

State Bar of South Dakota NEWSLETTER

FEBRUARY
2023

PRESIDENT'S CORNER

Lisa K. Marso Pg. 4

YOUNG LAWYERS NEWS

Anthony P. Sutton Pg. 7

DEAN'S LIST: NEWS FROM THE LAW SCHOOL

Neil Fulton Pg. 11



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West River Area:

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**More information
found on page 38**

State Bar of South Dakota

February 2023 *Newsletter* Issue 2

4 President's Corner
Lisa K. Marso

7 Young Lawyers News
Anthony P. Sutton

11 Dean's List: News From the Law School
Neil Fulton

24 Are Impaired Lawyers Insurable?
ALPS Risk Manager Mark Bassingthwaight

9 Fellows of the South Dakota Bar Foundation

13 A2J Superheroes

14 General Announcements

23 Diversity and Inclusion Nomination Form

26 Public Sector Section Attorney of the Year Nominations

28 Press Release - U.S. Bankruptcy Judge Laura Kulm Ask

31 Certificate of Compliance

36 Committee Appointments Survey

38 State Bar of South Dakota Association Healthcare Plan Information

53 Memoriam

57 December SD Bar Foundation Meeting Minutes

60 Notice of February 2023 Rules Hearing

72 Recently Adopted Supreme Court Rule 23-01

75 Career Center

84 Upcoming Events



P R E S I D E N T ' S C O R N E R

Lisa K. Marso

The 98th South Dakota Legislative Session is well underway. This year, our State Bar Association has nine members serving in the 2023 Legislature. All truly are public servants putting aside their practices to serve. This month I take a moment to spotlight all nine and share with you what public service means to them.

Michael Diedrich (Senate): Mike was born and raised in Rapid City. He earned his Bachelor and Juris Doctorate degrees from the University of South Dakota. He also earned a Master's degree in Public Administration from the Harvard University Kennedy School of Government and a LLM Master of Laws degree in Health Law from Loyola University School of Law, Chicago. Mike has over 30 years of experience leading corporate and government legal departments and is currently VP of Governmental Affairs for Monument Health. In the Senate, he is the Assistant Majority Leader. Mike notes that public service is an obligation and a privilege for all of us as innate in who we are, but also required by our Rules of Professional Conduct that set forth principles of public service by requiring attorneys to provide services without fee to persons of limited means and charitable and other organizations addressing the needs of such persons. Mike also notes that attorneys have the responsibility to provide service to organizations seeking to secure or protect civil rights and liberties. His serving in the Legislature is one way he gives back by participating in activities for improving the law, the legal system, and the legal profession.

Jon Hansen (House): Jon earned his undergraduate degrees in Business Administration and Business Management from Southeast Technical Institute and the University of Sioux Falls, respectively. His law degree from the University of South Dakota followed. Jon has practiced civil law in both Sioux Falls and Dell Rapids, with the services he provides in a wide variety of areas such as business, estate planning, and real estate. Jon particularly finds that with public service comes the opportunity to help uphold the values and cherished institutions that have been passed on to us from great generations of South Dakotans: things like family, faith, small town living, communities who care for their friends, and neighbors, fiscal responsibility, and conservative South Dakota values.

Will Mortenson (House): Will grew up in Fort Pierre and now practices law two blocks from his elementary school in Fort Pierre. He graduated with his Bachelor's degree from the University of South Dakota and then with his law degree from the University of Virginia School of Law. He now pursues agriculture, real estate, and estate-probate practice, in addition to working as a cow hand on the family cow-calf operation. Will is the Majority Leader of the House. He believes attorneys have a special duty to the law - to make it fair, clear, and workable and he, along with his group of attorneys serving in the Legislature, strive to live up to that duty.

Scott Odenbach (House): Scott is a 5th generation South Dakotan who grew up in Eureka. He received his undergraduate degree from South Dakota State University in 1995 and then his law degree from the University of South Dakota in 2001. Since 2006, Scott has practiced law in Spearfish, focusing on real estate, business, elder law, and estate planning. Scott notes that public service is essential “because we live in a country with a government ‘of the people, by the people and for the people,’ and it is up to each of us to decide how we can best use our God-given talents to serve our fellow citizens.”

Lee Schoenbeck (Senate): Webster, SD is where Lee grew up. He graduated from Augustana College in 1980 and then from USD Law School in 1984. In 1984, Lee went back home to Webster, hung out his shingle, and practiced there until he moved to Watertown in 2000. Lee’s practice areas include personal injury and insurance litigation. Lee currently is the President Pro Tempore for the Senate. Lee loves serving our citizens in Pierre and using his lawyerly talents to try and solve the challenges South Dakotans face. He is grateful for being able to serve the public as an attorney, intern, or Legislator for six decades. Reflecting that the challenges never go away, he encourages his colleagues to step up and serve in our Legislature.

Bethany Soye (House): Bethany was born in Chadron, Nebraska, but now calls Minnehaha County home. She obtained a Business Administration BS degree from North Central University in 2013, and then both her JD degree and a Public Policy Master’s degree from William and Mary in 2017. She is a financial compliance attorney at MetaBank. Public service has long been a part of Bethany’s history—she worked as a legal intern in the United States Department of Justice, as a law clerk in Senator Ted Cruz’s office, as a judicial extern for the Supreme Court of Virginia, and in the National Center for State Courts.

Mike Stevens (House): Mike has long been a part of the Yankton, SD, community and is committed to service. After receiving his undergraduate degree from Bethel University and his law degree

from the University of South Dakota, Mike began his law practice in Yankton with John Blackburn, where he has been since 1976 with a varied law practice including litigation, trusts/estates, real estate, and business law. For over 22 years, Mike served on the Yankton School Board before being elected to the South Dakota Legislature. Mike is now in his 9th and 10th year in the House. He is the House Speaker Pro Tempore. He believes every attorney has a duty to serve our communities regardless of what capacity, and reminds us that our legal training makes us well-equipped to be valuable public servants.

Tony Venhuizen (House): Tony is serving in his first term in the House, representing District 13 (southeast Sioux Falls). He grew up in Armour, earned his Bachelor’s degree in history and political science at South Dakota State University, and then his law degree at USD School of Law. After a clerkship, Tony has spent most of his career in the Governor’s Office, where he served for ten years (including stints as Chief of Staff for Gov. Dugaard and Gov. Noem). He also served seven years on the Board of Regents. Tony now practices law in Sioux Falls, focusing on trust law. He believes South Dakota is a great State in that we have a part-time, citizen Legislature which creates opportunities for those who have the ability to serve in the Legislature to do so. After asking others through the years to serve, Tony reached a point in his life where he can do so, and he, too, encourages fellow attorneys to do the same.

David Wheeler (Senate): David hails from Huron. He earned his Bachelor of Arts degree in political science in 2002 from the University of South Dakota. After that, he earned his joint JD/MPA in 2005 from USD Law School. David’s ties to Huron took him back to clerk for the Third Judicial Circuit Court, and he has since practiced law in Huron. His practice includes family, criminal, and bankruptcy work and other areas. David is the Senate’s Majority Whip. He understands the importance of public service as a lawyer, reminding us that public service is “important because democracy cannot thrive without dedicated leaders who strive to do what is right.”

