

STATE OF SOUTH DAKOTA
In the Supreme Court
I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of
South Dakota, hereby certify that the within instrument is a true
and correct copy of the original thereof as the same appears
on record in my office. In witness whereof, I have hereunto set
my hand and affixed the seal of said court at Pierre, S.D. this

3/5 day of Dec, 2025
[Signature]
Clerk of Supreme Court
Deputy

IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

* * * *

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

DEC 31 2025

[Signature]
Clerk

In the Matter of the
Discipline of
CHRIS MCCLURE,
as an Attorney at Law.

JUDGMENT OF PUBLIC CENSURE

#31251

On October 14, 2025, the Disciplinary Board of the State Bar of South Dakota filed findings of fact, conclusions of law and a recommendation that respondent Chris McClure be publicly censured, which documentation, pursuant to SDCL 16-19-67, constitutes a formal accusation.

On November 17, 2025, respondent filed an answer to the formal accusation, said answer being an admission to the accusation.

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

ORDERED that Chris McClure be publicly censured.

IT IS FURTHER ORDERED that the Court adopts the following recommendations in their entirety:

1. That formal discipline be imposed upon Chris McClure in the form of a public censure with the following conditions:
 - a. That McClure provide the Disciplinary Board with monthly trust account records for a period of 24 months and thereafter as deemed necessary by the Board.

#31251, Judgment

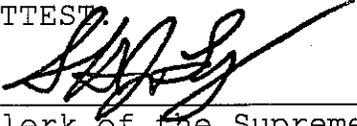
- b. That McClure be responsible for reimbursing any of the firm's clients who are later discovered to have funds that should be held in the firm's trust account which are currently not accounted for.
2. The Board relied upon Discipline of Light, 2000 S.D. 100, 615 N.W.2d 164 and the unpublished Judgments of Censure issued to Mary Ash and Mark Welter both dated March 9, 2022, as having precedential value for their recommendation.
3. That respondent reimburse the State Bar of South Dakota for its expenses in investigating and prosecuting this matter as permitted under SDCL 16-19-70.2

IT IS FURTHER ORDERED that respondent shall on or before January 30, 2026, pay Six-thousand, Four-hundred, Seven and 47/100 Dollars (\$6,407.47) to the State Bar of South Dakota as reimbursement of its itemized expenses allowable under SDCL 16-19-70.2, proof of said payment to be filed with the Clerk of this Court on or before March 2, 2026.

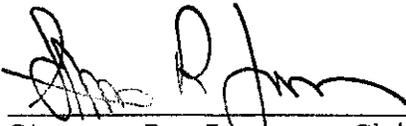
DATED at Pierre, South Dakota, this 31st day of December, 2025.

BY THE COURT:

ATTEST:



Clerk of the Supreme Court
(SEAL)



Steven R. Jensen, Chief Justice

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

OCT 14 2025

Shelley A. Johnson Legal
Clerk

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

In the matter of Discipline of)	FINDINGS OF FACT, CONCLUSIONS
CHRIS McCLURE, as an)	OF LAW, RECOMMENDATION &
Attorney at Law)	FORMAL ACCUSATION
)	
)	# _____
)	

Chris McClure (McClure) filed a self-report of trust account violations with the Disciplinary Board of the State Bar of South Dakota (Board). This came about as a result of an investigation that the Board was completing with respect to his partner, Eric M. Hardy ("Hardy"). An investigation into the trust account was conducted by the Board.

Pursuant to Notice of Hearing, the matter was first heard by the Board on June 17, 2025, at Rapid City, South Dakota. The Board was represented by its counsel, Thomas H. Frieberg, of Frieberg, Nelson & Ask, LLP, Beresford, South Dakota. McClure was present without representation. Due to the lack of adequate trust account records available to the Board, the record remained open and the hearing was continued.

Pursuant to Notice of Hearing, the continuation of McClure's hearing was held jointly with a continued hearing for Hardy. The hearing was held on September 18, 2025, at Deadwood, South Dakota. Both McClure and Hardy were advised of their right to separate hearings and waived that right to allow the Board to continue the hearings as they related to the firm's trust account. At the September hearing, the Board was represented by its counsel, Thomas H. Frieberg, of Frieberg, Nelson & Ask, LLP, Beresford, South Dakota. McClure was present and attended the hearing without counsel.

Pursuant to SDCL § 16-19-67 the Board submits the following Findings of Fact, Conclusions of Law, Recommendation and Formal Accusation.

FINDINGS OF FACT

1. McClure is a 2008 graduate of the University of South Dakota School of Law.
2. McClure worked as a child support enforcement attorney for the State of South Dakota for approximately five (5) years following passage of the South Dakota Bar Examination.
3. From 2013-2017, McClure worked at the Swier Law Firm in Sioux Falls as an associate attorney doing family law work.
4. In 2017¹, McClure opened his own practice in Sioux Falls and was joined by Hardy shortly thereafter.
5. In the summer of 2017, the firm opened an office in Yankton, South Dakota. McClure remained in Sioux Falls and Hardy relocated to Yankton.
6. McClure indicates that he suffers from ADHD and autism although the autism has not been formally diagnosed.
7. The partnership does not have any staff, and the attorneys do all of their own work.
8. As part of the partnership arrangement, McClure was tasked with managing the business aspects of the firm, including the accounting and trust accounting. The firm's IOLTA trust account was located at Central Bank which did not have a location in Yankton.²
9. McClure testified that when he established his original trust account at Wells Fargo, he was advised that checks were not permitted for attorney trust accounts and thus, no checks were ordered for the Central Bank trust account.
10. Hardy would only periodically send retainer checks to McClure for deposit in the firm's trust account.

