had no idea I should, and no one told me I should.

Screening Upper Endoscopy

I started having screening colonoscopies many years ago (my dad died of colon cancer) so perhaps should have had **Screening** Upper Endoscopies at the same time.

Why didn't I have a **Screening** Upper Endoscopy when I had Screening Colonoscopies? Great question.

Again, I had no idea I should and nobody told me I should.

Our society doesn't recommend or even address Screening Upper Endoscopies; yet, as we know, it vigorously recommends screening colonoscopies with timelines and follow up based upon results.

Why the difference?

I don't know. I do know that fewer die each year of esophageal cancer than colon cancer so perhaps someone has decided that implementing Screening Upper Endoscopies is a cost society should not incur.

A dangerous cost-based conclusion because:

1. With esophageal cancer, like colon cancer, if you wait for symptoms before having diagnostic procedures, you're likely to find yourself in deep trouble with late-stage cancer facing far more aggressive treatment and a significantly lower survival rate.

2. The esophagus, like the colon, can harbor disease not yet presenting symptoms. **Silent killers.**
3. So, if screening for the lower end of the digestive tract is appropriate - and society deems it is - then perhaps screening for the upper end should be viewed the same way. Why not?
4. **Screening** upper endoscopies will save lives just like screening colonoscopies do. No doubt about it.

Waiting for symptoms to appear is a very bad idea.

Advocate for yourself -

Ask your doctor:

1. Why does society recommend screening colonoscopies before symptoms appear?
2. Isn't it true that waiting for symptoms to appear in the upper end of the digestive tract (esophagus) is as dangerous as waiting for symptoms to appear in the lower end (colon)?
3. Isn't it also true that finding problems in the upper digestive tract (esophagus) before symptoms with a **Screening** Upper Endoscopy is as beneficial as finding problems in the lower digestive tract (colon) before symptoms with a screening colonoscopy?
4. What medical science justifies approaching **Screening** Upper Endoscopies differently from Screening Colonoscopies.
5. Isn't it also true that Stage 3 or 4 esophageal cancer is as dangerous and life-threatening as a Stage 3 or 4 colon cancer.

6. Can you have a **Screening** Upper Endoscopy the same time as your colonoscopy? Yes. Do one end, then the other.

It's Simple -

Early diagnosis is obviously your best shot at living, keeping treatment to a minimum, and surviving treatment with a decent quality of life.

If you have symptoms, please talk with your doctor about a **Symptom** Upper Endoscopy.

Otherwise, discuss with your doctor scheduling a **Screening** Upper Endoscopy.

Again, my laymen's bottom line is this:

A Screening Upper Endoscopy should be valued and implemented equally with the Screening Colonoscopy.

Setting aside the issue of cost, I believe there's no medical reason for treating them differently.

Stage 3 or 4 esophageal cancer is as dangerous and life-threatening as Stage 3 or 4 colon cancer.

I hope this was worth your time. If others might benefit from reading it, please forward to them. I'm happy to talk with whomever whenever.

Gary

605-484-3319

gjensen@blackhillslaw.com

BOARD OF BAR COMMISSIONERS

Minutes, September 27, 2024
Drifters in Fort Pierre, and via Teams

President Sarah Sharp Theophilus called the meeting to order at 9:05 AM CDT on September 27, 2024. Present for all or part of the meeting were President Sharp Theophilus, President Elect John Richter, and Commissioners Tyler Matson, David Strait, Jerry McCabe, Justin Bell, Erika Olson, Teramie Hill, Amber Mulder, Sarah Covington, Kristen Edwards, and Steve Blair. Also present were all or part of the meeting were Executive Director/Secretary-Treasurer Paul Cremer, Director of Operations Tracie Bradford, Strategic Plan Coordinator Carrie Sanderson, Member Services Coordinator Tailynn Bradford, and Access to Justice Inc. Coordinator Denise Langley.

Approve minutes of August 28, 2024, Meeting: Commissioner Matson moved to approve the minutes of the August 28, 2024, Bar Commission meeting. Commissioner McCabe seconded the motion. Motion carried.

Approve minutes of September 19, 2024, Meeting: Commissioner Olson moved to approve the minutes of the September 19, 2024, Bar Commission meeting. Commissioner Matson seconded the motion. Motion carried.

Member Services Coordinator: The Bar Commission welcomed Tailynn Bradford as the new State Bar Member Services Coordinator.

State Bar Technology ad hoc committee: President Sharp Theophilus previously created an ad hoc committee to study State Bar technology resources. She thanked Sam Kerr, Colleen Zea, Nate Chicoine, Sarah Covington, and Teramie Hill for serving on the committee. Cremer provided details regarding meetings with other bar organizations regarding their membership management systems. The Committee will review several white papers and documents drafted by other bar organizations regarding member management systems and websites.

vLex Fastcase Update: vLex Fastcase is upgrading Fastcase in SD and nationwide. 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.

Nate Chicoine ABA update: The Commission discussed a written report of ABA activities provided by ABA Representative Nate Chicoine regarding ABA activities. [The report can be found on page 50 of the October State Bar Newsletter.]