As we all know, attorney Legislators are away from their friends and family and work/clients for these Legislative months as well as throughout the year for meetings. Please take a moment to let them know of your gratitude for their public service and sacrifice.

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Scott.Odenbach@sdlegislature.gov
Lee.Schoenbeck@sdlegislature.gov
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Mike.Stevens@sdlegislature.gov
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**CONGRATULATIONS TO TOM WELK
ON YOUR RETIREMENT**

On December 31, 2022, Thomas J. Welk retired from Boyce Law Firm, LLP to conclude his 47-year law career (Boyce Law Firm 1979-2022 and SD Attorney General's Office 1975-1979). We thank him for his partnership, mentorship, friendship, and superior legal expertise he provided to clients. We also thank him for his service to the State Bar, serving as State Bar President (2004-2005) and as a member of the Disciplinary Board and the Judicial Qualifications Committee, and as a commissioner on the Commission on Equal Access to Our Courts, among other committees and organizations.

Notably, through Tom's leadership, the Trial Academy and the Knudson School of Law's South Dakota Practice Course were created and continues to thrive. Tom also served as a champion for funding of legal aid. All the best to Tom and wife Terry as they continue to enjoy spending time with their children, grandchildren, and friends. We also wish him wonderful times of traveling, golfing, reading and leading in new ways.

Your Partners and Friends at Boyce Law Firm, LLP

State Bar of South Dakota YOUNG LAWYER SECTION



Anthony Sutton
YLS President

As I mentioned in the January Newsletter, 2023 will be a busy year for the Young Lawyers Section and it presents several opportunities for involvement. An upcoming opportunity is the annual Young Lawyer's Bootcamp on Friday, February 24, 2023. We are excited for this year's presenters, agenda, and topics.

All members of the Young Lawyers Section are welcome and invited to attend the Bootcamp. You may be a member and not know it! At this time, members include individuals that are 36 years old or younger or individuals admitted to practice law in South Dakota within the last 10 years, whichever time comes later. Attendees have the option of attending in Rapid City or in Sioux Falls. Virtual attendance is also available, if noted in your RSVP.

To RSVP for a Bootcamp, please email:

- For Rapid City: Katie Cook, katie@gpna.com
- For Sioux Falls: Brooke Schmidt, bschmidt@dehs.com

Here is the agenda and topics for this year's Bootcamps:

Young Lawyers Section's 2023 Bootcamp Friday, February 24, 2023

9:00-9:15: Registration
9:15-9:20: Welcome
9:20-10:05: Legal MythBusters: Starting a Career in Bankruptcy Law

10:05-10:50: Non-Compete Clauses: Transactional & Litigation Considerations
10:50-11:00: #Fit2PracticeSD- The Importance of Community
11:00-11:10: Break
11:10-11:55: Secondary Trauma Experienced by Lawyers

Lunch (Provided)

12:00-12:55: Judges Panel: Trial Presentation Tips, Judicial Qualifications Commission, & Experiences from the Bench
12:45-12:55: Registration
12:55-1:00: Welcome
1:00-1:45: Mediation 101
1:45-2:00: South Dakota Bar Foundation
2:00-2:45: Workplace Culture & Legal Ethics: Unique Challenges in a Lawyer's Workplace
2:45-2:55: #Fit2PracticeSD- Mentorship & Opportunities
2:55-3:00: Break
3:00-3:45: Setting Client Boundaries & Managing Expectations
3:45-4:20: Lawyers in the Community Panel: Different Roles Lawyers Play in the Community & Tips for Success

* * * * *

The Young Lawyers Section would like to say thank you to our generous lunch sponsors:



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We hope to see you at this event! Feel free to contact anyone on the YLS Board with questions:

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7th Circuit Rep.	Katie Cook	katie@gpna.com
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DEAN'S LIST : NEWS FROM THE LAW SCHOOL



You may have recently seen the news about the US News law school rankings. Led by Yale, a growing group of law schools have publicly withdrawn from the process of providing internal data for the rankings. This has set off a wave of uncertainty and debate about the future and value of the rankings. US News responded by saying that it would continue to rank all schools, but for those who do not provide data, it would rely on publicly available information like class composition, LSAT score, undergraduate grade point average, bar passage, and employment rates. In the face of this reshuffling, I hope a short discussion of the rankings is interesting.

The Law School is not withdrawing from the rankings this year. Our place in the rankings is fairly static, given the weight they currently place on certain criteria largely beyond our control. We also do not find the rankings to be a key driver for students choosing the Law School. Location, value, community size, and connections are more important factors. Additionally, the rankings get more discussion than they deserve for many law schools. Given how they try to treat law schools as more similar than different, to draw impossibly fine distinctions, and suggest an objectivity that is not real, the rankings can create more confusion than clarity. I consistently tell applicants that they should look more closely at location, class offerings, cost, and their comfort with the community than at rankings. Nevertheless, some understanding of how the rankings work and may change is beneficial.

US News currently bases the rankings on several criteria. It devotes 40% of the weight to “quality assessment.” Vague on its face, that category gains no clarity when

you understand that it relies on voluntary rankings by lawyers, judges, and law school peers. Law schools solicit favorable rankings from their friends, and most evaluations are poorly informed. When you understand that almost half of the ranking depends on something like a Yelp review for law schools, you begin to see that claims of reliability and objectivity are pretty weak.

The next largest category, getting 26% of the ranking weight, is student outcomes like bar passage, employment rates ten months after graduation, and the number of graduates with and amount of student debt. These are publicly available numbers that are helpful to students. However, it is unclear what value is added by rolling them into some ranking formula.

Student selectivity gets 21% of the ranking weight. This includes median LSAT, median undergraduate GPA, and acceptance rate of applicants. These are also publicly available numbers that students can look at. Placing them in the ranking formula can make them muddled and misleading. Saying that a public institution like the Law School is somehow “worse” than a private school that has higher selectivity ignores the reality that we have different missions and serve different communities. It is helpful for students to be able to assess their likelihood of admission based on objective criteria; it is misleading and harmful to create a perception that a more selective school is “better” across the board. The reality is that different law schools may be better or worse places for different students.

Lastly, US News gives 13% of its formula weight to “resources.” That category includes student faculty

ratios and financial aid, but gives most of its weight to per student expenditure. In other words, the more you spend per student, the higher you rank. This is an obvious advantage for wealthy schools. It also creates a perverse incentive to spend heavily rather than strategically. The Law School provides great value by providing students with low tuition, low cost of living, and increasing scholarship support. But all the rankings see is that we don't spend as much per student as richer schools, even some regional private schools. This is a major flaw.

In response to the withdrawal of almost thirty schools and counting, US News is changing the ranking criteria. Exactly how remains to be seen, and US News has provided limited detail. It does appear likely that per student expenditures will no longer be considered. The weight given to other factors is yet to be determined. Suffice it to say that future rankings are rife with uncertainty and volatility.

