

STATE BAR OF SOUTH DAKOTA

August

NEWSLETTER

2025

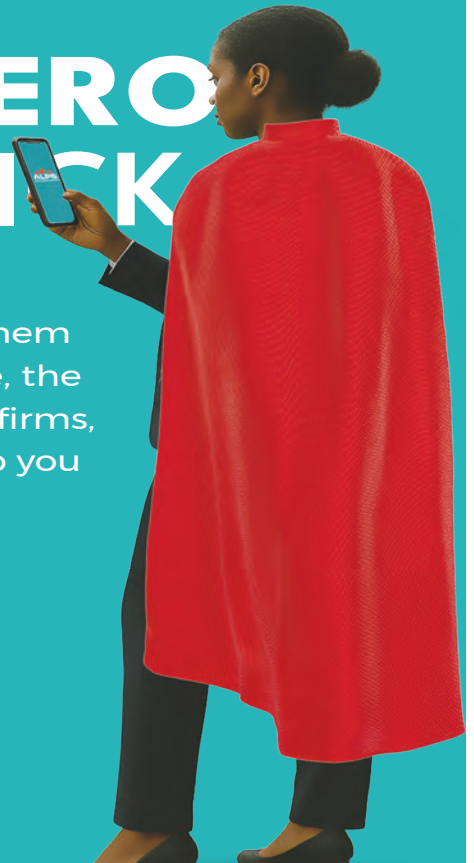
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STATE BAR MEMBERS

You are invited to provide
ideas or concerns to

State Bar Officers & Commissioners

President: John Richter, John.Richter@state.sd.us

President Elect: Mark Haigh, mhaigh@ehalawyers.com

Commissioners: 1st Cir- Justin Johnson, jjohnson@cityofmitchell.org

2nd Cir- Emily Maurice, emilym@halbachlawfirm.com

3rd Cir- Anthony Teesdale, tony@teesdalelaw.com

4th Cir- Kimberly Kinney, kim@kinney-law.com

5th Cir- Gerald McCabe, jerry.mccabe@state.sd.us

6th Cir- Ellie Bailey, e.bailey@riterlaw.com

7th Cir- Matthew Naasz, mnaasz@gpna.com

At Large: 1st Cir- Teramie Hill, teramie.hill@usd.edu

2nd Cir- Amber Mulder, amber.mulder@siouxfalls.gov

4th Cir- Sarah Covington, sarah.covington@westriverlawandmediation.com

5th Cir- Stacy Johnson, sjohnson@rwwsh.com

6th Cir- Kristen Edwards, kristen.edwards@state.sd.us

7th Cir- Steven Blair, steven.blair@state.sd.us

State Bar of South Dakota

August 2025

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President's CORNER

John T. Richter

The Golden Era of the Bar Commission

From John Richter, President of the State Bar of South Dakota

Dear Members of the State Bar,

With our first bar commission meeting under our belt, I would like to reflect on some recent accomplishments. Over the past couple of weeks, we have focused on new approaches to member engagement and experienced more substantial alignment across our leadership groups (in other words, ensuring that the Bar's leadership groups are arranged and working together, consistent with our mission, values, and strategic plan, to serve and maximize value for our membership).

A Successful Mixer

On July 17, 2025, instead of the traditional Bar Commissioner dinner open to Commissioners and special guests, the Bar Commission and the Young Lawyers Section (YLS) hosted a mixer, open to all members, that encouraged greater interaction among members from various practice areas, regions, and career stages, allowing for direct connections with Bar leadership in a welcoming, informal setting.

South Dakota Supreme Court Justice Scott Myren joined us for the evening and shared thoughtful and inspiring remarks. He described this time as

the "Golden Era of the Bar Commission," when bar members can participate in the Bar's organizational direction and have their voices heard. Justice Myren's words were a powerful reminder of the service opportunities available for our members.

The feedback I have received, and continue to receive, has been overwhelmingly positive. **Building on that momentum, we are excited to announce that planning is underway for a similar event in Sioux Falls on October 22, 2025.** Mark your calendars!

Thank you to everyone who could attend -- your participation contributed to the success of this evening!

Focusing on Our Mission and Values

That spirit of alignment also carried into the Bar Commission meeting, where we worked through what I would describe as an ambitious agenda. I commend the Commission for its thoughtful discussion and collaborative tone throughout the day. As part of our continued effort to promote transparency and member engagement:

- Meeting agendas will be posted to the member portal on the State Bar website at least 72 hours in advance.
- Commissioner contact information will be prominently displayed in the State Bar Newsletter

so that Bar leadership is more accessible.

- Following meetings, budgets and other financial materials will also be available to members.
- We are also working through the logistics of offering a listen-only audio option for members to observe open portions of Commission meetings in real time.

These improvements aim to help our members better understand the actions of the Commission and what the Commission is doing to support our members.

Relying on the Strategic Plan as our Roadmap for Decision-Making

During the Bar Commission meeting, we used the State Bar's Strategic Plan as our north star. The plan emphasizes openness, member engagement, fiscal responsibility, and technology. I want to thank Dick Casey, Jen Williams, and the entire Strategic Planning Committee for their thoughtful contributions in crafting this important roadmap. Looking ahead, we will engage in a deeper conversation with the Strategic Planning Committee at our October meeting, focusing in part on the Lawyer's Assistance

Program and how best to support the well-being of our members.

Looking Forward—Together

As we progress through the year, our shared goal is to foster greater alignment throughout the Bar — including collaboration among the Commission, the YLS, the Bar staff, the Strategic Planning Committee, the Law School, and other key stakeholders. Together, we are building a Bar that is accessible, forward-looking, and deeply committed to serving the legal profession and the people of South Dakota.

Once again, thank you, and I'm excited about what we can build together in the upcoming year!



John Richter
President, State Bar of South

**Congratulations to all participants
in the inaugural State Bar Pickleball gathering on
June 19, 2025, in Rapid City!**



Thank you to Judge Jeff Clapper for organizing the event!



This past month, the new 2025–2026 YLS Board has been busy planning upcoming events and initiatives. At the end of July, we traveled to Pierre for our annual retreat, held in conjunction with the State Bar Commissioners. During the retreat, the Board developed a plan for the year ahead, identified key priorities, formed subcommittees, and launched the first few events of the year.

Encourage New Lawyers to Take These Opportunities

We frequently hear from newly admitted attorneys that they feel hesitant to ask for time away from the office to attend professional development or ceremonial events. While this reluctance may not come from supervising attorneys, it's important to recognize the internal pressure young lawyers often place on themselves. Starting a legal career is daunting. The Young Lawyers Section is committed to supporting our members by offering opportunities to connect with peers, build practical skills, and find long-term sustainability in the profession. We encourage you to invest in the young lawyers in your office—support them in taking advantage of these opportunities.

Nuts and Bolts CLEs

We're putting the final touches on a half-day CLE program to be held in Pierre on September 26, just before the Statewide Swearing-In Ceremony. Lunch will be provided, and in-person attendees will be eligible for door prizes.

While the programming is geared toward new attorneys,

the topics will be valuable for practitioners at all stages. All attorneys are welcome to attend—stay tuned for more details!

Statewide Swearing-In Ceremony

The **Statewide Swearing-In Ceremony** will be held at the Capitol on **September 26**. Admittees are encouraged to invite family and friends. A professional photographer will be on-site to capture pictures of new admittees with Chief Justice Jensen.

Although we strive to hold the ceremony as early as possible following bar exam results and admission eligibility, we understand many attorneys are eager to be sworn in and begin practicing. If you're sworn in before the ceremony, you're still welcome—and encouraged—to attend and participate in this special event alongside your fellow admittees.

CLE: Bankruptcy Law in Practice — Tools for Every Practitioner

The Bar's CLE Committee, in partnership with bankruptcy practitioners and judges, has curated a full-day CLE designed to benefit a broad audience. Whether you're an experienced bankruptcy attorney, general litigator, young lawyer, paralegal, or a professional in the financial services industry, this CLE will offer valuable insights.

The event takes place from **9 a.m. to 5 p.m. on September 5, 2025**, at the Hilton Garden Inn in Sioux Falls. A YLS mixer will follow the CLE. Lunch is included, and registration is due by **August 22, 2025**.

STATE BAR OF SOUTH DAKOTA

STATEWIDE SWEARING-IN CEREMONY



SEPTEMBER 26, 2025 | TIME: TBD

Capitol Rotunda, Pierre SD

*Join us for a reception immediately following
the ceremony at Drifters in Fort Pierre!*

Please note: The Nuts & Bolts CLE will also take
place on September 26th at Drifters in Fort Pierre.

Stay tuned for more details!

Fellows of the South Dakota Bar Foundation

Sustaining Life Fellow - \$50,000 plus

Fred & Luella Cozad

Life Fellow - \$25,000 plus

Frank L. Farrar
Gregory A. Yates

Diamond Fellows - \$10,000 plus

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

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

Platinum Fellows - \$10,000

Hon. Richard H. Battey
Melissa Nicholson Breit
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
Lori D. Skibbie

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

Welcome ladies and gentlemen of the class of 2028. It is hard to believe, but I recently typed these words for my welcoming remarks to this year's incoming class. Hard is it to believe that another school year is beginning, it is incredibly exciting. Welcoming a new group of aspiring lawyers and seeing them start their professional journey never gets old. Orientation week contains some of the most exciting and enjoyable days of the year.

Before I say anything else, I have to say thank you for a fantastic entering class. Thank you to the members of the Class of 2028 who chose USD from among the 197 accredited law schools in the United States. Thank you, also, to these students for choosing careers in the law from among all the professional paths they could walk. This community of excellence, service, and leadership is a brilliant place to begin that journey.

I also have to say thank you to Katey Ulrich and Katilyn Frier, our law school admissions team. They make a great investment in the students we recruit, taking the time to build personal connections. This really shows students who we are as a community. Personal connections are cited by many of our students as a deciding factor in their choice. Thank you, also, to the faculty and student ambassadors who build connections with the applicants who visit campus. It is a testament to their work that more than 80% of the students who visit campus choose us. The Law School truly is a community, where students build

deep personal connections from the very beginning.

Lastly, I have to say thank you to all of you. The efforts that I know many of you are making to talk to young people thinking about law school, or not yet thinking about law school, make a real difference. Our collective efforts to encourage more students to think about legal careers, not just law school, will only become more important as the projected "demographic cliff" begins to arrive. Thank you to the lawyers who have driven the creation of Destination Dakota Legal Careers to expand our outreach efforts to young students. If you are not familiar with the work of DDLC, I encourage you to take a look at their website: <https://sd-ddlc.org/>. I hope you take the time to think about how you can help recruit your successor in the profession and take the time to build connections in high schools and middle schools in your area. Broad efforts to encourage students to think about law school and other legal careers are critical to sustain our profession in years to come.

The members of the Class of 2028 are the latest reflection of our collective efforts. It is my pleasure to tell you a bit more about them.

The Class of 2028 will have about 93 members. I say "about" because we always have a bit of last-minute uncertainty as a few students defer or withdraw and a few admitted students make last minute acceptances. Regardless of the precise final number, this will be a big

class. Just like our last several classes, it is significantly larger than our average class size of 71 over the last thirty years. This class in fact comes very close to our physical capacity in our largest classroom. While that is a good problem to have, we are attentive to making sure students have enough space and attention as classes begin.