Supreme Court Rules regarding the Board of Bar Examiners: Commissioner Matson provided information about questions he had received from a bar member regarding amendments recently adopted by the South Dakota Supreme Court regarding the South Dakota Board of Bar Examiners (Rule 24-05 through Rule 24-10).

The Bar Commission briefly recessed at 9:39 AM CDT and convened as the Board for Access to Justice - see separate minutes.

The Bar Commission reconvened at 10:06 AM CDT.

Strategic Plan Update: The Bar Commission welcomed Strategic Planning Committee co-chairs Dick Casey and Jennifer Williams to the meeting to present the proposed 2024-2027 Strategic Plan. They provided some historical background, including discussions in 2010 regarding the need to plan and set goals for the State Bar to create continuity. The vast majority of state bar organizations and other bar organizations also engage in strategic planning activities. The ABA provides information to other bar organizations about strategic planning activities conducted by the State Bar of South Dakota, and the ABA uses the State Bar of South Dakota strategic planning activities as a model for other bar organizations to follow. The State Bar of South Dakota has been successful in implementing the Strategic Plan due to time and effort expended by State Bar volunteers. State Bar Presidents have been very supportive of the Strategic Planning Committee activities.

The current plan was scheduled to expire in 2024, so the Strategic Planning Committee started working in 2023 to develop a new three-year strategic plan.

Williams discussed the development of the proposed 2024–2027 Strategic Plan. The Strategic Planning Committee conducted 55 stakeholder interviews and reviewed the results of a survey of State Bar members conducted in early 2024. Williams thanked State Bar members for responding to the survey. The Strategic Planning Committee met in Rapid City on May 30-31, 2024, along with ABA facilitators Jennifer Lewin, and Teresa Peavy to draft a new Strategic Plan.

Casey and Williams thanked and complimented Carrie Sanderson for her work as Strategic Plan Coordinator.

The Commission asked questions regarding the proposed plan and discussed Bar Commission involvement in strategic planning activities.

Commissioner Strait made a motion to adopt the newly drafted 2024-2027 Strategic Plan as proposed. Commissioner Bell seconded the motion. Motion carried. [The 2024-2027 Strategic Plan is attached.]

New Bar Staff position consideration and possible budget amendment: The Commission discussed the proposed creation of a new State Bar staff position – the Bar Services Coordinator.

The Commissioners discussed State Bar finances, dues, and staffing levels. The Commissioners discussed the use of reserve funds and the lifecycle of Bar funds and dues. Commissioner Strait spoke with former State Bar Executive Director, Andy Fergel, who provided historical information regarding staff resource issues. Cremer provided his observations regarding staff resource issues, including effects on staff and ability to work on long-term projects.

The Commissioners also discussed the Strategic Plan Coordinator position with Sanderson, and she provided information about her services to date and her observations regarding staffing levels. The Commissioners discussed advantages and disadvantages of the contract arrangement. Sanderson previously served as executive director in two other nonprofit

entities, and Sanderson has been involved with association management and strategic planning for 12 years.

Commissioner Edwards made a motion to go into executive session to discuss personnel matters. Commissioner Matson seconded the motion. Motion carried, and the Commission entered executive session at 12:13 PM CDT.

Present for all or part of the executive session were President Sharp Theophilus, President Elect John Richter, and Commissioners Tyler Matson, David Strait, Jerry McCabe, Justin Bell, Erika Olson, Teramie Hill, Amber Mulder, Sarah Covington, Kristen Edwards, and Steve Blair. Also present was Executive Director/Secretary-Treasurer Paul Cremer, who provided information and answered questions. Cremer left the executive session meeting at approximately 1:00 PM and the Commissioners continued their discussion until adjourning executive session at 1:30 PM.

The Commission then resumed regular session. Commissioner Bell made a motion to amend the budget as needed to provide funding of \$75,000 for salary with additional funding as required for one additional staff position at the State Bar. Commissioner Covington seconded the motion. Commissioner Matson requested a roll call vote. The vote on Commissioner Bell's motion was as follows:

Yes: Commissioners Matson, Strait, McCabe, Bell, Hill, Covington, and Blair.

No: President Elect Richter, and Commissioners Olson, Mulder, and Edwards.

Motion carried 7-4.

Next Meeting: The next Bar Commission meeting is scheduled for November 20, 2024, at 9:00AM CST online.

The Commission adjourned at 1:36 PM.

Respectfully submitted,
Paul Cremer
Executive Director/Secretary-Treasurer

State Bar of South Dakota

STRATEGIC PLAN

2024-2027

State Bar of South Dakota 2024-2027 Strategic Plan

Vision

The State Bar of South Dakota is an invaluable partner in every attorney's practice, and a trusted community leader that ensures the legal system is evolving to meet the needs of all South Dakota residents.

Organizational Values

These core values direct how the State Bar of South Dakota conducts itself as it works to achieve its goals and fulfill its mission.

Integrity

We will strive to earn and maintain members' and the public's trust.