What does all this mean for the Law School? First, in my opinion, it continues to mean that nobody should put too much weight on rankings. The Law School ranks ahead of most of its regional peers. We rank #1 on value and in the top third of advocacy programs. Despite that, I tell applicants to look beyond rankings to more objective information and what they want from their legal education, not what US News says they should want. The rankings are a Procrustean bed that simply

doesn't reflect the various missions, strengths, and weaknesses of law schools across the country. Second, we should and will continue to make decisions at the law school based on what most efficiently and effectively provides the best opportunity for our students. Some schools game the rankings and make decisions based on rankings' impact. The Law School has not done that, and I don't plan to do so in the future. The Law School needs to do what is best, not what may score the best. Lastly, we must continue working with those who find ways to provide students with useful information about their law school choices. Law School Transparency does an excellent job of providing students with objective information. AccessLex increasingly helps students assess the cost and return on investment of law school. The annual disclosures required by the ABA are consistent and relatively clear. We will continue to point applicants to these other means to assess their choice.

Where to attend law school is a difficult and important choice for students. The existing rankings can be more confusing than helpful, but they exist. I am hopeful that we are seeing the beginning of significant change and deemphasis of them. In the meantime, the Law School knows its identity, communicates that clearly to applicants, and delivers on our promise to the students who matriculate here. That reality is more important and more sustainable than any place or movement in the rankings by US News or others.



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Please send a message to access.to.justice@sdbar.net

ANNOUNCEMENTS

Effective December 1, 2022
Jane Farrell started her own law firm

Farrell Law Firm, P.L.L.C.

Farrell Law Firm, P.L.L.C.
PO Box 997
441 N. River St.
Hot Springs, SD 57747

Telephone: (605) 745-5263

Email: janefarrelllaw@gmail.com

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

Sam Denevan
has become associated with the firm.

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

Telephone: (605) 275-5665

Email: sam@legacylawfirmnpc.com
www.legacylawfirmnpc.com

Effective February 1, 2023

Schlimgen Law Firm
will be moving to a new location!

Schlimgen Law Firm
611 Dahl Road, Suite 1
Spearfish, SD 57783

Telephone: (605) 340-1340
Facsimile: (605) 340-1420

Email: eric@schlimgenlawfirm.com

Schlimgen Law Firm
is thrilled to announce that

Spencer Prosen
has joined the firm as an associate attorney.

Schlimgen Law Firm
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Spearfish, SD 57783

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Facsimile: (605) 340-1420

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Richardson, Wyly, Wise, Sauck & Hieb, LLP
is pleased to announce that

Brianna J. Haugen

has joined their firm as an associate
effective January 1, 2023.

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Email: bhaugen@rwwsh.com

Richardson, Wyly, Wise, Sauck & Hieb, LLP
is pleased to announce that

Christi M. Weideman

has become a partner in the firm
effective January 1, 2023.

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Bantz, Gosch & Cremer, L.L.C.
is pleased to announce that

John M. Noyes

has joined their firm as an associate attorney.

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Aberdeen, SD 57402-970

Telephone: (605) 225-2232
Facsimile: (605) 225-2497

Email: jnoyes@bantzl原因.com

Bangs, McCullen, Butler, Foye & Simmons, L.L.P.
is pleased to announce that

Laura E. Hauser

became a partner on January 1, 2023.

Bangs, McCullen, Butler, Foye & Simmons, L.L.P.
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Facsimile: (605) 343-1503

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Effective February 20, 2023

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On Campus Interviews

which will take place February 2-3 and March 2-3.

Please register here.

If you have any questions, contact Career Services at Teramie.Hill@usd.edu.

Young Lawyers Section's 2023 Bootcamp

Friday, February 24, 2023



Agenda

- 9:00-9:15: Registration
9:15-9:20: Welcome
9:20-10:05: Legal MythBusters: Starting a Career in Bankruptcy Law
10:05-10:50: Non-Compete Clauses: Transactional & Litigation Considerations
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11:10-11:55: Secondary Trauma Experienced by Lawyers

Lunch (Provided)

- 12:00-12:55: Judges Panel: Trial Presentation Tips, Judicial Qualifications Commission, & Experiences from the Bench
12:45-12:55: Registration
12:55-1:00: Welcome
1:00-1:45: Mediation 101
1:45-2:00: South Dakota Bar Foundation
2:00-2:45: Workplace Culture & Legal Ethics: Unique Challenges in a Lawyer's Workplace
2:45-2:55: #Fit2PracticeSD- Mentorship & Opportunities
2:55-3:00: Break
3:00-3:45: Setting Client Boundaries & Managing Expectations
3:45-4:20: Lawyers in the Community Panel: Different Roles Lawyers Play in the Community & Tips for Success

Circuit Mixer to Follow CLE – All Attorneys are Invited!

RSVP to Attend Bootcamp:

Sioux Falls RSVP to Brooke Schmidt, bschmidt@dehs.com
Rapid City RSVP to Katie Cook, katie@gpna.com

*Virtual attendance is available. Please note this preference in your RSVP.

Location of In-Person Bootcamp:

Sioux Falls Location: Lumber Exchange Building, 101 S. Reid Street
Rapid City Location: Pennington County EOC Room, 130 Kansas City Street, #130A, Rapid City, SD 57701

Strate Bar of South Dakota CLE, Inc. Presents:

Strategic and Practical Tips for Appearing Before Agencies and Elected Boards

A conversation about communicating with administrative boards and elected bodies and making strategic decisions to present the matter and persuade the decision-makers. We hope participants will: (1) gain practical ideas for preparing for, appearing before, and appealing the decisions of administrative agencies and elected boards, and (2) gain insight from the speakers' experiences and observations in order to make the best strategic decisions and get the best result for your client.

Presenters:

Jason Sutton &
Jay Alderman

Webinar
Thursday
February 16, 2023

12:30 PM -
1:30 PM CST

A photograph of three business professionals, two men and one woman, all smiling and dressed in business suits. They are standing in front of a brick wall. The man on the left is holding a laptop. The woman on the right is partially visible.

[Register Here](#)



| MOOT COURT BOARD

January 13, 2023

To whom it may concern,

My name is Sydney Boots, and I am the Vice President of the Moot Court Board at the University of South Dakota Knudson School of Law. On behalf of the Board, I warmly invite you to judge the 2023 Sam Masten Intramural Moot Court Tournament. The Tournament offers first-year students the opportunity to present oral arguments to a panel of judges and develop their advocacy skills. The Tournament will be hosted in person at the Knudson School of Law in Vermillion, South Dakota.

The tournament will be held on the following dates:

- **Friday, March 3rd — 3:00 - 7:00pm;**
- **Saturday, March 4th — 8:00am - 4:00pm;**
- **Monday, March 6th — 2:30 - 5:30pm;**

The dates have time ranges, so please feel free to volunteer for what works best for you. Additionally, please pass this invitation to anyone at your firm or organization who may be interested in helping.

The final round will be held on **Thursday, March 9th, at 1:00 p.m.** While we are not requesting judges for this round, we extend an invitation to observe the final round.

To volunteer or request additional information please contact myself or Connor McCormick at:

- sydney.boots@coyotes.usd.edu, or
- connor.mccormick@coyotes.usd.edu.

We look forward to hearing from you.

Respectfully,

A handwritten signature in black ink that reads 'Sydney P. Boots'.