¹ McClure was uncertain if he started as a solo practitioner in 2017 or 2018. Hardy testified that their partnership started in 2017.

² The firm opened a new trust account at First Dakota National Bank following the June 2025 hearing.

FINDINGS OF FACT, CONCLUSIONS OF LAW, RECOMMENDATION & FORMAL ACCUSATION

11. Hardy received cash retainers which were held in a safe at the firm's Yankton office.
12. After the Board hearing in June, Hardy took the cash retainers and deposited them in a new trust account the firm established at First Dakota National Bank, a bank which had locations in both Yankton and Sioux Falls.
13. The new trust account was suggested by the Board and established by the firm. This was done to ensure that the problems associated with the lack of adequate records for the Central Bank trust account could be isolated to the existing balance and the new First Dakota National Bank trust account would provide a clean start for new funds received by the firm.
14. The trust account records for the firm consisted of a spreadsheet McClure used to attempt to track deposits and disbursements from the trust account.
15. Board counsel and the assigned Board member, James Simko, paid personal visits to McClure on two occasions in an attempt to get clarification as to how the trust account was being managed.
16. McClure contended that his spreadsheet was kept current but the document history shows that the one provided to the Board was created in response to the Board's investigation.
17. Concurrent records of deposits, withdrawals and a running balance were not being kept for the firm's trust account.
18. Prior to the investigation by the Board, nearly all transfers from the firm's trust account to the operating account were in even dollar amounts; were completed electronically; did not note the client whose funds were being transferred; and were not supported by a client billing statement to justify the amount of the transfers. Client refunds were made with checks issued from the firm's operating account.
19. The transfer of even dollar amounts was clear evidence that transfers from the trust account to the firm's operating account were being completed to meet

FINDINGS OF FACT, CONCLUSIONS OF LAW, RECOMMENDATION & FORMAL ACCUSATION

operational needs rather than being transferred when earned.

20. Prior to the Board's investigation, it was clear that McClure had not read or familiarized himself with the statutory requirements for operating a trust account in South Dakota.
21. McClure knew that Hardy fully relied upon him to manage the trust account.
22. Based upon the lack of billing statements and individual client ledgers, it is not possible to know whether the balances reported by the firm for their clients are accurate.
23. McClure submitted annual Certificates of Compliance indicating that he had complied with the rules regarding client trust accounts although he had failed to do so.
24. McClure feels confident that he has identified the balances for each of the firm's clients who have funds in the trust accounts, but the Board lacks the same confidence.
25. The Board has not received any complaints indicating that client funds are missing.
26. The Board did not have any evidence to indicate that client funds were misappropriated.
27. As of the September 18, 2025 Board hearing, the firm was maintaining both the Central Bank and the First Dakota National Bank Trust accounts.
28. The firm's trust accounts currently identify the clients who the partners believe have funds in the accounts. Those amounts, if accurate, balance with the bank statements from the two accounts.

Based upon the foregoing Findings of Fact, the Board hereby makes the following:

CONCLUSIONS OF LAW

1. McClure violated Rule 1.15 of the Rules of Professional Conduct and SDCL 16-18-20.1 and 16-18-20.2 in not adequately safekeeping and accounting for the property of his clients by:
 - a. Keeping cash retainers and not depositing the same in the firm's trust account in a timely manner;
 - b. Failing to maintain complete records of the handling, maintenance, and disposition of all funds of clients which came into his possession;
 - c. Failing to keep accurate individual client trust ledgers for each client who had funds in the firm's trust account;
 - d. Failing to keep a separate trust account receipts and disbursements journal including columns for receipts, disbursements, transfers, and the account balance;
 - e. Failing to identify the client for whom transfers were made electronically from the trust account to the firm's operating account;
 - f. Using trust account funds for operations of the firm by transferring funds to the firm's operating account without matching the transfers to billing records for fees earned;
 - g. Failing to monthly reconcile the firm's bank statements to firm records; and
 - h. Filing annual Certificates of Compliance with the State Bar of South Dakota indicating that he and his firm had been compliant with the rules and regulations governing attorney client trust accounts.

Based upon the above Findings of Fact and Conclusions of Law, the Board hereby recommends that the Supreme Court discipline McClure as follows:

RECOMMENDATION

1. That formal discipline be imposed upon McClure in the form of a public censure with conditions as follows:
 - a. That McClure provide the Disciplinary Board with monthly trust account records for a period of 24 months and thereafter as deemed necessary by the Board.
 - b. That McClure be responsible for reimbursing any of the firm's clients who are later discovered to have funds that should be held in the firm's trust account which are currently not accounted for.
2. The Board relied upon Discipline of Light, 2000 S.D. 100, 615 N.W.2d 164 and the unpublished Judgments of Censure issued to Mary Ash and Mark Welter both dated March 9, 2022 as having precedential value for their recommendation.
3. That McClure reimburse the State Bar of South Dakota for its expenses in investigating and prosecuting this matter as permitted under SDCL 16-19-70.2.

Dated this 14th day of October, 2025.

STATE BAR OF SOUTH DAKOTA
DISCIPLINARY BOARD
James S. Simko, Chair

By: Thomas H. Frieberg
Thomas H. Frieberg, Counsel

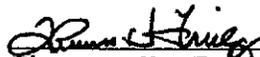
CERTIFICATE OF SERVICE

The undersigned certifies that the Findings of Fact, Conclusions of Law, Recommendation & Formal Accusation was served on the 14th day of October, 2025, by sending a copy thereof, by certified mail, return receipt requested, to McClure at the following address:

Personal & Confidential

Mr. Chris McClure
Attorney at Law
102 N. Krohn Place, Ste. 201
Sioux Falls, SD 57101

Dated this 14th day of October, 2025.



Thomas H. Frieberg