Professionalism

We respect the rule of law and promote ethical conduct, personal integrity and civility in all our deliberations and decisions.

Inclusion

We value members' different perspectives and backgrounds that enrich our collective activities and decision making. That inclusive culture also helps us expand our legal workforce.

Transparency

We will strive to promote openness, communication and accountability.

Responsiveness & Innovation

We will continually explore and advance new ways to provide excellent service to members and the public.

Compassion

We will treat one another with understanding and kindness.

Collaboration

We will create alliances that allow us to achieve a greater impact with our limited resources.

State Bar of South Dakota 2024-2027 Strategic Framework

| | |
|---|--|
| <p>Goal 1: Strengthen the State Bar of South Dakota’s operations and infrastructure to enable it to successfully carry out its mission</p> | <p>To achieve this, we will:</p> <p>Strategy 1: Reaffirm the core responsibilities of the State Bar of South Dakota to ensure the continued self-regulation of the profession through the mandatory bar</p> <p>Strategy 2: Effectively deploy State Bar of South Dakota volunteers, staff and financial resources</p> <p>Strategy 3: Maximize technology to support the bar’s activities</p> <p>Strategy 4: Enhance the State Bar of South Dakota’s internal and external communications</p> |
| <p>Goal 2: Foster a legal community that exemplifies professional excellence, wellbeing and civility</p> | <p>To achieve this, we will:</p> <p>Strategy 1: Provide high-quality continuing legal education and professional development programs</p> <p>Strategy 2: Educate members about the impact and responsible use of technology-driven practice tools</p> <p>Strategy 3: Support lawyer wellbeing to ensure competent service to clients</p> <p>Strategy 4: Promote the importance of civility in the practice of law in collaboration with UJS and the USD Knudson School of Law</p> |
| <p>Goal 3: Create a sustainable legal profession that meets the needs of South Dakota residents</p> | <p>To achieve this, we will:</p> <p>Strategy 1: Raise community awareness about the legal system and legal careers</p> <p>Strategy 2: Explore additional pathways to the legal workforce in collaboration with UJS and USD Knudson School of Law</p> <p>Strategy 3: Create a sustainable future for the Rural Incentive Internship Program and Project Rural Practice</p> |

SBSD 2024-2027 Strategic Plan

| | |
|---------------------------------------|--|
| Goal 1 | Strengthen the State Bar of South Dakota’s operations and infrastructure to enable it to successfully carry out its mission |
| Current supporting activities: | Governance structures/processes, Board of Bar Commissioners, SBSB staff, strategic planning, administrative processes, SBSB Newsletter, website/online communities/social media presence |
| Success measures: | Clarified understanding of core responsibilities, clarified core responsibilities guides BBC decision making, increased member awareness of SBSB core responsibilities, greater effectiveness of bar committees and sections |

| To achieve this, we will: | Responsibility | Time Frame/Status | Next Steps/Comments |
|--|---|------------------------------------|---|
| Strategy 1: Reaffirm the core responsibilities of the State Bar of South Dakota to ensure the continued self-regulation of the profession through the mandatory bar | | | |
| 1. Board-level discussion needed to clarify core responsibilities. SPC discussions highlighted the importance of the following: Compliance, education, lawyer wellbeing, lobbying, communications with members (define to what end) and communication with the public (define to what end) | ➔ Board of Bar Commissioners + Executive Director | ➔ Recommended high priority | ➔ Create an organizational map that includes the bar and affiliated entities such as Lawyers Concerned for Lawyers and Destination Dakota Legal Careers ➔ Clarify questions relating to lobbying limitations |
| 2. Revisit Keller policy | ➔ BBC + Executive Director | ➔ Recommended high priority | |
| Strategy 2: Effectively deploy State Bar of South Dakota Board of Bar Commissioners, volunteers, staff and financial resources | | | |
| 1. Board of Bar Commissioners <ul style="list-style-type: none"> • Continue regular board education to focus on core board governance responsibilities as differentiated from staff management | ➔ BBC + Executive Director | ➔ Quarter/Year TBD | |

| | | | |
|---|---|---|--|
| <p>2. Volunteers</p> <ul style="list-style-type: none"> Identify entities that would benefit from more direction, and create clear expectations and specific, measurable goals Ensure volunteer activities are connected back to core functions (above) and to the strategic plan Evaluate whether all committees continue to be necessary | <p>→ Bar staff in collaboration with BBC</p> <p>→ Officers/SPC Co-chairs/ Strategic Plan Coordinator</p> <p>→ Bar staff in collaboration with BBC</p> | <p>→ Quarter/Year TBD</p> <p>→ Quarter/Year TBD</p> <p>→ Quarter/Year TBD</p> | <p>→ Create more connectivity with the strategic plan at the August chairs meeting</p> |
| <p>3. Staff</p> <ul style="list-style-type: none"> Evaluate staff strengths vs bar needs Consider outsourcing functions that do not fall into the core functions categories (e.g., payroll, website) | <p>→ Executive Director to develop and implement a reorganization plan</p> | <p>→ Recommended high priority</p> | <p>→ Consider whether Keller restrictions have the potential to lighten the workload and open up additional staff capacity</p> |
| <p>4. Financial resources</p> <ul style="list-style-type: none"> Re-evaluate the SBSB's revenue model given the bar's needs Determine if the bar's current relationship with the foundation continues to be appropriate | <p>→ BBC in collaboration with bar staff</p> | <p>→ Quarter/Year TBD</p> | <p>→ Consider revenue models/dues structures used by other bars. See Benchmarks Survey data</p> |