Sydney Boots
Juris Doctor Candidate, 2023

PUBLIC SERVANT SPOTLIGHT

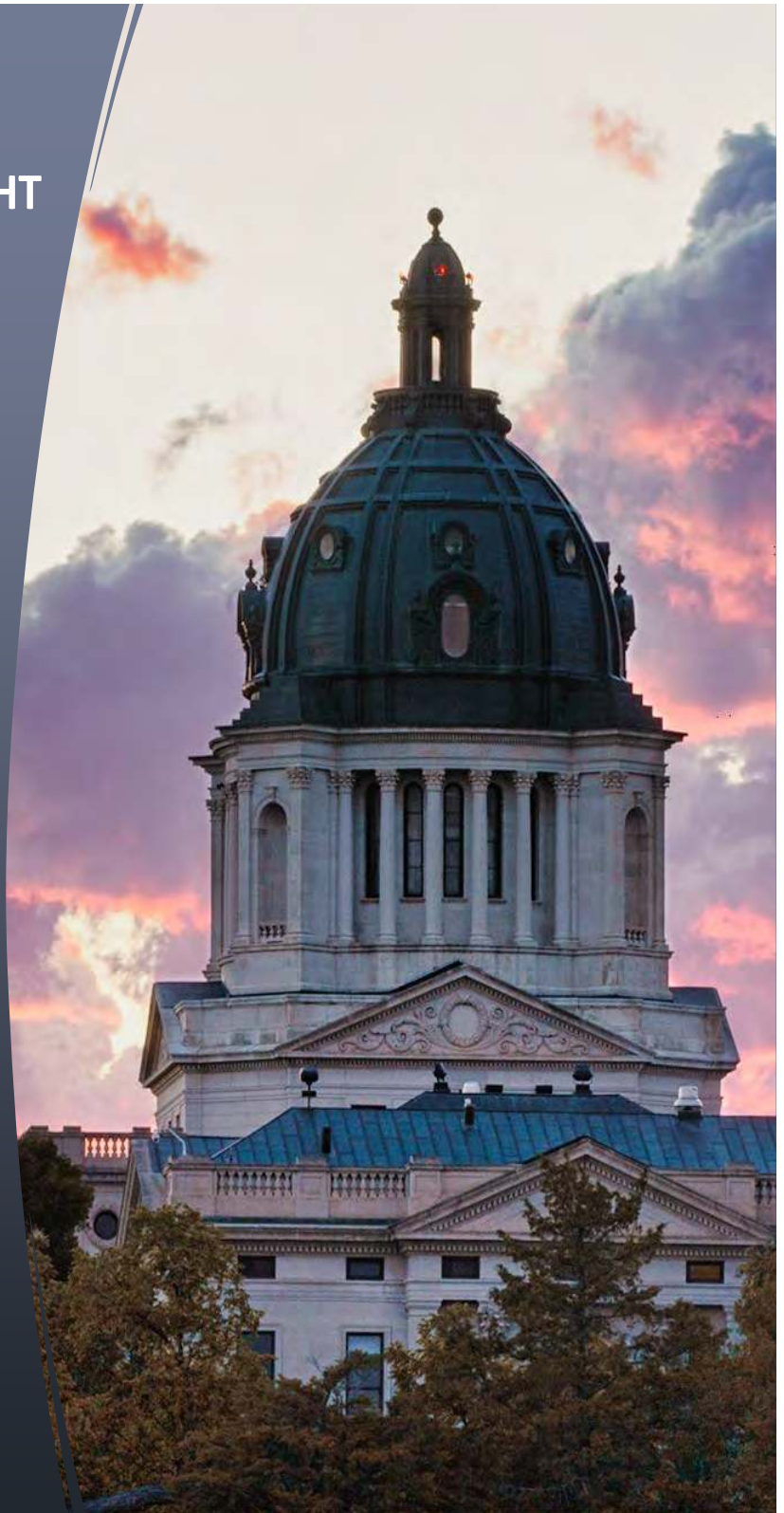
featuring

Marty Jackley

The Public Sector Section and the Administrative Law Committee invite you to join us on February 23rd at 2:00 p.m., CT, via Zoom:

<https://us02web.zoom.us/j/84364712426?pwd=aEJ4SkREZlI3czlvRWWhyUnZ4VEI1Zz09>

Attorney General Marty Jackley has agreed to visit with us and share his legal experiences. This is a presentation that you won't want to miss!



3rd Annual Diversity and Inclusion Award

Sponsored by: The Lawyers Committee on Diversity and Inclusion

On behalf of the State Bar of South Dakota's Lawyer's Committee on Diversity and Inclusion (LCDI), nominations are being sought for the 3rd annual Diversity and Inclusion Award.

Purpose

The Diversity and Inclusion Award serves to recognize members of the State Bar of South Dakota who actively promote diversity and inclusion in the legal profession. Recipients of the award contribute to and enhance the environment of inclusion in the legal profession, particularly in South Dakota.

Eligibility Criteria

To be eligible to receive the Diversity and Inclusion Award, an individual must be a member in good standing of the State Bar of South Dakota and must demonstrate an exceptional understanding of diversity and inclusion beyond the call of duty as represented by the following criteria:

- Enhances inclusion through positive communication between persons of different backgrounds
- Demonstrates a commitment to the values of diversity and inclusion through documented efforts that are above and beyond the routine expectations
- Develops innovative methods for increasing and valuing diversity through wide-ranging activities
- Demonstrates outstanding efforts to promote an environment free from bias and discrimination
- Organizes, creates, and facilitates various professional or community events promoting diversity, respect, and inclusion
- Shows efforts to recruit and retain individuals who increase the diversity of the State Bar of South Dakota
- Promotes the sponsorship of, or active participation in, programs, initiatives, or projects in the area of diversity and inclusion

Nomination Criteria

Individuals may nominate a member of the State Bar of South Dakota by submitting a Nomination Form. Completed Nomination Forms, and attachments thereto, may be emailed to access.to.justice@sdbar.net or mailed to:

Diversity & Inclusion Award Committee
C/O Access to Justice, Inc.
111 W. Capitol Ave. #1
Pierre, SD 57501

Deadline: Nominations must be received by **Friday, March 31, 2023.**

For further information, please contact Denise Langley, Access to Justice, Inc., at access.to.justice@sdbar.net or by phone at 855-287-3510.

Nomination Process and Presentation of Award

Every year in the spring, the Lawyers Committee on Diversity and Inclusion (LCDI) will publish an invitation in the South Dakota State Bar Newsletter soliciting nominations for the Award. To be considered, nominations must be received by LCDI no later than March 31st. Each nomination should include a brief synopsis of the nominee's commitment to diversity, inclusion, and equal participation in the legal profession. Each nominee's materials will then be reviewed by a subcommittee of the LCDI. The LCDI will then, by a majority vote, select one or more recipients who best exemplify the eligibility criteria. All recipients of the Award will be notified no later than May. The Award will be presented on Thursday, June 22, 2023, during the Bench-Bar social event that will be held as part of the annual State Bar convention in June.

**2023 Diversity and Inclusion Award
Nomination Form**

1. Nominee Information

Name: _____

Address: _____

Phone: _____ Email: _____

2. Nominator's Information:

Name: _____

Address: _____

Phone: _____ Email: _____

How do you know the Nominee: _____

3. Synopsis

A one-page synopsis must be attached to this nomination form. The synopsis should clearly identify the qualifications & attributes of the nominee.