I am happy to say that our class size is larger while also having higher objective credentials. The LSAT and undergraduate grade point averages at the 25th, 50th, and 75th percentiles are: 149/3.16, 152/3.43, 157/3.80. That is a two-point jump at the 75th from last year and an increase of five points at the 25th percentile from just under a decade ago. As I have said several times recently, we can get better while we get bigger. And we have achieved these increases while still offering admission to targeted students whose LSAT scores are a bit lower, but whose experiences and circumstances suggest that they can succeed as lawyers. Numbers can tell us a lot about applicants, but they cannot tell us everything. We do not forget that in our admissions process.

We have students coming from nineteen states. A majority of students are from South Dakota at 57%. Iowa, Minnesota, and Nebraska are the next most common states. But with students from both California and New York, we reach coast to coast. Put another way with slight modification of the poetry of Texas rock band ZZ Top: the Class of 2028, they're great, they're nationwide.

The two most common undergraduate institutions remain USD and SDSU. Friendly gameday rivalry and watch parties endure. Within the region we have students from Northern, the University of Minnesota, Carleton College, Iowa State University (Kaitlyn Frier's beloved alma mater), Northwestern and Briar Cliff in northeast Iowa, Drake, Black Hills State, and USF. Yotes and Jacks predominate, but there definitely is a menagerie of mascots in the Class of 2028.

The Class of 2028 breaks down as 47% women and 53% men. Non-traditional students, those with a break of one or more years between undergrad and law school) make up 45% of the class. Almost 20% have spent ten or more years out of school. Military

veterans are 6% of the class. Students who are first-generation college attendees are 26% of the class; 85% are first-generation law school.

Each law student has a unique story that we learn over their time in law school. There are some fun background stories we already know, however. We have an SDSU women's volleyball player and a Summit League player of the year in women's basketball from USD. This may let us unleash an unprecedented period of intramural athletic dominance. One student is a high school debate coach and published poet. While many students are first generation, one of our students is a third-generation law student. One 1L musician will join his 2L bandmate, which gives us half of the local band Leila's Rose in law school (check them out on Spotify!).

There are 93 exciting stories in the Class of 2028 and most of their stories remain to be written. Everyone here is excited to be part of them. Welcome Class of 2028!





JUSTICE SQUAD

THANK YOU TO THE FOLLOWING ATTORNEYS THAT ACCEPTED A PRO BONO OR REDUCED RATE CASE IN JUNE & JULY FROM ACCESS TO JUSTICE, INC.! YOU ARE NOW A MEMBER OF THE A2J JUSTICE SQUAD - AN ELITE GROUP OF SOUTH DAKOTA LAWYERS WHO ACCEPT

THE RESPONSIBILITY TO DEFEND JUSTICE, UPHOLD THEIR OATH AND PROVIDE LEGAL REPRESENTATION TO THOSE WHO NEED IT.

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



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

THANK YOU TO ALL OF THE ATTORNEYS THAT
VOLUNTEERED THROUGH ACCESS TO JUSTICE AND
SOUTH DAKOTA FREE LEGAL ANSWERS IN
JUNE & JULY!

VOLUNTEER

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

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

TIFFANI LANDEEN
STEVE MEYER
GREG GRAJCZYK
KELLY SANDERSON
STAN ANKER

Special Thanks to:

KYLE KRAUSE
JAMES TAYLOR
MARWIN SMITH
STEVE HUFF
JEFFREY HURD
DYLAN MILLER

For Your Help on
SDFLA!

CONGRATULATIONS

2025 A2J

GOLF TOURNAMENT CHAMPIONS



WINNING TEAMS

**GAVIN POCHOP
MAE POCHOP
TROY WARD
JUDGE DANETA WOLLMANN**

**MELANIE CARPENTER
SAM BREIT
ROBBIE BREIT
DON BREIT**

**BOTH TEAMS POSTED A FINAL SCORE OF 60,
TWELVE SHOTS UNDER PAR TO TIE FOR 1ST PLACE!**

Congratulations to the **2025 Award Recipients**

McKusick Award:

Cris Palmer

A2J William F. Day, Jr. Law Student Pro Bono Award:

Caitlin Hoeffner

YLS Young Lawyer of the Year:

Tanner Jackson

2025 President's Pro Bono/Low Bono Service Award:

Dennis Duncan & Craig Thompson

USD School of Law Women in Law Attorney of the Year:

Justice Mark Salter

Public Sector Section Attorney of the Year:

Teramie Hill

Public Sector Section Rising Star:

Renee Stellagher

**State Bar of South Dakota Women in Law
Committee Attorney of the Year:**

Diana J. Ryan

Barbara Anderson Lewis Special Commemoration Award:

Margo Julius

**YLS President Hagemann-Morris Silver
Mentorship Coin Recipient:**

Pat Archer



2025 SDTLA Annual Meeting Awards
Best Western Ramkota Hotel & Conference Center
Rapid City, S.D.
June 19th at 11:00 A.M.

Congratulations to the following SDTLA 2025 Award Recipients

Toast of the Trial Lawyers 2025

Michael Beardsley
Steven Beardsley
Conor Casey
Seamus Culhane
George Johnson
James Leach
Robert Morris
Kimberly Wassink
Erin Willadsen
Colleen Zea

Fred J. Nichol Award

For Outstanding Jurist

Hon. Warren G. Johnson

Lifetime Achievement Award

Nancy Turbak

2025 Terrance Quinn Trial Lawyer of the Year Award

A. Russell Janklow

SDTLA Fall Seminar

Thursday, September 11 – 1:00 – 4:00pm

Friday, September 12 – 9:00am - Noon

**Holiday Inn Resort Deadwood Mountain Grand by IHG
1906 Deadwood Mountain Dr., Deadwood, South Dakota**

Join your SDTLA colleagues for six hours of CLE.

Thursday, September 11

"Vehicle Digital Evidence and Visual Storytelling" (1:00 – 2:00pm)

Presenter: Colin M. Wein, P.E., Compass Consulting Engineers (Westminster, CO)

"Battle of the Closings: Civil & Criminal" (2:00 – 4:00pm)

Civil Presenters: Stephanie Pochop, Johnson Pochop & Bartling Law Office (Gregory); Vince Purtell, Heidepriem Purtell Siegel Law Firm (Sioux Falls); TBD

Criminal Presenters: Jenn Albertson, Federal Public Defenders Office (Rapid City); Tim Rensch, Rensch Law Office (Rapid City); Clint Sargent, Meierhenry Sargent, LLP (Sioux Falls)

POKER RUN: 4:30 – 6:30pm

BUFFET DINNER: immediately following the Poker Run at the Silverado Grand Buffet

Friday, September 12

TBD (9:00 – 10:30am)

Presenter: TBD

**"The Squeaky Wheel Gets the Money – Better Settlements Are More Fun!"
(10:30am – Noon)**

Presenter: Mike Liffbrig, President/Trial Consultant with Resolve Legal Consulting along with friends/colleagues from Lynn, Jackson, Shultz, Lebrun, PC

If you have any questions please contact Linda Stevens, SDTLA Executive Director.

SDtriallawyersassoc@gmail.com

Dear State Bar Members – Please Share Your Thoughts –

Please participate in the Foundations 2.0 survey, recently featured by the [ABA Journal](#), which you can access from the link below.

In 2014, Foundations for Practice identified the skills, competencies, and abilities lawyers need to be successful in practice. Today, IAALS, the Institute for the Advancement of the American Legal System, and the Law School Admission Council (LSAC) are launching Foundations 2.0 to ensure the competency framework accurately reflects the present and future needs of the profession.

Your participation will provide key data on the abilities lawyers need as they enter and grow in the profession. Please note that while you may receive this survey from different bar organizations, you only need to take the survey once. Thank you!



Help Shape the Future of Legal Education & the Profession

IAALS and LSAC invite you to participate in the **Foundations 2.0 survey**, a national research effort to define the competencies lawyers need for success. Your insights will help improve legal education, licensing, and hiring practices.

The survey takes about 15–25 minutes and is open through **August 15**.

https://udenver.qualtrics.com/jfe/form/SV_emKxWwO3GHDCjIQ

Participation is **voluntary** and **confidential**.

Principal Investigator: Logan Cornett, IAALS logan.cornett@du.edu

This study has been reviewed by the University of Denver Institutional Review Board (IRB# 2305520-1).

Save The Date



73RD ANNUAL
**MONTANA
TAX INSTITUTE**
October 24-25th, 2025
Holiday Inn Downtown Missoula, MT



The program will feature a distinguished faculty of national tax practitioners and scholars addressing a broad range of current tax topics.

<https://www.umt.edu/law/newsevents/events/montana-tax-institute.php>

Cost to Attend
\$425
Remote Attendance Option Available

BANKRUPTCY LAW IN PRACTICE

TOOLS FOR EVERY PRACTITIONER

FRIDAY | SEPT 5TH | 9:00 AM - 5:00 PM



HILTON GARDEN INN

201 EAST 8TH ST., SIOUX FALLS, SD



REGISTRATION DEADLINE: AUGUST 22, 2025

REGISTER HERE



Description: Whether you're a seasoned bankruptcy attorney, a general litigator, young lawyer, certified paralegal, work in the financial services industry, or just beginning to explore insolvency issues, this program is designed for you! Join experienced practitioners, bankruptcy judges, and thought leaders as they break down and discuss essential topics in bankruptcy law that impact a broad range of legal practices relevant to beginners and experts alike. Through practical insights, real-world scenarios, and panel discussions, attendees will engage with foundational principles, ethical considerations, and advanced strategies for practice. Further, attendees will leave empowered with tangible tools and takeaways to jump-start, enhance, or refine your bankruptcy practice.

- ✓ **For attorneys, paralegals & financial professionals**
- ✓ **Covers key bankruptcy topics & real-world scenarios**
- ✓ **Led by judges, practitioners & industry experts**
- ✓ **Practical tips, ethics guidance & take-home tools**



Legacy Law Firm, P.C.
is pleased to announce

Alex Hoffman
has become associated with the firm.

Legacy Law Firm
7404 S. Bitterroot Place
Sioux Falls, SD 57108

Telephone: (605) 275-5665

Email: alex@legacylawfirmnpc.com

www.legacylawfirmnpc.com

Ellina Onisciuc, Esq.
is pleased to announce

Ellina Law Firm

Ellina Law Firm
405 W 34th St., Ste 104
Sioux Falls, SD 57105

Telephone: (605) 838-7053

Email: CEO@EllinaLaw.com

www.EllinaLaw.com

Boyce Law Firm, L.L.P.
is pleased to announce

John C. Quaintance

&

Mike A. Hauck
has joined the firm.

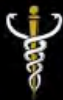
Boyce Law Firm, L.L.P.
300 S. Main Avenue
P.O. Box 5015
Sioux Falls, SD 57117-5015

Telephone: (605) 336-2424

Email: jcquaintance@boycelaw.com

Email: mahauck@boycelaw.com

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PRECISION LAW"



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Halbach | Swarc Law Firm is proud to announce the expansion of its team across both its Sioux Falls and Sioux City offices with the addition of seven new team members—including the firm’s first Chief Operating Officer and a new Partner.

This wave of hiring reflects Halbach | Swarc’s ongoing commitment to building a full-service legal team focused on expert counsel, personal connection, and operational excellence.

“Much of this growth has happened organically—through relationships, referrals, and the trust of our clients,” said Stefan Swarc. “We don’t take that for granted. It’s a reminder that doing good work, the right way, still matters.”

New Team Members Include:

- **Miranda Basye**, Chief Operating Officer – *Joined June 2025*

Basye supports the firm’s people and processes—ensuring that as Halbach | Swarc grows, it remains grounded in the values and relationships that built it.

- **Jacklyn Fox**, Partner – *Joined March 2025*

Fox brings significant experience in criminal defense and family law, along with a leadership style grounded in collaboration and client-centered advocacy.