Strategy 3: Maximize technology to support the bar's activities

| | | | |
|---|----------------|---------------------------|---|
| <p>1. Explore the functionality of current association management system, website and technology tools, and consider in conjunction with future needs</p> | <p>→ Staff</p> | <p>→ Quarter/Year TBD</p> | <p>→ Consider whether a volunteer advisory group should assist with this effort</p> |
|---|----------------|---------------------------|---|

Strategy 4: Enhance the State Bar of South Dakota's internal and external communications

| | | | |
|--|--|---------------------------|--|
| <p>Broaden communication methods across various platforms. Areas of special focus in bar communications to members:</p> <ul style="list-style-type: none"> Core functions, Keller limitations, and implications of those limitations Lawyer education opportunities (both SBSB and other); lawyer wellbeing; impact of technology/AI; civility; legal workforce/careers and Project Rural Practice | <p>→ Communications staff with oversight from executive director</p> | <p>→ Quarter/Year TBD</p> | |
|--|--|---------------------------|--|

SBSD 2024-2027 Strategic Plan

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|---------------------------------------|--|
| Goal 2 | Foster a legal community that exemplifies professional excellence, wellbeing and civility |
| Current supporting activities: | CLE programming; Lawyers Assistance Committee; Lawyers Concerned for Lawyers activities; wellness programming; Hagemann-Morris Mentor Coin Program; diversity, equity and inclusion focus/lens; Committee/Section involvement; Annual Meeting; online communities |
| Success measures: | Increase in the % of members that participate in SBSD CLE programs, increase in member satisfaction with CLE programming, increased participation in/accessing of wellness programs/resources, decrease in member concern relating to lawyer wellbeing issues, decrease in member concern relating to civility |

To achieve this, we will:

Responsibility

Time Frame/Status

Next Steps/Comments

| Strategy 1: Provide high-quality continuing legal education and professional development programs | | | |
|---|---|------------------------------------|---|
| 1. Create a sustainable plan to strengthen SBSD CLE programming <ul style="list-style-type: none"> • Define what quality CLE means • Determine how we implement learning standards • Provide entity leaders with a charter of responsibilities and where there is latitude for creativity • Identify the amount of CLE the bar should produce in different areas • Explore partnership with other bars that have established MCLE programs | → CLE Committee in collaboration with staff and others TBD | → Recommended high priority | → Consult IAALS Foundations for Practice and consider connecting to ACLEA (Association for Continuing Legal Education) → Revisit 2018 CLE plan to determine components that may still be valuable/feasible → Focus on capturing the essential data (e.g., program attendees vs registrants) to inform programming going forward |
| 2. Create a MCLE tracking infrastructure (contingent upon MCLE decision) | → MCLE Cmte to make rec to the Supreme Court → Bar staff to explore tracking systems | → Quarter/Year TBD | → Consider partnering with another bar that has an established tracking system |

| Strategy 2: Educate members about the impact and responsible use of technology-driven practice tools | | | |
|---|--|--------------------|---|
| 1. Raise lawyer competence in the use of a broad range of technology tools | → CLE Committee, Ethics Committee, substantive law entities, communications staff | → Quarter/Year TBD | → Share priority with entity chairs and encourage integration into programs; encourage collaboration on tech-related topics |
| 2. Educate members about the impact of AI on lawyers and the legal profession. Aspects to explore include: <ul style="list-style-type: none"> Responsible, ethical use in practice/work setting Providing lawyers with information to share with the public/clients | → CLE Committee, Ethics Committee, substantive law entities, communications staff | → Quarter/Year TBD | → See above → Review other state bar reports on AI to inform policy development |
| Strategy 3: Support lawyer wellbeing to ensure competent service to clients | | | |
| 1. Define the components of wellness | → LAP Director in collaboration with LAP Committee | → Quarter/Year TBD | → See examples from Virginia and IWIL in Appendix |
| 2. Clarify the bar's role in this area. Preliminary observations: <ul style="list-style-type: none"> Needs to be a recognized and trusted resource Workload may require that we consider other ways of providing the service (such as an EAP) | → LAP Director, Executive Director, BBC | → Quarter/Year TBD | → Begin to outline a succession plan, including determining what may be able to be outsourced |
| Strategy 4: Promote the importance of civility in the practice of law in collaboration with UJS and the Knudson School of Law | | | |
| Initial supporting ideas included: <ul style="list-style-type: none"> Expand use of Civility Creed Judges are critical to effective expectation setting Help others identify their own behavior, and tie to rules of professional conduct Seek out positive examples and share Create opportunities for interaction and exchange Underscore as part of lawyer mentoring | → Officers (for messaging, leading collaboration), entity chairs that may incorporate into programming and/or create opportunities for interaction | → Quarter/Year TBD | → Share priority with individual entity chairs and encourage them to integrate into their programs/discussions |