Completed nomination forms, and attachments thereto, are to be emailed to:

access.to.justice@sdbar.net

Or mailed to:

Diversity & Inclusion Award Committee
C/O Access to Justice, Inc.
111 W. Capitol Ave. #1
Pierre, SD 57501

Deadline: Nominations must be received by Friday, March 31, 2023.



Multiple lawyers and firms have reached out to me over the years, each concerned about impairment and wanting to discuss their options. In light of these conversations, and with a desire to put one significant misconception to rest, I have asked and answered several questions as a way to share what my response has been.

What is your definition of the phrase “lawyer impairment” and why is this definition important?

While I often define this phrase quite broadly, for the purposes of this article I am going to narrow it slightly. Lawyer impairment can encompass impairments that to varying degrees our society tends to stigmatize such as mental illness and chemical dependency. Lawyer impairment also includes long-term disabilities that can arise out of an accident or illness, or a terminal illness, for example, cancer.

This definition of lawyer impairment is important because any one of us can become impaired and we need to be more open and proactive about addressing impairment when it arises. The longer an impairment remains unaddressed, the more severe the impairment or its consequences can become.

Lawyers struggling with a mental health impairment are often quite resistant to seeking help due to a fear of being viewed as weak, crazy, or even dangerous; as unable to cut it as a lawyer; as different because there’s

something wrong with them; or of being told that their problem is self-inflicted so they should just get over it. Those struggling with a chemical dependency face similar fears.

Those suddenly dealing with a disability or terminal illness sometimes hide the truth due to embarrassment; a belief that they have let others down and will be viewed as such; and a fear that they may no longer be competent or will be viewed as incapable.

When all of this is considered in the context of impact on livelihood, such feelings and fears can be a substantial roadblock to dealing with an impairment in a healthy way. It doesn’t be this way.

Okay, so what is the significant misconception?

The one significant misconception is that there will be some type of negative repercussion if a firm’s malpractice insurer somehow learns that one of its lawyers is impaired. Worries include being charged higher premiums, being denied continuous coverage, having someone forced into quitting the practice of law, being told how the firm must manage the situation in order to remain insurable, and the list goes on. The overriding concern is one of insurability.

Here’s the reality. There is no truth to any of this. Malpractice insurance applications don’t ask firms to disclose the number of firm attorneys who are currently struggling with depression, being treated for a terminal illness, or have an opioid addiction. The fact that one or more firm attorneys may have an impairment in and of itself doesn’t matter. Should an insurer come to learn of an impairment, perhaps in the process of handling a claim, the concern will be whether the impairment is being responsibly addressed.

Think about it this way. There’s a huge difference between a lawyer who refuses to acknowledge he is an alcoholic and a lawyer who recognizes that a drinking problem exists and seeks appropriate help. Life happens, and insurers understand that. It’s the fallout of failing to appropriately address the issues that can result in adverse consequences with your insurance coverage, not the impairment itself.

Look at it from an insurer’s perspective. Which firm would you rather insure: 1) a firm that has a culture of

zero tolerance for even acknowledging that someone might be impaired, or 2) a firm that recognizes life happens and is culturally supportive of whoever might be dealing with an impairment?

I assure you the zero-tolerance firm is a much higher risk. Denial, intentional ignorance, and intolerance create conditions that allow potential problems to fester and multiply. That's high risk. Openness, empathy, and support leads to the exact opposite outcome. This is a far more acceptable risk.

Insurers are in the business of evaluating risk and you are in control of what that risk looks like. Stated another way, individuals and even firms are not always defined by the circumstances they find themselves in. They are more often defined by how they respond to the situation. Again, life happens. Rise to the occasion.

With this misconception put to rest, do you have any practical advice to share about dealing with an impairment?

Here is a little practical advice for dealing with an impairment:

1) Failing to deal with an impairment individually and as a firm has consequences. Should the legal interests of clients be adversely affected as a result, malpractice claims and disciplinary complaints may not be far behind. In light of this, my best advice is to do all you can to create an environment that seeks to prevent such a thing from ever happening. If not already in place, a firm culture that prioritizes well-being would be a great place to start.

2) In order for an individual to responsibly address an impairment, recognize that some type of temporary or permanent transition may need to take place. As a firm, do everything you can to identify and work through

the transition issues together. This is a time when the efforts of a team can make a huge difference for all involved. Issues to consider might include workload, file review, schedule changes, role changes, file handoffs, client contact, client introductions, conditions of remaining with the firm, conditions of returning to the firm after an extended absence, capturing any intellectual capital before the opportunity is lost, impact on the impaired attorney's income, necessary workplace accommodations, and the list goes on. A solo practitioner should work with a trusted colleague on many of these same issues.

3) Should you ever find yourself having to accept the reality that you have an impairment, don't try to go it alone. Reach out to and rely upon your personal support systems. Allow spouses, friends, family members, colleagues, and the like to be there for you. Be open to accepting their support, respect, and care. Your journey will be all the better for it.

Any parting words of wisdom?

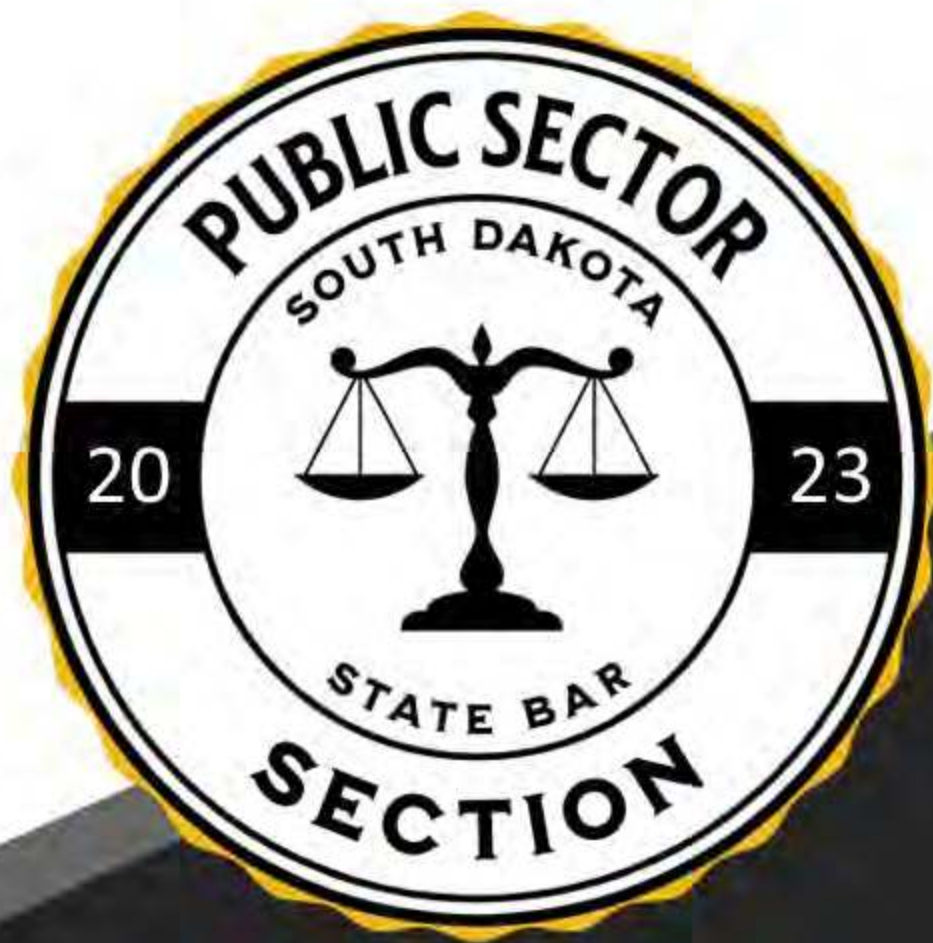
A misconception that needlessly creates risk by preventing someone from prioritizing their health is a misconception that must be dispelled. My hope is that by correcting the record, this will lead to different and better choices. Individuals who might have been reluctant to seek treatment may feel more inclined to do so. Firms that have been unwilling or unable to acknowledge that their lawyers and staff do struggle with serious problems at times may now be more open to taking both proactive and responsive actions.