“I’ve worked in a number of legal environments, and this firm stands out,” said Fox. “Becoming a partner at Halbach | Swarc isn’t just about title—it’s about shaping something meaningful, with a team that leads with trust and purpose.”

- **Jennifer Bell**, Paralegal – *Joined March 2025*
Supporting the firm’s civil litigation and employment law practice.

- **Stephanie Heger**, Paralegal – *Joined March 2025*
Bringing experience in criminal law and investigative case support.

- **Angela Navrkal**, Office Coordinator – *Joined April 2025*

Enhancing client experience and administrative operations in the Sioux City office.

- **Elizabeth Overmoe**, Attorney – *Joined April 2025*
Expanding the firm’s estate planning and probate practice.

- **Lauren Whitt**, Attorney – *Joined May 2025*
Strengthening the family law team with empathy and responsiveness.

This steady expansion reflects the trust clients place in the firm—and the relationships that continue to grow as a result.

“What makes this expansion different is the balance of legal expertise and organizational foresight,” said Alex Halbach, co-founding partner. “We’re growing with the right people, in the right roles, at the right time—and that’s what makes it sustainable.”



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.

On June 19, 2025, Beth Massa and the South Dakota Community Foundation honored Pat Goetzing for his charitable efforts by inviting him into the

Christen-Larson Heritage Circle Key Club

Congratulations Pat!



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SOUTH DAKOTA TRUST ASSOCIATION

U.S. Attorney's Office Hosts 2nd Annual Summer Law Camp

In June 2025, 36 high school students from across the state participated in an immersive Summer Law Camp hosted by the United States Attorney's Office (USAO). Over the course of three days, students learned about the federal justice system from the perspective of criminal and civil attorneys, paralegals, victim witness advocates, forensic examiners, members of the federal judiciary, and federal, state, and local law enforcement officials.




Students traveled from across South Dakota to participate in the USAO's Summer Law Camp. Cities and towns represented at the Camp included Sturgis, Pine Ridge, Wounded Knee, White River, Kennebec, Chamberlain, Pierre, Ft. Pierre, Timber Lake, Ipswich, Wetonka, Aberdeen, Sisseton, Castlewood, Watertown, Clear Lake, Brandt, Madison, Dell Rapids, Montrose, Armour, Tyndall, Vermillion, Dakota Dunes, Beresford, Tea, Brandon, and Sioux Falls.

In addition to meeting with members of the USAO, students heard from the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, the U.S. Marshals Service, the Drug Enforcement Administration, the South Dakota Division of Criminal Investigation, the South Dakota Highway Patrol, the Minnehaha County Sheriff's Office, the Sioux Falls Police Department, and the Federal Public Defender's Office. On the final day of Camp, students conducted a mock trial before U.S. District Judge Karen E. Schreier.




"The USAO's Summer Law Camp introduces high school students to various career paths associated with the criminal justice system. By offering a window into the work we do each and every day to uphold the rule of law and keep our communities safe, we hope to inspire the next generation of leaders to consider careers as attorneys, law enforcement officers, and vital legal support professionals."


Alison J. Ramsdell, United States Attorney




American Academy of
ADR Attorneys




Dick Calkins




Nick Critelli




Denise Hill



Zena Zumeta



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June 26, 2026 | Sioux Falls, SD

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Kevin Spencer

Katey Ulrich
Judge Camela Theeler
Paul Cremer
Lindsey Riter-Rapp
Jack Hieb
Cassidy Stalley
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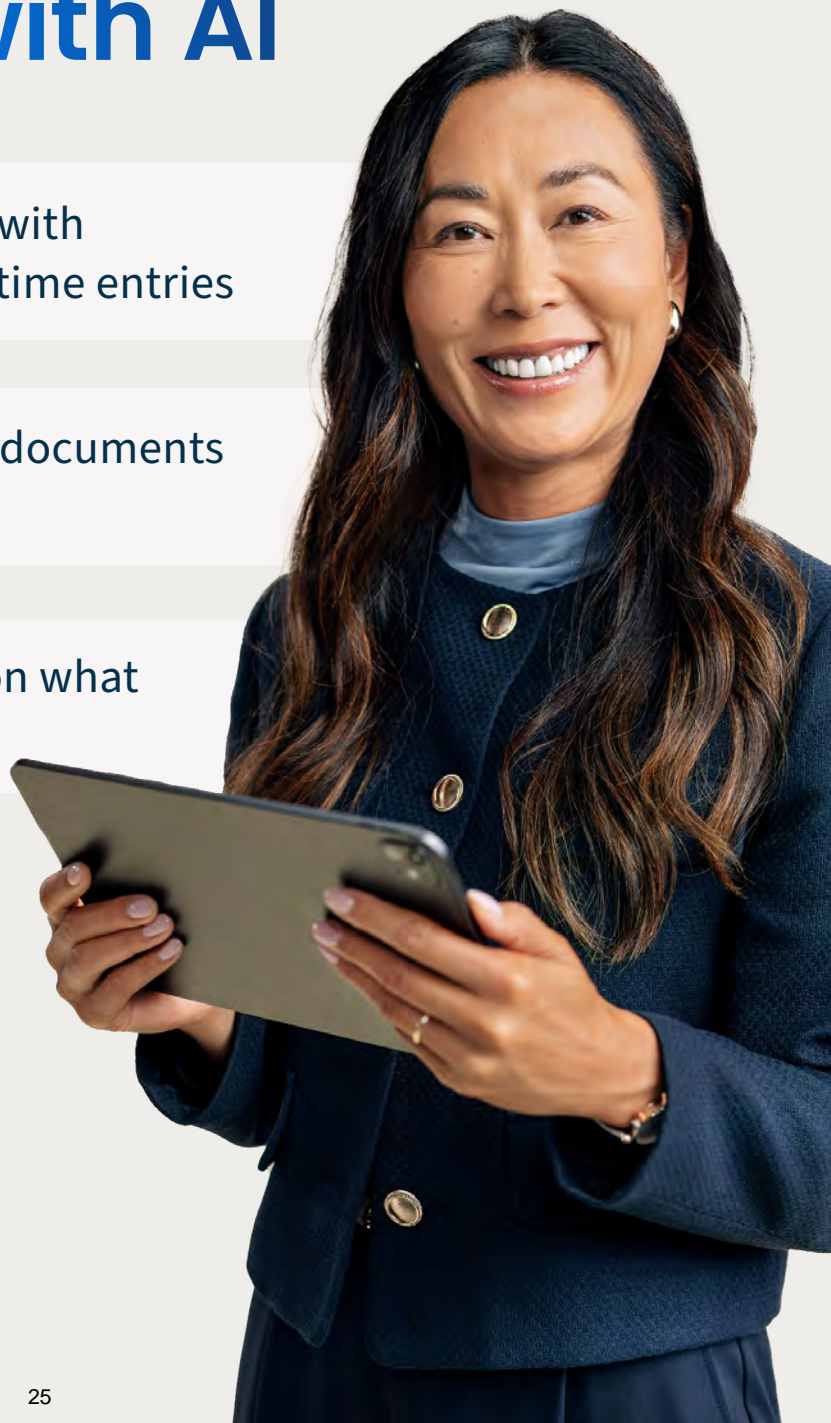
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State Bar of South Dakota: Association Group Health Plan

The South Dakota Bar Association offers a special group insurance plan for bar members and their employees through Avera Health Plans.

Who Qualifies?

Organizations with employees who are active members of the South Dakota Bar Association qualify.

Available Network Options

The following networks are available:

- Standard Network – Avera and other independent providers across South Dakota and northwest Iowa
- Direct Network – Avera-owned, -managed and -leased providers. Available to employers headquartered in Brown, Lincoln and Minnehaha counties.
- Extended Network – Along with our Standard network, members can take advantage of a Nationwide PPO network that offers access to a range of health care providers and facilities like Mayo Clinic.

Why Enroll?

The plan offers the following benefits:

- Lower premiums
- Options not available on small group plans, such as the more comprehensive “Ultra” plans
- The Nationwide PPO network provides access to a broad range of services at lower costs than out-of-network options.

Additional Details

- The SD Bar Association plan does not include pediatric dental and vision. If you have questions about how to get these benefits, an Avera Health Plans representative can explain your options.
- The Bar Association health plan renews annually on Sept. 1, but benefits follow a calendar year (January–December). If you enroll on April 1, your plan will follow 2024-2025 pricing until the next renewal on Sept. 1. If a member signs up for the plan mid-year, they will receive a credit for deductible and out-of-pocket expenses to cover them until the renewal date (Sept. 1).
- Prices and benefits are subject to change.

Learn More by Reaching Out

Josh Gilkerson
605-224-9223
JGilkerson@Acrisure.com

Or inquire with Avera Health Plans at
sales@averahealthplans.org



Avera 
Health Plans

The Defining Moment of a Malpractice Misstep

Authored by: Mark Bassingthwaighte, Risk Manager

Over the past 27 years as a risk manager here at ALPS, I've had more conversations with attorneys and discussed more concerns than I will ever be able to recall. Of course, because I work for a legal malpractice insurer, it should come as no surprise that a number of the conversations I do remember were about malpractice missteps. Of these, some were driven by a desire to look for the learning, others were about trying to determine if a misstep had even occurred, and every once in a while, they were about a lawyer regretting not having appropriately dealt with the misstep that did occur.

One particularly memorable call that occurred earlier in my career came from a solo practitioner who was nearing retirement. He shared that his retirement years were to have been his best years yet given his financial success as a plaintiff personal injury attorney. I also came to learn that he was an esteemed member of the bar and had become something of a pillar in the community. In fact, his reputation for helping others and being of service to the community at large was above reproach, that is, until it all went horribly wrong.

Two years or so before calling me, this lawyer was handling a personal injury matter. It was nothing out of the ordinary and one of hundreds upon hundreds of similar matters he had successfully resolved over the years. I never learned how the statute got blown on the file he was calling about because it really didn't matter. What mattered was that it did and this lawyer just couldn't manage to face the problem head on. He felt embarrassed and disappointed in himself. I imagined that he simply couldn't stand to look at himself in the mirror. To make matters right, in his

mind, he decided to "settle" the matter. He contacted the client and explained that an offer was on the table. While the amount wasn't quite what he had hoped to obtain, it was a reasonable offer. The client was appreciative of his efforts and agreed to settle her claim for the amount offered. This lawyer then personally paid the "offered" amount out of his own funds and the file was closed. Problem solved.

Now, I'll push the fast forward button and talk about his call to me. In short, his attempt to cover up the blown deadline eventually came to light and a malpractice claim was made shortly thereafter. Of course, due to the extremely late notice coupled with his past actions, (not the least of which included signing a warranty statement on an application to keep his malpractice insurance policy in force that stated he was not aware of any acts, errors or omissions that could reasonably be expected to give rise to a claim), not only was coverage denied but he also lost all prior acts coverage because his policy was rescinded. Now he would no longer have any malpractice insurance coverage for any of the work he had done over the course of his practice. And sadly, this wasn't the end of it. A disciplinary complaint was also filed, a complaint which eventually led to the suspension of his license.

I wanted to share this story because it is an excellent example of how easily one misguided decision can change everything. This lawyer ended up having his retirement thrust upon him and what were to have been the best years yet began in shame and devastation.

With all this in mind, think about how you might

have responded. What would you do should you ever realize that a serious misstep occurred on one of your files? As the guy on the other end of the line on these types of calls, here's the best advice I have to offer. Remember that people are not defined by the circumstances in which they find themselves. They are defined by how they choose to respond to their circumstances. Stated another way, in response to a potential claim, be the professional you are and act accordingly.