SBSD 2024-2027 Strategic Plan

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|---------------------------------------|--|
| Goal 3 | Create a sustainable legal profession that meets the needs of South Dakota residents |
| Current supporting activities: | Regulatory activities (disciplinary functions, licensing and compliance functions), ethics opinions, rule changes, collaboration with UJS and USD Knudson School of Law, DEI activities, Destination Dakota Legal Careers, Project Destination, Project Rural Practice, Lawyer Referral Service, Ask-a-Lawyer, clinics, pro bono, support for South Dakota’s legal services entities |
| Success measures: | Increased examples of positive storytelling about legal careers, Bar Commission sets forth recommendations relating to the legal workforce, greater awareness of/interest in/support for RIIP and PRP |

| To achieve this, we will: | Responsibility | Time Frame/Status | Next Steps/Comments |
|---|---|------------------------------------|--|
| Strategy 1: Raise community awareness about the legal system and legal careers | | | |
| 1. Bar’s role relative to Destination Dakota Legal Careers: <ul style="list-style-type: none"> • Build a culture of volunteerism so lawyers participate in public events + positive storytelling • Positive messaging through media channels that attract younger demographics | ➔ Messaging from Officers, communications staff | ➔ Recommended high priority | ➔ Encourage members to engage in positive storytelling; further develop as DDLC hires staff and programs are activated |
| Strategy 2: Explore additional pathways to the legal workforce in collaboration with UJS and USD Knudson School of Law | | | |
| 1. Establish a commission in collaboration with UJS and USD Knudson School of Law to explore a variety of strategies to increase the number of lawyers and legal practitioners (including paralegals) available to South Dakota residents. Strategies to explore may include: <ul style="list-style-type: none"> • Increasing reciprocity • Reducing cut scores • Models that intersect with the Community Health Workers already functioning in the state | ➔ Officers + Executive Director | ➔ Quarter/Year TBD | ➔ Review recommendations in the legal needs study ➔ Effort must emphasize holistic services to clients; not taking work away from lawyers, but filling gaps that aren’t economically feasible for lawyers to fill |

| | | | |
|--|------------------|--------------------|---|
| <ul style="list-style-type: none"> • Technology-based solutions that increase access to legal professionals | | | |
| Strategy 3: Create a sustainable future for the Rural Incentive Internship Program and Project Rural Practice | | | |
| 1. Strengthen the Rural Incentive Internship Program <ul style="list-style-type: none"> • Funding for internships in rural areas for 2Ls and 3Ls | → RIIP Committee | → Quarter/Year TBD | → Efforts underway |
| 2. Create a sustainable future for Project Rural Practice. Needs included: <ul style="list-style-type: none"> • Secure more local community funding • Develop a return-on-investment study for communities • Additional Native American outreach needed • Explore opportunities to create regional law centers • Consider partnerships with surrounding states • Create a succession plan for program founders/leads | → PRP Committee | → Quarter/Year TBD | → Some efforts already underway; develop an action plan for remaining items |

BOARD OF BAR COMMISSIONERS

Meeting Minutes, November 20, 2024, Via Teams

President Sarah Sharp Theophilus called the meeting to order at 9:01 AM CST on November 20, 2024. Present for all or part of the meeting were President Sharp Theophilus, President Elect John Richter, and Commissioners Tyler Matson, David Strait, Jerry McCabe, Justin Bell, Erika Olson, Teramie Hill, Amber Mulder, Sarah Covington, Stacy Johnson, and Kristen Edwards. Also present was Executive Director/Secretary-Treasurer Paul Cremer, Director of Operations Tracie Bradford, Member Services Coordinator Tailynn Bradford, Strategic Plan Coordinator Carrie Gonsor Sanderson, Lawyer's Assistance Program Director Becky Porter, Access to Justice Inc. Coordinator Denise Langley, and Administrative Assistant Mandy Fergen.

Approve minutes of September 27, 2024, Meeting: Commissioner Matson moved to table the minutes of the September 27, 2024, Bar Commission meeting. Commissioner Hill seconded the motion. Motion carried.

Welcome Mandy Fergen, new State Bar Administrative Assistant: The Commission welcomed Mandy Fergen as the new State Bar Administrative Assistant and thanked her for joining the team.

ABA Update: ABA State Bar Delegate Nate Chicoine discussed items of interest from the ABA annual meeting in August, including principles of democracy. Chicoine stated that he met with other delegates from Western states. Chicoine focuses on issues that are germane to the practice of law.

Bar Services Coordinator Update: Cremer informed the Commission that several people had applied for the position and interviews are underway.