Lawyers and firms have wide latitude in how impairment can be addressed. Just know that it starts with 1) recognizing that impairments are common and 2) understanding that no one should have to work through the challenges of personal impairment alone.



Authored by: Mark Bassingthwaighe, Risk Manager

Since 1998, Mark Bassingthwaighe, Esq. has been a Risk Manager with ALPS, an attorney's professional liability insurance carrier. In his tenure with the company, Mr. Bassingthwaighe 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. Bassingthwaighe 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.



ATTORNEY OF THE YEAR

PURPOSE

- The Public Sector Attorney of the Year Award recognizes the public servants of the State Bar of South Dakota who have had a distinct impact on the law, governmental entities, or the legal profession in South Dakota in the past year.

ELIGIBILITY

- An individual must be a member in good standing of the State Bar of South Dakota.

NOMINATIONS

- Nominations and any supporting materials (i.e., letters) should be submitted to Public Sector President Kristen Edwards (Kristen.Edwards@state.sd.us) no later than April 28, 2023. At a minimum, each nomination should include a brief synopsis of the impact made by the nominee on the law, governmental entities, or the legal profession in South Dakota during the past year. The criteria for this award are intentionally broad. The attorney's credentials aren't the focus here; we're most interested in what they did in the past year to leave a mark. Materials received on behalf of a nominee will be reviewed by a subcommittee of the Public Sector Section and an award recipient will be chosen.
- The award recipient will be announced at the June 2023 Bar Convention and in the State Bar Newsletter.



SDVOICES FOR PEACE

We provide the state's only
FREE immigration legal services to
children in immigration court and victims
of violent crimes which take place in the
United States.

If you know of a child under 18 years old
who recently came to the United States
without a parent OR

A migrant who is a victim of a crime that
took place in the United States, please call
our office at **605.782.9560**
or email us at

info@southdakotavoicesforpeace.org

Spanish language access is available.

*SDVFP is a 501(c)(3) nonprofit and all donations are tax deductible
EIN# 82-3171574 www.sdvfpeace.org

PRESS RELEASE

Chief Judge Lavenski R. Smith of the United States Court of Appeals for the Eighth Circuit recently announced that the court has appointed Laura Lynn Kulm Ask as a United States Bankruptcy Judge for the District of South Dakota. Judge Kulm Ask will succeed Judge Charles L. Nail, Jr. upon his retirement. Her chambers will be in Sioux Falls, South Dakota.

Prior to taking the bench, Laura was a partner at the law firm of Gerry & Kulm Ask, Prof. LLC in Sioux Falls, South Dakota, where she practiced in the areas of bankruptcy, debtor-creditor rights, corporate law, and estate planning.

Laura has practiced bankruptcy law for almost twenty years. She has served on multiple committees including the District of South Dakota's Federal Practice Committee, the South Dakota Local Bankruptcy Rules Committee, and the South Dakota State Bar Debtor/Creditor Committee. She has written articles that were published in South Dakota State Bar newsletters on bankruptcy changes and she sat on sub-committees that reviewed statutes and proposed legislation to recommend revisions or changes. Laura participated in creating a bankruptcy video, *Bankruptcy Matters*, which was circulated by the South Dakota State Bar to entice young practitioners to start a career in bankruptcy law, and she has presented at several continuing legal education seminars on bankruptcy topics and changes over the years on multiple platforms. Laura has volunteered at legal clinics for veterans, provided pro bono or reduced rate legal services independently and through Access to Justice and East River Legal Services, and has volunteered numerous hours to other charities and organizations.

Laura was born and raised on a family farm located near Selby, South Dakota, which is still owned by her parents, Ralph and Patricia Kulm. She received her bachelor of science degree from the University of South Dakota and her juris doctorate degree from the University of South Dakota School of Law. She and her husband, LeRoy, and their three children, Ashley, Hayden, and Julia live on an acreage near Brandon, South Dakota.

Attorney Health & Wellness Resources

It's okay to ask for help

A CONFIDENTIAL
LAWYERS CONCERNED FOR LAWYERS
INDEPENDENT RESOURCE

(605) 391-5191

rebecca.porter@sdlawyersconcerned.org

FREE & CONFIDENTIAL
SANDCREEK EAP
AVAILABLE 24/7

URGENT MEMO

THE

Certificate of *Compliance*

WAS DUE ON JANUARY 31ST.

IF YOU HAVE NOT SENT THIS IN,
PLEASE DO SO NOW! THIS CAN
BE EMAILED TO:

KYLEE.HOFFMAN@SDBAR.NET



CERTIFICATE OF COMPLIANCE

INSTRUCTIONS

The certificate of compliance for the year 2022 must be submitted to the State Bar of South Dakota by **January 31, 2023**.

IMPORTANT INFORMATION concerning compliance with trust accounting records and procedures, including the reporting form, appear immediately following this notice. All attorneys who were **ACTIVE members of the State Bar of South Dakota in 2022 must file the compliance form** with the State Bar no later than January 31, 2023. **This rule includes retired lawyers, lawyers engaged in teaching, banking, insurance, full-time government employees, etc.** This reporting requirement does NOT include those who were inactive lawyers in 2022, nor does it include Judges (Federal or Unified Judicial System) who are full time and did not have private clients.

Andrew L. Fergel
Secretary-Treasurer

TRUST ACCOUNT COMPLIANCE FORM INSTRUCTIONS

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

- 1 - check (a), (b), or (c) if applicable
- 2 - self explanatory (usually appropriate for inactive or retired members)
- 3 - self explanatory (usually exclusive or full-time corporate, legal aid, or public sector lawyer. Please identify the employer.)
- 3(a)- self explanatory (usually appropriate for part-time Bankruptcy trustees)
- 4 - self explanatory (usually appropriate for the employee or associate of a law firm who does not have trust account writing authority.) At this point, inactive, retired, full-time corporate, legal aid, or public sector lawyers, and associates without trust account check writing authority may sign the form and stop.