Start by making a commitment to always remember the lesson from this story. Never ignore any potential misstep! Unlike fine wine, viable claims don't age well. Next, find your malpractice policy and read through it. Don't wait until a claim arises before you pick it up and see what it says. For example, how can you comply with your notice obligations if you don't even know what those obligations are? Then, should a misstep ever occur, contact your carrier and provide a detailed written notice. This is not the time to be vague, to hide anything, to blame the client, or to worry about a potential rate increase. Also, never discuss the problem with your client until you've contacted your carrier. Most importantly, let the professionals who handle malpractice claims day in, and day out do their job. Finally, don't let your ego get in the way. Cooperate, take their advice, and listen because sometimes it might even be possible for another lawyer to do claims repair and make the matter go away.

If you happen to be uninsured, don't try to act as your own advocate. The conflict issues that come into play can get messy fast and it's just too easy for your professional judgment to become clouded. Hire a lawyer who has experience in defending lawyers and then step into the shoes of a client and stay there! I know it can be hard to take the lawyer hat off; but this is the one time when you really can't afford not to.

I will close by saying that I do understand how the lawyer in the above story felt. In all honesty, he seemed like someone we'd all call a good guy. The problem was this. In his mind, he really was trying to right the wrong. He just lost sight of what truly mattered, which was accepting accountability for his misstep. Anyone can make a mistake. It happens. However, should it ever happen to you, think about this story, and remember what really matters. What people will end up remembering is not the misstep itself but what you did or didn't do in response. Rise to the occasion, learn from the misstep, and be all the better for it.



Authored by: Mark Bassingthwaighte, ALPS Risk Manager

Since 1998, Mark Bassingthwaighte, Esq. has been a Risk Manager with ALPS, an attorney's professional liability insurance carrier. In his tenure with the company, Mr. Bassingthwaighte has conducted over 1200 law firm risk management assessment visits, presented over 400 continuing legal education seminars throughout the United States, and written extensively on risk management, ethics, and technology. Mr. Bassingthwaighte is a member of the State Bar of Montana as well as the American Bar Association where he currently sits on the ABA Center for Professional Responsibility's Conference Planning Committee. He received his J.D. from Drake University Law School.



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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>

**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

June 20, 2025

Notice of Supreme Court Vacancy – First Supreme Court District

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. Associate Justice of the South Dakota Supreme Court Janine M. Kern from the First Supreme Court District, the Judicial Qualifications Commission is now taking applications. The person appointed as justice must fulfill the eligibility requirements to hold that office, including residency in the First Supreme Court District as required by law. The current salary for an associate supreme court justice position in South Dakota is \$194,240.58 annually and will be subject to any increase as approved by the legislature effective July 1, 2025. In addition, supreme court justices and their dependents are eligible to participate in the State of South Dakota's health insurance plan, and supreme court justices 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 mailed to the Administrator's Office and must be postmarked no later than August 15, 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 First Supreme Court District is comprised of the following counties: Pennington, Meade, Lawrence and Custer.

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.**

CREED OF PROFESSIONALISM AND CIVILITY

Preamble

A lawyer should demonstrate civility, personal courtesy, dignity, respect and professional integrity when interacting with the public and participating in the legal system. As we vigorously represent our clients, we must honor our obligations to the administration of justice, resolving disputes in a rational, diplomatic, and efficient manner. We must remain committed to the rule of law as the foundation for a fair and peaceful society.

While our State's Rules of Professional Conduct are instructive, they cannot address all of the various circumstances and conflicts that arise. The following standards are designed as a guide for lawyers and judges when interacting with each other, with litigants and with the public. Lawyers are expected to adhere to these standards as a commitment to justice and the rule of law.

Creed

As lawyers licensed to practice in South Dakota, admitted to the State Bar of South Dakota and/or admitted pro hac vice to appear in a matter before any Court in South Dakota, we will at all times adhere to the following:

1. We will treat participants of the legal system with civility, dignity and courtesy in court, as well as in all communication.
2. We will refrain from using hostile, demeaning or humiliating words in written and oral communications with adversaries.
3. We will continue to prioritize the inclusion and active participation of lawyers (and law students) from all backgrounds, identities and circumstances.
4. We will avoid impermissible *ex parte* communications with the court.
5. We will not intentionally mislead the court in oral or written communications.
6. In court, we will be punctual and prepared. We will not engage in conduct that is disorderly or disruptive and will instruct our clients and witnesses to act accordingly.
7. We will consult with other counsel concerning scheduling and deadlines prior to bringing such issues to the court. We will not unilaterally schedule hearings, depositions or similar matters.
8. We will not assert improper conduct on the part of other counsel without good cause and an adequate factual basis.
9. When agreements are reached, we will adhere to the agreement and accurately and in good faith memorialize the agreement in writing.
10. We will draft orders that accurately and completely reflect the court's ruling.
11. We will not time the filing or service of motions or pleadings with an attempt to unfairly limit another party's ability to respond.
12. We will explain to our clients that cooperation, civility and fair dealing are expected in the legal system.
13. We will advise our clients that we reserve the right to grant accommodations to other counsel in matters not directly affecting the merits of the case or prejudicing their rights.
14. Discovery requests will be drafted without harassment or placing undue burden on the other party. Further, we will instruct our clients that they must fully and honestly respond to discovery requests.
15. When there is a potential for settlement, we will timely confer with our client and other counsel and not purposefully delay negotiations.
16. We will in good faith stipulate to undisputed matters.
17. We will strive to abide by previously scheduled dates for trials, hearings, depositions, meetings and conferences.

BOARD OF BAR COMMISSIONERS

Minutes, April 16, 2025
Via Teams

President Sarah Sharp Theophilus called the meeting to order at 9:00 AM CDT on April 16, 2025. Present for all or part of the meeting were President Sharp Theophilus, President Elect John Richter, and Commissioners Tyler Matson, Carrie Srstka, David Strait, Jerry McCabe, Justin Bell, Erika Olson, Teramie Hill, Amber Mulder, Sarah Covington, Stacy Johnson, Kristen Edwards, and Steve Blair. Also present were Executive Director/Secretary-Treasurer Paul Cremer, Director of Operations Tracie Bradford, Strategic Plan Coordinator Carrie Gonsor Sanderson, Lawyers Assistance Program Director Becky Porter, Access to Justice Inc. Coordinator Denise Langley, Bar Services Coordinator Alyssa Blasius, and temporary staffer Brooklynn Bradford.

Executive Session: Commissioner Matson made a motion to go into executive session to discuss personnel matters. Commissioner Strait seconded the motion. Motion carried. The Commission entered executive session at 9:01 AM. Present for all or part of the executive session meeting were President Sharp Theophilus, President Elect John Richter, and Commissioners Tyler Matson, Carrie Srstka, David Strait, Jerry McCabe, Justin Bell, Erika Olson, Teramie Hill, Amber Mulder, Sarah Covington, Stacy Johnson, Kristen Edwards, and Steve Blair. Also present was Executive Director/Secretary-Treasurer Paul Cremer. The Commissioners adjourned executive session at 9:23 AM.

The Commission then resumed regular session. Bar staff, parliamentarian Tom Welk, and President Elect candidate Mark Haigh joined the meeting.

Approve minutes of December 9, 2024, Executive Session Meetings: The Commission discussed the draft minutes and considered language recommendations from parliamentarian Tom Welk. Commissioner Strait moved to approve the revised minutes of the December 9, 2024, Bar Commission meeting. Commissioner Bell seconded the motion. Motion carried.

Approve minutes of February 19, 2025, Meeting: Commissioner Blair moved to approve the minutes of the February 19, 2025, Bar Commission meeting. Commissioner Bell seconded the motion. Motion carried.

Approve FY 2025 amended budget: Commissioner Bell discussed the budget review conducted by the audit and finance committee. He noted that the amended budget is similar to the budget passed by the Bar Commission on July 26, 2024. The amendment reflects the addition of the newly created Bar Services Coordinator position. Alyssa Lorenzo Blasius was hired to fill that position, and she started on March 3, 2025. Commissioner Bell moved to approve the amended FY 2025 budget. Commissioner Strait seconded the motion. Motion carried.

FY 2026 tentative budget: Commissioner Strait discussed the efforts made by the Audit and Finance Committee in the past few years to improve the State Bar budgeting process. Commissioner Bell stated that the Commission adopts a budget framework in the spring so that new Commissioners can review the framework at the July Bar Commission meeting. Bell also discussed the use of reserve funds and the budget bell curve. Commissioners discussed various budget matters.

Jennifer Anderson of Anderson Nill is providing bookkeeping services to the State Bar, and she provided information about continuing efforts to provide financial and budget information.

David Strait made a motion to adopt the budget as a recommended framework to be further addressed in July. Commissioner Johnson seconded the motion. Commissioner Bell discussed information to be considered in conjunction with staff salary and budget decisions. Motion carried.

ELO Auditor Lucas Hauert: ELO CPAs and Advisors provides auditing services to the State Bar, and Auditor Lucas Hauert discussed audit and tax matters with the Bar Commission. President Elect Richter and Hauert discussed IRS Form 990 responses. Hauert also provided details about the auditing process, including their on-site visit and review of financial information. Hauert stated that Bar staff have been open and forthright with ELO. Hauert also discussed internal controls, and the involvement of an outside bookkeeper (Anderson Nill) should assist with internal controls. Commissioner Bell discussed the structure of three entities (CLE, A2J, State Bar) and potential advantages of consolidation, including consolidating CLE into the State Bar. Hauert and Cremer stated that they had previously discussed this potential consolidation and will continue to review options.

Hauert stated that the State Bar's use of CDARS (Certificate of Deposit Account Registry Service) and ICS (Insured Cash Sweep) with Bankwest should alleviate concerns about having fund amounts that exceed FDIC limits in one bank entity. Hauert stated that the entities have healthy balance sheets and strong liquidity positions. Commissioner Hill and Hauert discussed options for providing further financial information to the Bar Commission.

Authorize 990 IRS forms: Commissioner Bell made a motion to approve the State Bar IRS Form 990 as presented. Commissioner Strait seconded the motion. Motion carried.

After a brief recess at 11:01 AM to convene as the CLE and A2J boards, the Bar Commission reconvened with a quorum at 11:07 AM.

Jennifer Anderson – Anderson Nill (Bankwest accounts ICS (insured cash sweep) FDIC interest): Jennifer Anderson provided more information about ICS services utilized by the State Bar, which will allow the State Bar to achieve a higher rate of return on cash reserves, rather than simply holding cash reserves in checking accounts.

Anderson stated that she and Anderson Nill have a great deal of experience in providing bookkeeping services to other associations and nonprofit organizations that are similar to the State Bar. She is planning to provide more budget and financial information to the State Bar as Anderson Nill becomes more fully integrated into the State Bar's financial operations.

Evidence Committee – potential rule changes for Bar convention consideration:

USD Knudson School of Law Professor Laura Rose described the Evidence Committee's review of recent changes to FRE 702. Based upon their review, the Evidence Committee is recommending changes to SDCL 19-19-702 to align SDCL 19-19-702 with the recently amended FRE 702.

The Commissioners discussed the potential changes. Commissioner Hill made a motion to allow the Evidence Committee to present their proposed changes to SDCL 19-19-702 at the June 20, 2025, Business Meeting for a membership vote on the proposed changes. Commissioner Bell seconded the motion. Motion carried. The Commission thanked Prof. Rose and the Evidence Committee for their work.