State Bar Technology Upgrades - ad hoc committee: Commissioner Hill stated that the ad hoc committee met on November 1, 2024, with State Bar staff to discuss issues with current technology and our member management system (Growthzone). The committee will review Growthzone and other systems.

vLex Fastcase Update: vLex Fastcase is upgrading Fastcase in South Dakota and nationwide. 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. The State Bar works with vLex to ensure that members have access to this research tool.

Strategic Plan Update: Strategic Plan Coordinator Carrie Sanderson updated the Bar Commission on Strategic Plan activities. Goal 1 of the newly enacted Strategic Plan is to strengthen State Bar operations and infrastructure. Sanderson is working with other State Bar staff to establish metrics for success and provide information about the activities of Bar staff. Staff is also working on legacy documents and standard operating procedures. Staff is focusing on training new staff members because of recent staff turnover. Staff will meet in December to further engage in training and to work on documents.

Goal 2 of the Strategic Plan is to foster a legal community that exemplifies professional excellence, well-being, and civility. Sanderson is working with the CLE committee and with the committee studying mandatory CLE proposals. The Bar Services coordinator position will provide assistance in these areas.

Goal 3 is to create a sustainable legal profession that meets the needs of South Dakota residents. Sanderson's firm, Good Stewards Consulting, was recently retained by Dakota Destinations Legal Careers (DDLCC) to start efforts to encourage young people to consider careers in the justice system. [In September 2023, the Bar Commission adopted a resolution to support efforts by an ad hoc committee consisting of Judge Cheryl Gering, Judge Julie Dvorak, Rod Tobin, Pamela Reiter, and Dick Casey to address these needs. The ad hoc committee created DDLCC, a nonprofit entity, to address recruiting efforts.]

In relation to Goal 1, President Elect Richter suggested the need for segregation of duties and internal controls. Sanderson stated that those will be considerations in preparation of staff documents.

Executive Director Contract: The two-year Executive Director contract runs through December 31, 2024. Commissioner Hill made a motion to go into executive session to discuss the contract. Commissioner Strait seconded the motion. Motion carried. The Commission entered executive session at 9:57 AM.

Present for all or part of the executive session were President Sharp Theophilus, President Elect John Richter, and Commissioners Tyler Matson, David Strait, Jerry McCabe, Justin Bell, Erika Olson, Teramie Hill, Amber Mulder, Sarah Covington, Stacy Johnson, and Kristen Edwards. The Commissioners adjourned executive session at 10:27 AM.

The Commission then resumed regular session. Bar staff returned to the meeting.

LAP update, including update ad hoc committee update: Cremer said that an ad hoc committee including Lawyers Assistance Program Director Becky Porter, President Sarah Sharp Theophilus, Erika Olson, Stephanie Pochop, Jana Miner, and Mike McKnight met earlier to discuss LAP. Commissioner Olson stated that the committee is considering how to continue to make LAP services sustainable.

Porter stated that LAP and Lawyers Concerned for Lawyers continue to seek volunteers. Porter, George Johnson, and Robbie Rohl, with assistance from Professor Mike McKey, gave a well-received presentation to the first-year law students during orientation at the USD Knudson School of Law in August. Porter advised the students of State Bar resources, including Sand Creek's 24/7 crisis line, free counseling sessions, videos, and articles; State Bar website and Newsletter; and individual support from LCL/LAP members. Porter plans to visit another required class for second and third-year students in the spring, and she continues to work with the National ABA COLAP Directors and others to reduce disciplinary matters.

Commissioner Input, Ideas, Concerns: Commissioners discussed the potential use of software to keep track of Bar Commission meeting minutes and other options for increasing transparency. President Elect Richter suggested creating an oath for Bar Commissioners so that they can be sworn in at the Bar Convention, adding to the significance of their positions. The Bylaw amendment process was discussed.

Miscellaneous:

Cremer mentioned that Bar Commissioners suggested the use of temporary staff to assist current Bar staff with dues while new staff are training, and Bar staff have received some limited assistance from one temporary staff person.

Next Meeting: The next Bar Commission meeting is scheduled for December 18, 2024, at 9:00 am CST (online).

Adjourn: Commissioner Bell made a motion to adjourn. Commissioner Strait seconded the motion. Motion carried. The meeting adjourned at 11:00 AM.

Respectfully submitted,
Paul Cremer
Executive Director/Secretary-Treasurer



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Procrastination's Dark Side

TO DO LIST

mainly procrastinate...

BY: MARK
BASSINGTHWAIGHTE

I have a confession to make. I am a procrastinator. If there is a Procrastinator's Anonymous, I'm pretty sure they would accept me as a card-carrying member. Truth be told, I occasionally think about seeing if such an organization actually exists. Unfortunately, I've have yet to muster the motivation to do so. I have a good excuse however! I don't consider this a priority because I've long since learned that I tend to perform well under the gun. In fact, some of my best work often occurs when I'm working under a time crunch. I am able to produce when I must. Even better, I like the feeling of satisfaction that I get when it's all over having met a very tight deadline with a job well done. It feels good. I have earned my place. So why is there a voice in my head that still says, "so not good?"