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

- 5 - state the name, address, and account number of trust account financial institution
- 6 - the blanks should be completed with the most recent monthly trust account reconciliation.

Keep in mind monthly reconciliations are required. For example, if this form were completed on 12-15-10, you would insert the closing date of the most recent bank statement (i.e. 11-30-10).

6(a)-(h), and 7 - type or print yes or no in space provided. If you can answer "yes" to each of these questions, you are in compliance with Supreme Court Rule 91-10. If you must answer any of these in the negative, you need to make changes in your trust accounting system. A negative answer will result in further inquiry.

8 - This question merely requires you to confirm that a monthly reconciliation was performed and if there were errors/inconsistencies in the reconciliation, to explain the same. I remind you that the effective date of this rule was July 1, 1991. It is not too late to perform the monthly reconciliations from and after July 1, 1991, through the date of completion of this form; however, monthly reconciliations must be performed prospectively.

I have heard from a number of lawyers who have said that their trust account has an odd amount, such as \$4.54, which has been in the account for ages and the client has disappeared. The compliance report should so note the amount and reason (lawyer unable to disperse the sum of \$4.54 belonging to a client because client is not able to be located).

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

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

All lawyers must submit the compliance form no later than January 31, 2023. **Please submit compliance forms after reviewing your December bank statements.** If you have questions, please give me a call. ALF

2022 CERTIFICATE OF COMPLIANCE

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

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

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

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

____ (a) a sole practitioner;

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

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

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

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

____ 3. I have practiced law in South Dakota exclusively as an employee of (designate name of government agency, corporation, or other non-member of the Bar) _____

and I do not handle or become responsible for money or property in a lawyer-client relationship, other than money or property received in the course of official duties and disposed of in accordance with regulations and practices of (designate name of government agency).

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

____ 4. I have engaged in the practice of law in South Dakota as an employee or as an associate of a sole practitioner or of a firm, as the case may be, practicing under the name of _____

and to the best of my knowledge all legal business performed by me is shown in the books, records and accounts of such sole practitioner or firm.

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

(Signature)

Full Name (Print or Type)

Business Address

City, State, Zip

Date _____, 2023

Please state the total number of hours of pro bono service, as defined by the South Dakota Rules of Professional Conduct 6.1, that you (or the whole firm) provided in 2022. Enter 0 if none. Total Hours:_____.

Rule 6.1. Voluntary Pro Bono Public Service

A lawyer should render public interest legal service.

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

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

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

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

6. During the fiscal period ended _December 31, 2022,_ to the best of my (our) knowledge I (we), or the firm of which I am a member, as the case may be, maintained books, records and accounts to record all money and trust property received and disbursed in connection with my/our practice, and as a minimum I/we maintained:

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

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

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

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

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

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

10. If you are a solo practitioner, have you made arrangements with another lawyer to secure your files and trust account and protect your clients in the event of your death or disability? Yes _____No _____

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

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

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

(Signatures)	(Printed Name)
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 , 2023
Date

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

All Responding Lawyer Signatures:

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<hr/>	<hr/>

 , 2023
Date



SAVE THE DATE

APRIL 3, 2023

To further the goal of casting a wide net to attract the broadest possible pool of qualified applicants to serve as federal judges, the Judicial Conference Committees on the Administration of the Bankruptcy System and Magistrate Judges System present:

Roadways to the Bench:

April 3, 2023 at 3:00-4:30 p.m. (CT)

Diana E. Murphy United States Courthouse

300 South Fourth Street, Minneapolis, MN

- Interested lawyers and law students are invited to observe a national panel discussion and participate in local roundtables with bankruptcy, magistrate, district, and appellate judges about pathways to the federal bench.
- The panel will be moderated by Judge Carl E. Stewart (5th Cir.), and it is comprised of Judge Stephanie Dawkins Davis (6th Cir.); Judge Laura Taylor Swain (S.D.N.Y.); Judge Kesha Lynn Tanabe (Bankr. D. Minn.); and Magistrate Judge Mustafa T. Kasubhai (D. Or.).
- Registration may be limited due to space constraints.

Event Locations

Albuquerque, NM	Denver, CO	Nashville, TN	Portland/Eugene, OR
Atlanta, GA	Houston, TX	New Orleans, LA	Raleigh, NC
Austin, TX	Kansas City, MO	New York City, NY	Salt Lake City, UT
Boston, MA	Las Vegas, NV	Oakland, CA	San Juan, PR
Chicago, IL	Los Angeles, CA	Oklahoma City, OK	St. Louis, MO
Cincinnati, OH	Miami, FL	Orlando, FL	Seattle, WA
Cleveland, OH	Milwaukee, WI	Philadelphia, PA	Syracuse, NY
Columbia, SC	Minneapolis, MN	Phoenix/Tucson, AZ	Tampa, FL
Dallas, TX	Morgantown, WV	Pittsburgh, PA	Washington, DC

For more information, please contact Karl Johnson of Taft Stettinius & Hollister LLP, the Minneapolis Attorney Co-Chair, via email: kjohnson@taftlaw.com



State Bar of South Dakota

President

Lisa K. Marso
300 S. Main Ave.
Sioux Falls, SD 57104
(605) 336-0828
lkmarso@boycelaw.com

President Elect

Heather Lammers Bogard
704 St. Joseph St.
Rapid City, SD 57701
(605) 343-2410
hbogard@costelloporter.com

Executive Director & Sec/Treas

Paul L. Cremer
111 W. Capitol Ave. #1
Pierre, SD 57501
(605) 224-7554
paul.cremer@sdbar.net

Board of Bar Commissioners

Justin Lee Bell	Eric J. Pickar
Timothy Dougherty	John T. Richter
Hon. Francy E. Foral	N. Drew Skjoldal
Stacy M. Johnson	Caroline A. Srstka
Rory King	David R. Strait
Tyler Paul Matson	Jacob W. Tiede
Erika S. Olson	

Dear State Bar of South Dakota Members:

As President-Elect, it is my privilege to fill vacancies on State Bar Standing and Special Committees for the 2023-2024 Association year. To assist our Appointments Committee with this important process, please complete the following survey to indicate your desire to ***join or retain*** your appointment to our State Bar Committees.

This survey also provides you the opportunity to join Sections of the Bar. State Bar Sections are self-governing and do not require presidential appointment but indicating your desire to join the Sections through this survey provides us with the information we need in order to add you to the Section's community on the State Bar website and notify Section leadership of your affiliation with the Section.

Requests for appointment should be made electronically, beginning on **February 1st** at:

<https://www.surveymonkey.com/r/XXYFTD9>

Requests must be received by **April 1st** for consideration. In addition to your request, we hope that you will encourage any other interested members to fill out the electronic application.

Thank you in advance for your assistance. Although there are a limited number of vacancies to fill, I will give each application thorough consideration. If you would like to discuss the application process, please feel free to contact Elizabeth Overmoe at (605) 929-5980, or elizabeth.overmoe@sdbar.net.

The Appointments Committee and I look forward to hearing from you and thank you for your assistance in this important process for our State Bar.