Title Standards - potential changes for Bar convention consideration: Commissioner Olson described the work completed by the Title Standards subcommittee of the Real Property, Probate, and Trust Section to continue to update the South Dakota Title Standards. Cremer noted that Olson and the subcommittee have provided a great deal of volunteer effort and hours over the past few years to update the title standards. Commissioner Bell made a motion to allow the Title Standards subcommittee to present their proposed updates at the June 20, 2025, Business Meeting for a membership vote on the updated Title Standards. Commissioner Hill seconded the motion. Commissioner Olson abstained from voting. Motion carried. The Commission thanked the title standards subcommittee for their work.

Nate Chicoine – ABA report: ABA State Bar Delegate Nate Chicoine discussed items of interest from the ABA midyear meeting at the end of January. Chicoine focuses on issues that are germane to the practice of law.

[Chicoine's written ABA report is available on page 33 of the April Newsletter.]

Law Day outreach: The Commission discussed outreach efforts related to Law Day. Commissioner Hill and President Elect Richter discussed Public Sector Section efforts. Commissioner Hill and the Public Sector Section have worked with various public sector and private sector attorney volunteers and schools to organize outreach efforts. The Commission discussed options for providing basic civics information to members and the public.

Mandatory CLE update: Strategic Plan Coordinator Carrie Sanderson provided an update regarding the final MCLE Study Committee meeting held on April 15, 2025. The Committee voted to recommend that South Dakota implement mandatory CLE requirements. The Bar Commission discussed some of the recommendations, including the recommendation of 20 hours of CLE every two years. Commissioner Bell made a motion to allow the MCLE Study

Committee to present their proposed recommendation at the June 20, 2025, Business Meeting for a membership vote. Commissioner Olson seconded the motion. Motion carried.

Annual meeting preview: The Commission discussed the upcoming State Bar Convention, scheduled for June 18-20, 2025, at the Rapid City Ramkota. The format will be similar to previous conventions, including an awards luncheon and a casual evening social event on June 18. A second casual evening social event will be held on June 19 at the Dahl Arts Center. Various CLEs will be offered on June 18 and 19. The Business Meeting will be held on June 20.

The Commission discussed the Juneteenth holiday scheduled for June 19.

The Commission also discussed the membership vote taken at the June 2022 Business Meeting, in which members defeated a proposal to allow online voting in addition to in-person voting at the Business Meeting.

Federal Executive Orders, including DEI: The Commission discussed an Executive Order dated January 21, 2025, which specifically references DEI programs and state and local bar associations. Cremer stated that his review indicates that the State Bar of South Dakota appears to be in compliance with federal and state law.

vLex Fastcase member benefit: The Commission discussed Fastcase research tools available to State Bar members. Cremer has been in contact with Fastcase and a competitor, Decisis, to discuss their research capabilities and potential benefits to State Bar members.

Strategic Plan Coordinator Update: Strategic Plan Coordinator Carrie Sanderson provided the following update:

The State Bar continues to make advancements on strategic plan goals, and the following activities support those efforts:

Goal 1: Strengthen State Bar Operations and Infrastructure to enable it to successfully carry out its mission -

- a. State Bar staff are completing a time study, and developing legacy documents, including Standard Operating Procedures. The legacy documents will mitigate organizational disruption when staff changes occur.
- b. The State Bar hired two new staff members and we are working through the onboarding process.
- c. Alyssa Blasius will serve as the Bar Services Coordinator and will provide additional support to committees. Staff led an informational meeting for committee chairs and implemented new committee processes for annual reports.

Goal 2: Foster a legal community that exemplifies professional excellence, wellbeing, and civility -

- a. The Mandatory CLE Study Committee is recommending that South Dakota move forward with mandatory CLE requirements. State Bar President Sarah Sharp Theophilus and Bar Commissioner Kristen Edwards participate on the Committee.
- b. The Strategic Plan Committee will meet in May and focus their annual retreat on the wellbeing portion of Goal 2, with the goal of sustaining the success of the State Bar Lawyers Assistance Program led by Becky Porter.

Goal 3: Create a sustainable legal profession that meets the needs of South Dakota residents

- a. Law Day will be held on May 1, 2025. Multiple State Bar members and groups, including the Public Sector and Destination Dakota Legal Careers (DDLCC), are supporting efforts statewide.
- b. Destination Dakota Legal Careers is recruiting partners for a pathways collaboration and is creating a virtual platform of resources for both students and legal pathways volunteers.
- c. The Rural Internship Incentive Program (RIIP), Project Rural Practice (PRP), and DDLCC collaborated on an Access to Justice Grant application. The application proposed creating a virtual mentoring and training community and supporting a community of practice for rural attorneys.

Legislative Update: The Commission discussed the 2025 legislative session and State Bar involvement in the legislative process. Commissioner Olson mentioned State Bar efforts to update and provide information to members about the State Bar Keller policy.

Lawyer Assistance Program Update: LAP Director Rebecca Porter gave a report on the Lawyer Assistance Program. Porter discussed recent coffee break programs and State Bar plans to participate in a new national survey regarding well-being. Porter also discussed the high number of calls and contacts she is having with State Bar members.

Memorialize December 2024 email vote on Executive Director Employment

Agreement: On December 26, 2024, Commissioner Bell made a motion pursuant to State Bar Bylaws Section 7.15 to accept the counterproposal from Executive Director Cremer and authorize State Bar President Sarah Sharp Theophilus to execute the proposed Executive Director employment agreement. Commissioner Strait seconded the motion. The motion carried. The Executive Director contract has an effective date of January 1, 2025, through July 31, 2026. These dates were selected so that the Executive Director contract will align with the State Bar fiscal year (August 1 - July 31).

President's Comments: President Sarah Sharp Theophilus thanked the entire Bar Commission for their hard work over the last year. She also thanked the outgoing commissioners (Tyler Matson, Carrie Srstka, David Strait, Justin Bell, and Erica Olson). She also thanked Bar staff for their service. The Commission and Bar staff thanked Sharp Theophilus for her service as President.

Bar Commissioner Input, Ideas, Concerns: Commissioner Hill discussed State Bar staffing assistance for committees and sections. Bar staff stated that staffing assistance

should increase with the addition of Bar Services Coordinator Alyssa Blasius. Bar staff discussed challenges connected with staff turnover in the State Bar office in the past few years.

President Elect Richter mentioned the upcoming Bar Commission retreat and meeting scheduled for July 17 and 18 in Pierre. Richter also mentioned an oath for incoming Bar Commissioners at the June 20 Business Meeting.

Miscellaneous: Cremer mentioned that two individuals had sent notices to several attorneys and judges in an action that appears to allege frivolous claims against some individuals and the State Bar, and no action or response is required.

Next Meeting: The next Bar Commission meeting is scheduled for July 18, 2025, in Pierre.

Adjourn: Commissioner Hill made a motion to adjourn, and Commissioner Matson seconded the motion. Motion carried. President Sarah Sharp Theophilus adjourned the meeting at 2:15 pm.

Respectfully submitted,
Paul Cremer
Executive Director/Secretary-Treasurer

ACCESS TO JUSTICE BOARD OF DIRECTORS

Minutes, April 16, 2025

Via Teams

President Sarah Sharp Theophilus called the meeting to order at 11:00 AM CDT on April 16, 2025. 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, Kristen Edwards, and Steve Blair. Also present were Executive Director/Secretary-Treasurer Paul Cremer, Director of Operations Tracie Bradford, Strategic Plan Coordinator Carrie Gonsor Sanderson, Lawyer's Assistance Program Director Becky Porter, Access to Justice Inc. Coordinator Denise Langley, temporary staffer Brooklynn Bradford, parliamentarian Tom Welk, and President Elect candidate Mark Haigh.

Approval of IRS Form 990s for Access to Justice: Commissioner Olson moved to approve the A2J IRS Form 990 as presented. Commissioner Matson seconded the motion. Motion carried.

The A2J Board then recessed at 11:05 AM. After the recess, the A2J Board reconvened with a quorum at 2:19 PM.

Approve minutes of July 26, 2024, Meeting: Commissioner Bell moved to approve the minutes of the July 26, 2024, A2J meeting. Commissioner Johnson seconded the motion. Motion carried.

2024-2025 Fiscal Year A2J Update:

A2J Coordinator Denise Langley provided the following update:

1. The Spanish Guardianship/Conservatorship training video was uploaded to the State Bar website in September. The State Bar is required to provide Guardianship/Conservatorship training and previously had only an English version of the training video. The cost of making the video was covered by a grant from the CEAC (Commission on Equal Access to the Courts), and the recent Statewide Legal Needs assessment identified language barriers as an issue in accessing courts and legal assistance.
2. A2J secured funding from the CEAC in 2024 to fund a part-time position. CEAC funding fully covers the cost of the position, along with computer and technology purchases for the new position. A part-time employee (Betty Morford) was hired in September 2024, and Betty provides assistance two afternoons a week. The current funding grant is projected to cover her position for about 2-3 years.
3. Betty provides assistance with client phone calls, client mail, and other office tasks, which provides Coordinator Denise Langley more time to focus on contacting attorneys for case-matching. Having additional part-time assistance is important because of increased applications and client calls, due to the new statewide online

intake website and additional duties that Langley is now handling. In addition, Langley has been the sole coordinator/director of the program following the departure of Elizabeth Overmoe from the A2J co-coordinator position over a year ago. A2J plans to continue to request CEAC funding in the future to maintain the part-time position.

4. A CEAC grant for A2J, ERLS, and DPLS was also used to revamp and improve the statewide legal services online intake website. Improvements were completed, and the new website was re-launched in 2024.
5. The revamp process has now reduced the annual maintenance costs of the website, thereby decreasing A2J's annual statewide online intake website/technology contract fee with ERLS, which covers the A2J share of the website and technology assistance with Legal Server software. The 2024 contract had fee increased from \$7000 to \$10,000. The website improvements leading to the decreased annual maintenance costs have led to all three programs requesting a CEAC grant to cover the annual maintenance costs, so A2J will no longer incur the website/technology contract fee, resulting in a savings of \$10,000 or more annually. A2J can contract independently for Legal Server tech support issues when needed, but such issues are rarely encountered.
6. A2J has also requested CEAC grants in 2024 and 2025 to provide general program support due to increasing operational expenses and limitations on funding A2J receives from the State Bar and the Bar Foundation.
7. As a result of the CEAC grants awarded, A2J has brought in an additional \$20,000 in funding for the 2024-2025 year. Some funding has already been utilized to cover conference and training fees for attendance at the 2025 Pro Bono Initiative conference, as it had been over five years since the coordinator had a training/travel budget sufficient to attend conferences or training events.
8. The funding is also covering the new laptop and monitor purchase for A2J, as IT advised that the current backup laptop will become obsolete by this fall.
9. After attending training, approximately \$10,000 of this funding will be left to support general operational expenses.
10. A2J has also requested an additional \$15,000 in funding for general operation expenses, which, if granted, should result in approximately \$25,000 in additional funding to support the A2J program as A2J is expecting a variety of different supplies and general operational expenses to increase.
11. A2J also continues to request and receive additional CEAC funding to support the A2J Judicare program. About 3-4 times a year, A2J works with DPLS and ERLS to draft joint grant applications for the CEAC grant cycle.
12. As part of the A2J Coordinator's role, Langley continues to participate as a member of various UJS Commissions and State Bar Committees to represent the legal services perspective. Currently, Langley serves as Vice-Chair on the Commission on Access to the Courts and also as part of a subcommittee of that commission, which is working on revisions to various UJS pro se forms that are utilized by individuals. Langley also serves on the family law committee and served on a family law subcommittee this past year that worked on drafting proposed custody evaluator standards. Langley also serves on the Legal Services Committee and chairs the Legal Services Pro Se/Access subcommittee.