The answer is this. Deep down I know that the satisfaction I feel is due to a false sense of security. This is the dark side of procrastination. I've pulled it off at the last minute so many times before that I'm certain I can do it again, and many times I do. Of course, this can only happen if no unforeseen circumstances arise; and note that I have not shared any stories of when I didn't pull it off. I assure you; I have them.

Now, if you're starting to ask yourself "what does all this have to do with me," listen up. The fallout from the procrastinating I do could be anything from having to deal with some embarrassment, asking for an extension,

or accepting that I screwed up and doing the best I can under the circumstances. If you are a lawyer in practice, however, the fallout from your own procrastination could be far more severe.

I've heard it said that procrastination is like a silent saboteur lurking in the shadows of productivity. As a lawyer, I know that we all take pride in our ability to resolve complex legal matters, meet deadlines, and deliver an impeccable work product. As a risk manager I also know that behind closed doors many lawyers grapple with the insidious habit of procrastination. Trust me, I get it. Procrastination appears to offer a temporary reprieve from the chaos; but see the trap for what it is. It's an illusion, and once that illusion passes, the realization that it's time to scramble and play catch-up can hit fast and hard.

Let's also remember what Rule 1.3 (a) of the ABA Model Rules of Professional Conduct and one of this rule's Comments have to say. The rule states: "A lawyer shall act with reasonable diligence and promptness in representing a client." Comment [3] to this rule reads "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." Are things becoming clear?

The consequences of procrastination can be far-reaching. It can and will lead to rushed work, missed deadlines, inadequate preparation, and unhappy clients. If left unaddressed, chronic procrastination can even lead to stress and burnout, further impairing one's ability to perform effectively.

Procrastination can be a dangerous choice, particularly in the practice of law, and yet it is so easy to do. The reasons behind it run the gamut. A lawyer may assume that someone else is taking care of the matter, may not have a complete understanding as to how to best handle a matter, or may simply have too many matters open. They might be afraid of imparting bad news, concerned that their in over their head, trying to avoid having to deal with a "problem client," or hoping that, with enough time, the problem will eventually go away. It might be that a matter has been set aside so long that it is now forgotten about or perhaps there is an inability to appropriately prioritize work. For others, procrastination might arise for reasons that are more personal. A lawyer might be depressed, burned out, trying to deal with a personal crisis, or even impaired, any one of which might leave him with little to no energy or ability to get his work done on time.

Again, these examples all point to the dark side of procrastination. Anyone could easily rationalize their way through them to reach a false sense of security. And while I can admit that for most of us things do

tend to work out just fine most of the time, meaning the problem did go away, the difficult conversation with the client eventually occurred, someone else took care of it, or you benefited from having an extremely competent staff person make certain you finished the work on time. But what if it doesn't work out fine? Those are the times we hear about here at ALPS and it's always because there was an unintended consequence, and things went south on a matter after something unexpected happened and time ran out.

The good news is that there are a number of strategies you can implement to overcome this silent saboteur. Common approaches include learning to set clear goals and to responsibly prioritize tasks; utilizing a time management technique such as time blocking; delegating lower-value work so you can focus on the work that truly requires your judgement and expertise; tackling daunting tasks by breaking them down into smaller, more manageable tasks; creating a conducive work environment by minimizing distractions; sharing your goals and progress with someone who can help you stay accountable; and making procrastination less enticing by prioritizing selfcare in order to alleviate stress and sharpen your focus.

Yes, procrastination may be a formidable adversary, but it is one that can be conquered. Recognize procrastination for what it is, a decision to put off until another day something that can and should be done now, and then decide to do something about it. Of course, the battle isn't going to be won in one day. Focus on the small wins and keep going after them because after each one you'll be one step closer to winning the war.



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.

Career Center

STATE BAR OF SOUTH DAKOTA CLASSIFIEDS

Email your employment announcement to tracie.bradford@sdbar.net by 26th of each month to have it included in the next newsletter. Please be sure to include a closing date. To see more jobs listings, visit www.statebarofsouthdakota.com



Deputy/Senior Deputy State's Attorney

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 2025 hiring range is \$3,596.80 - \$4,068.00/biweekly DOQ, with full earning potential up to \$4,954.40/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 December 19, 2024. EO/AA Employer. Contact Human Resources with questions at 605-367-4337.

Office of the Attorney General - Criminal Litigation

DETAILS: The Office of Attorney General seeks an attorney for a position with the Criminal Litigation Division. The attorney will prosecute major criminal cases in state court. 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.

STARTING 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, employee insurance coverage 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. The person eligible for this position must be a motivated self-starter, have strong research and writing capabilities, be able to communicate well to clients and the courts, and have strong legal advocacy skills.

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

Email: Ernest.Thompson@state.sd.us

OR Mail to:

ERNEST THOMPSON, OFFICE OF ATTORNEY GENERAL, 1302 E. HIGHWAY 14, SUITE 1, PIERRE, SOUTH DAKOTA 57501.



Ebeltoft . Sickler . Lawyers, a growing and progressive regional law firm located in Dickinson, North Dakota, seeks to add lawyers to their legal team. A successful applicant must be licensed to practice, or eligible to become licensed to practice, in North Dakota, and will receive a competitive compensation package that will reward beneficial experience and encourage a long-term relationship with the firm. This is an opportunity for a motivated lawyer to join a successful “AV”[®] rated firm. Visit our website at www.ndlaw.com. Please submit your letter of application and resume to Ebeltoft . Sickler . Lawyers, Attn: Courtney Presthus, 2272 8th Street West, Dickinson, ND 58601, or to cpresthus@ndlaw.com. All applications will be kept confidential.

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.

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.

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 - Pine Ridge

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 Pine Ridge, South Dakota, branch office. The Pine Ridge office serves the Pine Ridge Indian Reservation in South Dakota and Oglala Lakota, Jackson and Bennett counties in South Dakota.

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.

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Litigation Attorney - Sioux Falls

Collections Litigation Attorney

Reports to: Vice President for Legal and Compliance

Classification: Full time, Exempt

JOB DESCRIPTION

Summary/Objective

This position is a mid-level position, responsible for advising and representing Expansion Capital Group, LLC (“ECG”) in matters related to the collection of outstanding commercial debts and obligations. The Collections Litigation Attorney (“CLA”) will, at the direction of the Vice President for Legal and Compliance (“VPLC”), represent ECG in litigation and arbitration in South Dakota. The CLA will interface with counsel representing ECG in states other than South Dakota. The CLA will assist the VPLC in developing a commercial collections litigation and arbitration strategy and program, conduct legal research, advise, negotiate, and settle commercial debts and obligations.

Essential Functions

- Assist the Vice President for Legal and Compliance (“VPLC”) in developing a commercial collections litigation and arbitration strategy and program.
- Partner with Recovery management team to ensure net liquidation rates are being met for various litigation segmentation.
- Legal Research and Analysis:
 - Stay updated on relevant laws, regulations, and precedents governing commercial debt collections practices.
 - Conduct legal research in order to counsel ECG on debt collection strategies, compliance with relevant laws, and potential legal actions.
- Compliance:
 - Ensure compliance with federal, state, and local laws governing commercial debt collection practices.
 - Stay informed about changes in legislation that may impact commercial debt collection procedures.
- Legal Consultation:
 - Assess the merits of pursuing legal action based on the circumstances of each individual account.
 - Offer clear and timely information to ECG regarding legal strategies, potential outcomes, and associated costs.

- Negotiation and Settlement:
 - Negotiate with opposing legal counsel to reach settlements, repayment plans, or other agreements to resolve outstanding obligations amicably.
 - Utilize effective communication and negotiation skills to maximize recovery while considering the financial circumstances of the customer.
- Documentation and Record-keeping:
 - Maintain accurate, current, and detailed records of all interactions, communications, and legal actions related to each individual account.
 - Prepare, review, and organize legal documents to ensure completeness and accuracy.
- Legal Action Initiation:
 - Initiate legal proceedings in South Dakota by filing lawsuits or initiating arbitration when negotiations fail to achieve a satisfactory resolution.
 - Cause external counsel representing ECG in states other than South Dakota to file lawsuits or initiate arbitration when negotiations fail to achieve a satisfactory resolution.
 - Prepare and file legal documents, such as complaints, motions, and other court filings in South Dakota, ensuring compliance with procedural requirements.
- Court Representation:
 - Represent ECG in court proceedings, trials, arbitration, and other legal proceedings in South Dakota related to commercial debt collection.
 - Present compelling legal arguments, introduce evidence, and advocate for the client’s position to secure favorable judgments.
- Assist with other assigned duties as necessary

Required Education and Experience

- Juris Doctorate (JD) degree from an accredited law school.
- Admission to the bar in South Dakota.
- Prior litigation experience.
- Prior experience in commercial debt collection or related field is preferred.
- Strong negotiation, communication, and analytical skills.
- Knowledge of commercial debt collection laws

and regulations.

- Strong organizational skills and attention to detail.
- Excellent written and verbal communication skills.
- Ability to work independently and as part of a team.

Supervisory Responsibility

This position does not have any supervisory responsibility.

Work Environment

This job operates in a professional office environment. This role routinely uses standard office equipment such as computers, phones, photocopiers, filing cabinets and fax machines.

Physical Demands

The physical demands described here are representative of those that must be met by an employee to successfully

perform the essential functions of this job. This is largely a sedentary role; however, some filing is required. This would require the ability to lift files, open filing cabinets and bending or standing on a stool as necessary.

Position Type/Expected Hours of Work

This is a full-time position, and hours of work and days are Monday through Friday, 8:00 a.m. to 5:00 p.m. Occasional evening and weekend work may be required as job duties demand.

Other Duties

Please note this job description is not designed to cover or contain a comprehensive listing of activities, duties or responsibilities that are required of the employee for this job. Duties, responsibilities and activities may change at any time with or without notice.

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