13. A2J has finalized the 2025 Bill Day Award and is working on the annual President's pro bono/low-bono service award.
14. After Elizabeth Overmoe's departure as co-coordinator, Langley also took over as the website administrator for the SDFLA website. Langley monitors the questions and answers provided on the website about 3 days a week on average and continues to work on recruiting attorney volunteers for the website. This year, SDFLA recognized the top 5 attorney volunteers with custom legal superhero lap-desks – this is the 3rd year that we have been recognizing the annual Top 5 SDFLA recognition efforts, and it is a great way to thank the attorneys who volunteer the most on the website.
15. Langley has now taken a more active role in A2J budgeting and finance matters. Previously, all A2J budgeting and finance matters were handled by Nicole Ogan. Langley and Tracie Bradford have worked with Anderson Nill to streamline the management of the A2J budget, including Judicare funding and CEAC grant tracking. Tracie and Langley spent significant time with the bookkeeper to organize fund tracking and to provide the bookkeepers with the history of CEAC grants received from 2016 through the present.
16. A2J's sales tax-exempt status was reestablished, which has already saved A2J around \$300 in relation to the new technology purchase.
17. A2J, ERLS, and DPLS will be part of a CLE presentation this year at the annual meeting.
18. A2J has requested \$70,000 in funding from the State Bar for the next fiscal year. This is the same amount that was requested last year. A2J has also requested \$85,000 in funding from the Bar Foundation and the amount requested last year was \$82,000.
19. Langley and Carrie Sanderson will be meeting with Alyssa Blasius to discuss Disaster Legal Services and the related Disaster Manual project. It was a project launched several years ago and involved collaborative efforts between the Legal Services Committee, the Young Lawyers, the State Bar, and Legal Services programs, and resulted in a Draft Disaster Manual for attorneys. There is some new movement in this area due to a recent ERLS disaster grant.
20. Golf Tournament Update: A2J began hosting the A2J Golf Tournament in 2022, after the law school elected not to move forward with organizing the tournament due to the small amount of funds raised. The amount of funds raised varies depending on the number of participants, the cost per player at various golf courses, etc. For example, the 2024 tournament in Ft. Pierre at the Dunes golf course was a bigger fundraiser because of the course's low cost per player. However, there may be some difficulty with future hosting due to requirements of full 18 4-person team rosters at some courses, increased player fees, course availability, etc.
21. June 2024 Golf Fundraiser profit: \$3950. A2J is expecting half or less of that amount this year due to only one morning session being offered and increased player fees. Red Rocks was not available in the afternoon, and after checking with the city courses in Rapid, the one that had an afternoon spot available required a full 18-team roster, which could not be guaranteed.
22. October will mark the beginning of tenth year of Denise Langley's service as coordinator of the A2J program.

The Board then discussed the A2J budget, Judicare budget information, and Langley's salary.

Director Bell made a motion to enter into executive session to discuss personnel matters. Director Hill seconded the motion. Motion carried. The Board entered executive session at 2:58 PM.

Present for all or part of the executive session 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, Kristen Edwards, and Steve Blair. Also present was Executive Director/Secretary-Treasurer Paul Cremer. The Board adjourned executive session at 3:40 PM.

The Board then resumed regular session. Bar staff, parliamentarian Tom Welk, and President Elect candidate Mark Haigh joined the meeting. Director Olson made a motion to approve the A2J budget framework, with a salary increase of 6% for Langley. Director Strait seconded the motion. Motion carried.

Director Strait made a motion to adjourn the A2J board meeting. Director Johnson seconded the motion. Motion carried. The A2J board meeting adjourned at 3:42 PM.

Respectfully submitted,
Paul Cremer
Executive Director/Secretary-Treasurer

CLE, Inc. Board of Directors

Minutes, April 16, 2025

Via Teams

President Sarah Sharp Theophilus called the meeting to order at 11:06 AM CDT on April 16, 2025. Present for all or part of the meeting were President Sharp Theophilus, President Elect John Richter, and Directors Tyler Matson, David Strait, Jerry McCabe, Justin Bell, Erika Olson, Teramie Hill, Amber Mulder, Sarah Covington, Stacy Johnson, Kristen Edwards, and Steve Blair. Also present were Executive Director/Secretary-Treasurer Paul Cremer, Director of Operations Tracie Bradford, Strategic Plan Coordinator Carrie Gonsor Sanderson, Lawyer's Assistance Program Director Becky Porter, Access to Justice Inc. Coordinator Denise Langley, and temporary staffer Brooklynn Bradford.

Approval of IRS Form 990s for Access to Justice: Director Olson moved to approve the A2J IRS Form 990 as presented. Director Johnson seconded the motion. Motion carried.

The CLE Board then recessed at 11:06 AM. After the recess, the A2J Board reconvened with a quorum at 3:42 PM.

Approve minutes of July 26, 2024, Meeting: Director Johnson moved to approve the minutes of the July 26, 2024, CLE Board meeting. Director Olson seconded the motion. Motion carried.

The Board briefly discussed but took no action on a CLE budget, as per Cremer's recommendation.

Director Johnson made a motion to adjourn the CLE meeting. Director Matson seconded the motion. Motion carried.

Respectfully submitted,
Paul Cremer
Executive Director/Secretary-Treasurer

BOARD OF BAR COMMISSIONERS

Minutes, June 20, 2025

Ramkota, Rapid City, SD

As mandated by the Bylaws of the State Bar of South Dakota, the Board of Bar Commissioners met at the close of the Annual Meeting on Friday, June 20, 2025, in Rapid City, South Dakota. President John Richter called the meeting to order at approximately 12:09 pm MDT. Present were Richter, President Elect Mark Haigh, Commissioners Justin Johnson, Jerry McCabe, Ellie Bailey, Matt Naasz, Teramie Hill, Sarah Covington, and Steve Blair. Also present during the meeting was Executive Director/Secretary-Treasurer Paul Cremer.

President Richter congratulated new commissioners and notified the group that the next meeting of the board would be held in the Pierre area on July 17 and 18, 2025, and he provided details.

There being no other business, President Richter adjourned the meeting at approximately 12:15 pm.

Respectfully submitted,
Paul Cremer
Secretary-Treasurer & Executive Director

NINETY-THIRD ANNUAL MEETING OF THE STATE BAR OF SOUTH DAKOTA

RAMKOTA HOTEL AND CONVENTION CENTER RAPID CITY, SOUTH DAKOTA JUNE 18, 19, and 20, 2025

The 2025 Annual Meeting of the State Bar of South Dakota was held at the Ramkota Hotel and Convention Center on June 18, 19, and 20, 2025.

State Bar committees, sections, and related groups who met during the Annual Meeting included: Administrative Law Committee, Agricultural Law Committee, American Board of Trial Advocates, American College of Trial Lawyers, American College of Trust and Estate Counsel, Board of Bar Examiners, Child Support Modification Referees, CLE Committee, Council of School Attorneys, Debtor/Creditor Committee, Disciplinary Board, Family Law Committee, Federal Practice Committee, Fellows of the American Bar Foundation, In-House Counsel Section, Judicial Qualifications Commission, Judicial-Bar Liaison Committee, Labor and Employment Law Committee, Lawyers Assistance Committee, Lawyers Committee for Diversity and Inclusion, Lawyers Concerned for Lawyers, Project Rural Practice Committee, Public Sector Section, Real Property, Probate and Trust Law Section, SD Association of Criminal Defense Lawyers, SD Code Commission, SD Court Reporters Association, SD Judges Association, SD Municipal Attorneys Association, SD Paralegal Association, Solo and Small Firm Committee, South Dakota Bar Foundation, South Dakota Trial Lawyers, Women In Law, and Young Lawyers Section.

Wednesday, June 18

On Wednesday, the State Bar hosted its second annual awards luncheon to honor the following award winners:

- **A2J William F. Day, Jr. Law Student Pro Bono Award** – Caitlin Hoeffner
- **President's Pro Bono Award** – Dennis Duncan & Craig Thompson
- **USD Women in Law Attorney of the Year** – Justice Mark Salter
- **YLS Young Lawyer of the Year** – Tanner Jackson
- **Barbara Anderson Lewis Special Commemoration Award** – Margo Julius

Richard Williams skillfully served as Master of Ceremonies for the awards. Over 200 members attended the luncheon.

On Wednesday afternoon, the following CLEs were held:

<u>CLE Title</u>	<u>Number Registered to Attend</u>
- Sexual Harassment & Abuse Prevention Training	396
- Jurisdictional Issues Across Forums: From Small Claims to the Supreme Court	246
- Practicing Smart: Navigating AI and Ethics, Remote Work, and Well-Being in a Digital Age	312

The Young Lawyers Section kicked off the social events of the annual meeting by hosting a speed networking event. The event provided an opportunity for bar members, law students, first-time attendees, and non-USD law school graduates to get to know each other better. YLS also hosted the Pretrial Conference mixer, during which YLS President Chelsea Wenzel presented Pat Archer with a silver mentorship coin for the YLS President's Appreciation Award. Meierhenry Sargent, LLP helped sponsor the event.

On Wednesday evening, the State Bar hosted a casual social event that featured cocktails, conversation, and heavy hors d'oeuvres. During the event, Tia Vlasman, President of the USD Knudson School of Law Student Bar Association, announced J. Crisman Palmer as the winner of the Marshall M. McKusick Award. Palmer thanked his family and colleagues, and he encouraged professionalism. State Bar President Sarah Sharp Theophilus and Supreme Court Chief Justice Steven Jensen presided over the recognition and celebration of the 50-year and 60-year veterans of the State Bar. Over 300 people attended the event, and an enjoyable time was had by all.

Thursday, June 19

The following CLEs were held on Thursday:

<u>CLE Title</u>	<u>Number Registered to Attend</u>
- Early Bird	196
- Legal Potpourri	218
- Navigating Modern Electronic Discovery: A Lawyer's Overview of the Digital Landscape	272
- Legal Year in Review: Key Updates	377

The Public Sector Section announced the following award winners:

- **Public Sector Attorney of the Year** – Teramie Hill
- **Public Sector Rising Star Award** – Renee Stellagher

The Women in Law Committee presented Diana J. Ryan with the State Bar of South Dakota Women in Law Committee Attorney of the Year Award.

The Indian Law Committee and USD Law NALSA presented a panel discussion regarding the 45th anniversary of the United States v. Sioux Nation of Indians case.

The South Dakota Bar Foundation, the USD Foundation, and the South Dakota Community Foundation hosted a bench-bar social on Thursday afternoon.

On Thursday Evening, the State Bar hosted a social event at the Dahl Arts Center.

Total attendance for the 2025 Annual Meeting and Convention was 671; the registrants included 530 members, 61 law students, and numerous spouses and guests.

Friday, June 20

State Bar President Sarah Sharp Theophilus called the 93rd Business Meeting of the State Bar of South Dakota to order at 8:00 a.m. at the Rapid City Ramkota. A quorum was determined to be present. Robert Rohl, representing the Seventh Circuit Bar, welcomed members to Rapid City with gracious remarks. President Sharp Theophilus also welcomed new members.

State Bar Executive Director/Secretary-Treasurer Paul Cremer gave the financial report and noted that the State Bar is financially sound. Cremer also recognized and thanked two attendees, former Executive Director Andy Fergel and former Strategic Plan Coordinator Beth Overmoe, for their continued assistance to the State Bar. Cremer introduced State Bar Staff and thanked them for their hard work. Bar members honored State Bar Staff with a standing ovation. Cremer thanked former employees Nicole Ogan and Tom Barnett for their ongoing assistance to the State Bar. Cremer thanked President Sharp Theophilus for leading the Bar through staff turnover challenges and for being a great representative of our Bar. Bar staff appreciates her steady and reassuring leadership. Cremer also thanked Judge David K. Wheeler for serving as Parliamentarian at the business meeting, and President Elect John Richter.

Cremer also thanked the Ramkota staff, the Dahl Arts Center, Anything's Possible Catering, Sarah Covington for her work on the State Bar convention app, Tam Nash for her work on the CLE program book, Rich Williams for serving as master of ceremonies at the awards luncheon, and former Chief Justice David Gilbertson, Pat Goetzinger, Bob Morris, and Rachelle Norberg for their continued work on rural practice initiatives. Cremer also congratulated award recipients, including McKusick Award recipient J. Crisman Palmer.

Jerry McCabe, a member of the Bar Commission's Audit and Finance Committee, reported that an independent audit by ELO CPAs and Advisors was conducted on the combined financial statements, and other related financial documents, of the State Bar of South Dakota, SD CLE, Inc., and Access to Justice, Inc. Commissioner McCabe noted that, based on the audit, ELO expressed the opinion that the financial statements presented fairly, in all material respects, the financial position of the State Bar, SD CLE, Inc., and Access to Justice, Inc. as of July 31, 2024, and the changes in net assets and its cash flows for the year then ended in accordance with generally accepted accounting principles. Steve Huff moved that the financial report and audit be accepted as presented. Tyler Matson seconded the motion. Motion carried.

Steve Huff, outgoing President of the South Dakota Bar Foundation, provided the Bar Foundation report. Huff noted that William Garry has been selected as the new Bar Foundation President, and Lisa Marso as the new Vice President. Huff thanked them and all the Directors for their service. The Bar Foundation provides grants to support law-related projects and has three funding sources: interest income from investments, contributions from attorneys above the recommended \$75 donation amount, and the recommended \$75 donation amount from attorneys. Huff noted that the Bar Foundation is doing well financially, partly due to higher IOLTA fund interest rates. Huff thanked attorneys for their continued support, and he mentioned that further information is available on the Bar Foundation website. The Bar Foundation awarded over \$200,000 in grants for the upcoming year to various projects, including SD Teen Court, WORKS Project, Access to Justice, Ask-a-Lawyer, and the Rural Lawyer Program. Members are encouraged to consider making gifts to the Foundation, to promote projects for Bar Foundation grants, and to connect eligible projects with the Bar Foundation.

Beth Massa, Director for Foundation Relations at the South Dakota Community Foundation, provided the Community Foundation report. For 20 years, the SD Community Foundation has managed the investments of the SD Bar Foundation. The South Dakota Community Foundation was established 37 years ago to assist communities in South Dakota and manages over \$900 million in assets. Last year, the Foundation granted more than \$30 million to communities and nonprofit organizations across South Dakota. The SD Bar Foundation has invested over \$2 million with SDCF and has awarded thousands of dollars to law-related grants and charities. The fund value is now approximately \$3.1 million.

Massa announced that SDCF has designated Pat Goetzinger as a Christen-Larsen Heritage Circle member for his work with Fred and Luella Cozad. The Cozad Fund is a beautiful legacy and greatly benefits the State Bar.

Access to Justice Coordinator Denise Langley provided the A2J Inc. report. More than 100 South Dakota Bar members have provided over \$177,000 of pro bono and reduced-rate legal assistance through A2J in 2024, and SD attorneys have answered over 300 civil legal questions online through the SD Free Legal Answers website in 2024. Langley thanked CEAC for providing additional grant dollars to help fund Betty Morford's part-time support and other program initiatives.

The Fourth Annual A2J golf fundraiser was held on June 19, and two teams tied for first place - team members as follows: Gavin Pochop, Mae Pochop, Troy Ward, and Judge Daneta Wollmann; and Melanie Carpenter, Sam Breit, Robbie Breit, and Don Breit. Both teams posted a final score of 60, twelve shots under par.

Dean Neil Fulton provided the USD Knudson School of Law report and thanked the faculty and staff. Fulton noted that class sizes have been increasing while maintaining requirements of strong LSAT scores and high undergraduate grades. Fulton thanked Destination Dakota Legal Careers (Dick Casey, Pamela Reiter, Rod Tobin, Carrie Sanderson, etc.) for their efforts to recruit students for justice careers. Fulton also discussed the NextGen Bar Exam and the Pathways Program. Fulton reminded members that the USD Knudson School of Law will celebrate its 125th anniversary in 2026 with events in conjunction with the State Bar Convention in Sioux Falls on June 24-27, 2026.

Pamela Reiter provided information about a cy pres settlement that she facilitated, which provided over \$26,000 in funding to A2J. Reiter encouraged members to consider A2J as a potential recipient of similar settlement funds.

Chief Justice Steven Jensen provided the UJS report and noted that our profession is well-positioned to meet various challenges, and he encouraged members to talk about civics. South Dakota judicial officials handled approximately 200,000 cases, which shows that an independent judiciary is a central pillar for ensuring the continued fair application of the rule of law. UJS continues to see a large percentage of pro se litigants. The Statewide Indigent Defense Office continues to move forward. South Dakota will soon adopt the NextGen Bar Exam. The Supreme Court will keep an open mind through consideration of mandatory CLE requirements.

Chief Justice Jensen thanked judges and court staff for their dedication, and he thanked Justice Janine M. Kern, who is scheduled to retire in December.

Judge Jon Sogn discussed efforts by the Access to Courts Commission to assist pro se litigants.

Judge Roberto Lange provided a Federal Court report. He noted that Judge Eric Schulte and Judge Camela Theeler were recently appointed to the federal bench. He provided statistical data showing heavy federal caseloads in South Dakota, and he provided budget and payment information.

The meeting was then recessed for a short break.

President Sharp Theophilus called the meeting back to order at 9:40 AM.

Tam Nash introduced keynote speaker Judge Karen Schreier, the current President of the Federal Judges Association. Judge Schreier discussed some of the challenges facing the legal system, such as threats to judges, and she provided historical context. Judge Schreier encouraged members to discuss civic education with citizens and to work together to reinforce the public's trust in the legal and judicial system.

David Larson and Rachelle Norberg presented a proposal from the Title Standards subcommittee of the Real Property, Probate, and Trust Law Section to members. Larson made a motion that the State Bar of South Dakota approve the 2025 revisions to the South Dakota Title Standards, and the State Bar will submit the revisions to the South Dakota Legislative Research Council for publication in the appendix to SDCL chapter 43-30. Norberg seconded the motion. President Sharp Theophilus opened the floor for discussion, and seeing that there was no discussion, requested members to vote by voice. Motion carried.

Prof. Laura Rose and Matt Murphy presented a proposal on behalf of the Evidence Committee to amend SDCL 19-19-702 to align with FRE 702. They stated that this is not a substantive change to the rule and that the amendment is basically a reminder to courts that FRE 104(a) must be applied across the rules of evidence. Murphy made a motion that the State Bar of South Dakota adopt the committee report to amend SDCL 19-19-702 and that the Evidence Committee will submit the proposed amendments to the South Dakota Supreme Court for consideration at an upcoming rules hearing. Rose seconded the motion. President Sharp Theophilus opened the floor for discussion. John Burke pointed out a slight discrepancy between different versions of the amendment, and the correct version of the proposed amendment was displayed for members to view. Murphy responded to a question about the timing of the application of the proposed rule change and Murphy opined that the rule would be applied to cases moving forward if approved by the South Dakota Supreme Court, and not retroactively. President Sharp

Theophilus requested further discussion, and hearing none, she requested members to vote by voice. Motion carried.

Members of the Mandatory CLE Study Committee presented the Committee's report. Committee member Pamela Reiter discussed the report and recommendation that South Dakota adopt mandatory CLE requirements. Committee co-chair Heather Lammers Bogard made the following motion:

The State Bar recommends that the South Dakota Supreme Court consider drafting a rule consistent with the Mandatory CLE Study Committee report and recommendations.

Steve Huff seconded the motion. President Sarah Sharp Theophilus opened the floor for questions and discussion. Various members made comments in support of and in opposition to the motion, and Committee members responded to questions.

After approximately 30 minutes of discussion, Rachelle Norberg made a motion to call the question, and the motion was seconded by Terra Larson. President Sharp Theophilus requested a voice vote on the motion to call the question. Motion carried. President Sharp Theophilus then requested members to vote by voice on the motion made by Heather Lammers Bogard, and a voice vote was taken, showing both support and opposition to the motion.

David Larson called for a division, seconded by John Stekly, and the President granted the request. Those who supported the motion were asked to stand, and then those who opposed the motion were asked to stand. After observing the division, President Sharp Theophilus declared that the motion carried by a majority vote of those present. The division demonstrated a number of members present who opposed the motion.

Daniel El-Dweek made a motion to conduct a vote on the motion by ballot, and John Stekly seconded that motion. President Sharp Theophilus called for a voice vote and members voted by voice on the motion to vote by ballot. The motion to conduct a vote by ballot failed.

In summary, the majority of members present voted to support the motion to adopt mandatory CLE requirements, and that motion carried.

Cremer thanked Bar members for engaging in a civil and constructive discussion. The vote was instructive, but not determinative, because the South Dakota Supreme Court retains final authority to regulate the profession of law in South Dakota.

The State Bar of South Dakota will continue to work with Bar members and the Supreme Court to determine future steps. State Bar members and the public will have further opportunities to provide input via the Supreme Court rules process if a rule is presented. The State Bar will continue to provide updates and information to our members.

Cremer announced the nominees for the five vacant positions on the Bar Commission. Petitions had been filed for Justin Johnson (First Circuit), Emily Maurice (Second Circuit), Rebecca Morlock-Reeves (Third Circuit), Ellie Bailey (Sixth Circuit), and Matt Naasz (Seventh Circuit). Rebecca Morlock-Reeves later requested to withdraw her petition. Tony Teesdale submitted his name to State Bar Staff, pursuant to Article VII, Section 7.4.b. of the State Bar Bylaws, to allow him to be nominated from the floor for the Third Circuit position. Tyler Matson nominated Teesdale, and the nomination was seconded by Anthony Sutton. There were no other candidates. Therefore, President Sharp Theophilus asked for a motion to cast a unanimous ballot for the five uncontested nominees for the Bar Commission. Sarah Richardson Larson made a motion to cast a unanimous ballot for those five candidates. Tyler Matson seconded the motion. Motion carried. Outgoing, continuing, and new Commissioners then introduced themselves. President Sharp Theophilus congratulated and thanked the five new Commissioners.

Chelsea Wenzel, Young Lawyers Section President, read the Necrology in memory of the following members who have passed since the last annual meeting: James Wosepka, Rapid City, SD; Laurel Eggers, Sioux Falls, SD; Lance Shurtleff, Denver, CO; Daniel Strawhun, Des Moines, IA; Barbara Lewis, Rapid City, SD; Meghan Sonstegard, Sioux Falls, SD; Joel Dahlgren, New Ulm, NM; Stewart Huff, Dakota Dunes, SD; Dale Wein, Aberdeen, SD; Wallace Brantseg, Sisseton, SD; David Vickers, Sioux Falls, SD; Chet Groseclose, Sioux Falls, SD; Ryan Darling, Pierre, SD; Jay Shultz, Rapid City, SD; Wynn Gunderson, Rapid City, SD; Carlyle Richards, Aberdeen, SD; Senator Tim Johnson, Sioux Falls, SD; Ronald Schultz, Batesland, SD; Robert Amundson, Sioux Falls, SD; John Simpson, Hamil, SD; Wade Reimers, Pierre, SD; Keith Stange, Kansas City, MO; Bradley Lindeman, Minneapolis, MN.

After the Necrology, Wenzel presented a report on the activities of the Young Lawyers Section. The YLS Strategic Plan emphasizes core values including Dedication to Public Service, Promoting Leadership, An Inclusive Profession, and Member Focus and Support. YLS activities included the statewide swearing-in ceremony, the Nuts-and-Bolts CLE, the Spring Boot Camp, Speed Networking,

continued work on the Hagemann-Morris Mentorship program, SOPs for YLS, and Bar Exam lunches. Wenzel thanked current and outgoing YLS board members, Bob Morris and other YLS supporters, and State Bar staff, especially Tracie Bradford.

Members greeted President Sharp Theophilus with a standing ovation, and she gave an uplifting and heartfelt final address. She expressed her gratitude to Past Presidents, outgoing Bar Commissioners, current Bar Commissioners, President Elect John Richter, and State Bar staff. Sharp Theophilus also thanked State Bar members who volunteer and serve on State Bar Committees and Sections, and she encouraged all Bar members to become involved with Bar activities. President Sharp Theophilus's address was met with a standing ovation.

President Sharp Theophilus then presided over the installation of John T. Richter as President of the State Bar. President Richter thanked Past President Sarah Sharp Theophilus for her leadership and service to the Bar. Richter also thanked the State of South Dakota and SDRS, and he discussed themes for the upcoming year, including processes, fiduciary duties, transparency, accountability, connection with the Law School, and the public sector.

Thereafter, in his first official act, President Richter called for nominations for the position of President Elect of the State Bar of South Dakota. Tyler Haigh nominated his father, Mark Haigh. Ed Evans seconded the nomination. There being no other nominations, Dan Duffy made a motion that nominations cease and that a unanimous ballot be cast for Mark Haigh. John Burke seconded the motion. The motion carried, and a unanimous ballot was cast for Mark Haigh.

There being no further business, President Richter adjourned the meeting at 12:05 pm.

Respectfully submitted,

Paul Cremer

Executive Director / Secretary-Treasurer

LAW OFFICES OF
BENNETT MAIN GUBBRUD & WILLERT, P.C.
A PROFESSIONAL CORPORATION
618 STATE STREET
BELLE FOURCHE, SOUTH DAKOTA 57717
TEL (605) 892-2011
Email: bellelaw@bellelaw.com

MAX MAIN, Associate Emeritus*
DWIGHT A. GUBBRUD*
*LICENSED in SOUTH DAKOTA and WYOMING

Est. 1908

KELLEN B. WILLERT**
**LICENSED in SOUTH DAKOTA, WYOMING and COLORADO

July 28, 2025

Via e-mail and U.S. Mail

(paul.cremer@sdbar.net)

Paul Cremer
Executive Director and Secretary-Treasurer
State Bar of South Dakota
111 W. Capitol Avenue #1
Pierre, SD 57501

RE: Foundation for Natural Resources and Energy Law.

Dear Paul:

The Trustees Council of the Foundation for Natural Resources and Energy Law held its Annual Meeting and 71st Annual Institute in Whistler, British Columbia, Canada, on July 16-19, 2025. I attended the meeting as Trustee for the State Bar of South Dakota. Professor Sean Kammer attended the meeting as Trustee for the Knudsen School of Law.

During the past year, the Foundation presented 29 live programs, including five Short Courses, eleven Webinars, five Special Institutes, and two Seminars, in addition to the Annual Institute. The Institutes, Short Courses, and Workshops were attended by over 3,900 people.

The Foundation's Scholarship Programs awarded over \$351,000 in scholarships last year. The FNREL Scholarship Recipient Attendance Program pays travel, accommodation, and incidental expenses for law students to attend Foundation Institutes and Short Courses. Applications for this assistance can be made through the law school Trustee. Since 1980, the Foundation has awarded scholarships to law students totaling almost \$4.7 million.

The following officers were elected to serve for the coming year:

President: Joel O. Benson, Davis Graham, Denver, CO

Vice President: Jana L. Grauberger, Liskow & Lewis, Houston, TX

Secretary: Elizabeth A. Ryan, ConocoPhillips, Midland, TX

Treasurer: Keith B. Hall, LSU Paul M. Hebert Law Center, Baton Rouge, LA

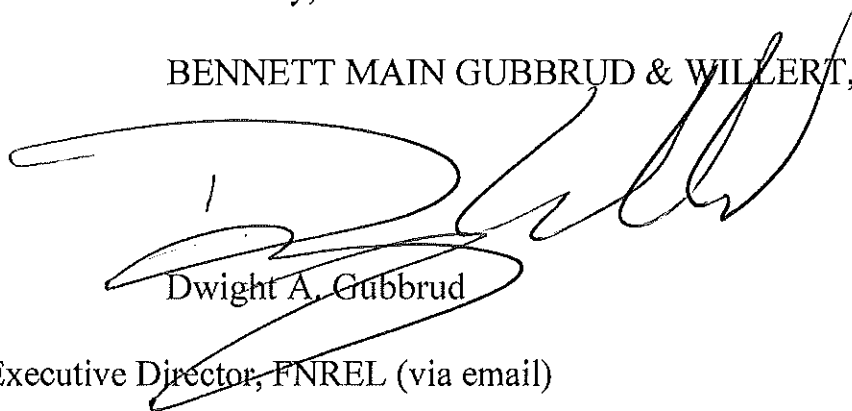
The Annual Meeting of the Trustees Council is held during the Foundation's Annual Institute.

This year, nearly 40 papers/topics were presented to hundreds of registrants at the Annual Institute. The 2026 Annual Meeting and Institute will be held in Seattle, Washington from July 23 to 25.

If anyone wants further information, please feel free to contact me. You can also learn more about the Foundation and its many programs and publications, by visiting www.fnrel.org. It was an honor to represent the State Bar on the Foundation's Trustees Council.

Sincerely,

BENNETT MAIN GUBBRUD & WILLERT, P.C.

A large, stylized handwritten signature in black ink, appearing to read 'D. Gubbrud', is written over the printed name and firm name.

Dwight A. Gubbrud

DAG/ak

cc: Alex Ritchie, Executive Director, FNREL (via email)

Update from the Mandatory CLE Study Committee

Members of the Mandatory CLE Study Committee presented the Committee's report to State Bar members at the June 20, 2025, State Bar Business Meeting in Rapid City. Committee member Pamela Reiter discussed the Committee's report and recommendation that South Dakota adopt mandatory CLE requirements. Committee co-chair Heather Lammers Bogard made the following motion:

The State Bar recommends that the South Dakota Supreme Court consider drafting a rule consistent with the Mandatory CLE Study Committee report and recommendations.

Steve Huff seconded the motion. President Sarah Sharp Theophilus opened the floor for questions and discussion. Various members made comments in support of and in opposition to the motion, and Committee members responded to questions. The question was called after approximately 30 minutes of discussion, and a voice vote was taken, showing both support and opposition to the motion.

A member requested a division, and the President granted the request. Those who supported the motion were asked to stand, and then those who opposed the motion were asked to stand. After observing the division, President Sharp Theophilus declared that the motion carried by a majority vote of those present. The division demonstrated a number of members present who opposed the motion.

A member made a motion to conduct a vote on the motion by ballot, and that motion was seconded. Members voted by voice on the motion to vote by ballot. The motion to conduct a vote by ballot failed.

In summary, the majority of members present voted to support the motion to adopt mandatory CLE requirements, and that motion carried.

The State Bar thanks Bar members for engaging in a civil and constructive discussion. The vote was instructive, but not determinative, because the South Dakota Supreme Court retains final authority to regulate the profession of law in South Dakota.

The State Bar of South Dakota will continue to work with Bar members and the Supreme Court to determine future steps. State Bar members and the public will have further opportunities to provide input via the Supreme Court rules process if a rule is presented. The State Bar will continue to provide updates and information to our members.

(The information above is a summary and is not the official minutes.)



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.

Attorney Health & Wellness Resources

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- Transportation, car maintenance and repair
- Travel research, planning and itineraries
- Self-care, spas, gyms, and local services
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- Children's sports, programs, and activities
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- Social Intelligence (8 Units)
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- Time Management (1 Unit)
- Work Life Balance (4 Units)
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- Workplace Diversity (7 Units)
- Workplace Harassment (6 Units)

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- Change Management (10 Units)
- Civility in the Workplace (7 Units)
- Conflict Resolution (8 Units)
- Creative Problem Solving (7 Units)
- Employee Onboarding (6 Units)
- Employee Termination Process (8 Units)
- Office Politics for Managers (9 Units)
- Social Media in the Workplace (6 Units)
- Team Building for Manager (10 Units)

Assessments (10 modules)

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- Depression
- Diabetes
- Financial Wellness
- Gambling
- Resiliency
- Sleepiness
- Life Satisfaction
- Stress

After full completion, members can print and save course certificates in their member profiles for future use.

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



Staff Attorney

Sanford Health is seeking an employment attorney to work as part of a broader employment legal team. The employment attorney will be responsible for providing legal counsel and advice specific to relevant federal, state, and local labor and employment laws, including the following: drafting federal, state, and local administrative employment charge responses, coordinating with external counsel assisting with charge responses and employment litigation; gathering and reviewing electronic discovery; caselaw research; coordinating responses to subpoenas and requests for personnel files and employment-related records; reviewing background check requirements for healthcare entities; reviewing and advising on employment policies and handbooks; drafting employment contracts; monitoring and counseling on multi-jurisdictional compliance; working collaboratively with key stakeholders to ensure compliance with employment laws; and collaborating with the broader legal team.

The ideal candidate has two years or more experience, preferably in employment law, and would be eligible to be licensed or registered as in-house counsel in jurisdictions within Sanford's footprint, including Wisconsin and Iowa. Work location is in Sioux Falls, SD.

For full details on the position, including the pay range and benefits offered, and for information on how to apply, please visit Sanford's career website here: https://sanford.wd5.myworkdayjobs.com/SanfordHealth/job/SD-Sioux-Falls/Corporate-Counsel--Employment_R-0229109

Staff Attorney - 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.

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: For more information, or to submit a letter of interest and resume, please contact Kate Breyfogle, Director of Human

Resources at: kbreyfogle@dpls.org.

CLOSING DATE: Open until filled

Legal Secretary - Sioux Falls, SD

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Legal Secretary position in our Sioux Falls, South Dakota, office.

QUALIFICATIONS/RESPONSIBILITIES: Applicants must have a high school diploma. The legal secretary provides secretarial services attorneys and paralegals and also performs administrative duties as directed by the Managing Attorney of the Branch Office. The legal secretary prepares legal pleadings, correspondence and other documents at the direction of an attorney or paralegal and assists applicants with the application and intake process. Must have familiarity and experience with widely used word processing software and other data management programs; must have a good attitude and ability to work with the general public in a professional manner and an appreciation and a basic understanding of client confidentiality; and must have two years of experience working in a law firm or a similar office environment.

SALARY: Based on experience. DPLS has an excellent fringe benefits package including generous leave benefits and employee insurance coverage (medical, dental, life, disability). DPLS observes a four-day work week.

CLOSING DATE: Open until filled.

APPLICATION INFORMATION: For more information, or to submit a letter of interest and resume, please contact Kate Breyfogle, Director of Human Resources at: kbreyfogle@dpls.org.

DPLS is committed to equal employment opportunities for all workers, regardless of race, gender, disability or other protected class status. DPLS is committed to compliance with all federal, state, and local anti-discrimination laws and regulations. all interested applicants are encouraged to apply.



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