Sincerely,

Heather Lammers Bogard
President-Elect
State Bar of South Dakota

MEMBERSHIP DIRECTORY UPDATES ARE DUE BY **MARCH 10, 2023**

Please email your updates to
tracie.bradford@sdbar.net

The subject of your email should be “Directory Updates” and include:

- Firm Name
- Address
- City
- State
- Zip Code
- Phone
- Fax
- Public Email



You Asked, We Answered.

State Bar of South Dakota Association Healthcare Plan Now Available

As part of our ongoing commitment to our members, the State Bar of South Dakota has partnered with Avera Health Plans to provide affordable healthcare benefits to South Dakota Bar members and their employees. In 2019, State Bar leadership advocated for an Association Group Healthcare Plan and our members noted in a 2022 survey that a healthcare option would be a worthwhile member benefit. At its May 2022 meeting, the Bar Commission passed a motion to proceed with implementation of an Association Healthcare Plan and we are pleased to announce its availability beginning February 1, 2023.

The following agents or agencies that are authorized to sell the State Bar Association Health Plan in **Eastern South Dakota**.

Office Location	Agency	Contact
Mitchell & Yankton Area	Dice Financial	Jacquelyn Johnson
Aberdeen Area	Mark Mehloff	Mark Mehloff
Sio ux Falls Area	Midwest Employee Benefits	Dawn Knutson
Sio ux Falls & Brookings Area	McGreedy & Associates	John Lawler
Pierre, Mitchell & Sio ux Falls Area	Fisher Rounds & Associates,	Josh Gilkerson
Watertown Area:	Freimark & Associates	Todd Freimark

Black Hills Insurance Agency & Carver Insurance will handle **Western South Dakota**.

Office Location	Agency	Contact
West River	Black Hills Insurance Agency & Carver Insurance	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.



2023 State Bar of South Dakota

Association Group Health Plan
Health Insurance Options

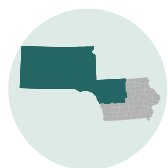


Your Partner In Offering Coverage to Move Your Business Forward



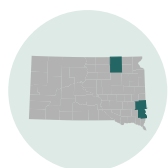
REVIEW NETWORK AND COVERAGES

Avera Health Plans offers a variety of plans for your business to consider, categorized by network. For the South Dakota Bar Association, three networks are available – a Standard Network, Direct Network and Extended Network.



Standard Network

The Standard Network features Avera and other independent providers and facilities across the state of South Dakota and Northwest Iowa.



Direct Network

The Direct Network features Avera owned, managed and leased providers and is available to employers headquartered in Brown, Lincoln and Minnehaha counties in South Dakota — providing access to more than 2,000 providers.

This network provides zero out-of-network coverage.



Expanded Network

The Expanded Network features Avera and other independent providers and facilities across the state of South Dakota and Northwest Iowa. This network also includes coverage at Mayo Clinic.

Based on the amount of employees taking coverage, you will have the following number of plans to choose from:

1 – 2 employees: 1 plan

3 – 9 employees: 2 plans

10 – 24 employees: 3 plans

25 – 50 employees: 4 plans

NOTE: Direct Network plans must include a Standard or Expanded Network plan option as well. Adding a Direct plan may increase the number of plans a group is eligible to choose.

Essential Health Benefits

Our plans comply with the Affordable Care Act requirements and include the following nine Essential Health Benefits.

1. Outpatient services
2. Emergency services
3. Hospitalization
4. Maternity and newborn care
5. Mental health and substance use disorder services
6. Prescription drugs
7. Rehabilitative and habilitative services and devices
8. Laboratory services
9. Preventive and wellness services and chronic disease management



To search for an in-network provider, access our provider directory at AveraHealthPlans.com

Avera Health Plans is there for you and your employees through routine primary care visits, birth and unplanned surgeries. For years, we’ve insured businesses like yours with comprehensive health benefits, value-added services and access to Avera’s award winning providers and facilities.



EXPLORE VALUE-ADDED SERVICES

Members have access to these services with Avera Health Plans insurance at no cost.

Fitness Center Discounts

Membership discounts at select fitness businesses such as GreatLIFE Golf & Fitness Club and Avera McKennan Fitness Center could be available to you.




Virtual Visits*

Avera Health Plans Virtual Visits is an online video visit program designed to conveniently connect you with a provider 24/7 when you don’t have time to go to the clinic. Use it for simple illnesses such as flu or sinus infections. Virtual visits are available to all members on the insurance plan over the age of 2 and can be utilized anywhere in the United States.

*For most members. Some limitations apply. NOTE: IRS guidelines indicate that members with HSA-eligible plans may be subject to tax penalties if they use the free virtual visits. If you have an HSA-eligible plan, you may use your HSA or Flex spending dollars for this service.

Pharmacy Drug Tiers

Prescription drugs are divided into six tiers. The cost of a covered drug will depend on the tier where the drug is listed.

 Lowest Cost					Highest Cost 
TIER 1 PREVENTIVE DRUGS	TIER 2 GENERIC DRUGS	TIER 3 PREFERRED BRAND DRUGS	TIER 4 NON-PREFERRED BRAND DRUGS	TIER 5 VALUE SPECIALTY DRUGS	TIER 6 SPECIALTY DRUGS
Drugs used to help avoid disease and maintain health that are covered at no cost to you.	Generic drugs that are not considered specialty drugs.	Brand name drugs offered at lower cost to you.	Brand name drugs that will have higher cost than preferred brand drugs.	Lower-cost specialty drugs which can be generic or brand name.	The most expensive drugs on the drug list which can be generic or brand name. Used to treat complex diseases.

Additional resources are available at AveraHealthPlans.com, including:

- Consumer Guide
- Provider Directory
- Drug Formulary

Avera Standard Association Plan Options for SDBA

The Standard Network features Avera and other independent providers and facilities across the state of South Dakota and Northwest Iowa.

	Avera 2000 Ultra	Avera 4000 Ultra	Avera 3500
Medical Deductible			
Individual	\$2,000	\$4,000	\$3,500
Family	\$4,000	\$8,000	\$7,000
Coinsurance			
	40%	40%	40%
Out-of-Pocket Maximum			
Individual	\$4,000	\$8,000	\$8,000
Family	\$8,000	\$16,000	\$16,000
Medical Benefits			
Preventive Care Services	No cost to member. This includes preventive immunizations, screenings, exams*		
Primary Care Physician Visit	Co-pay \$40	Co-pay \$50	Co-pay \$35
Urgent Care Services			
Chiropractic Visit †			
Specialist Visit	Co-pay \$80	Co-pay \$100	Co-pay \$80
Lab and X-Ray (Diagnostic Test)	Co-pay \$40	Co-pay \$50	Medical Deductible/ 40% Coinsurance
Hospital Services	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance	
Emergency Services			
Maternity Services	Office Visits: Co-pay \$40 Inpatient Services: Medical Deductible/ 40% Coinsurance	Office Visits: Co-pay \$50 Inpatient Services: Medical Deductible/ 40% Coinsurance	
Mental Health and Substance Use Disorder			
Outpatient Services	Co-pay \$40	Co-pay \$50	Co-pay \$35
Inpatient Services	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance
Pharmacy Benefits			
Pharmacy Deductible - Individual - Family	\$0	NA	\$0
	\$0	NA	\$0
Tier 1: Preventive Drugs	\$0	\$0	\$0
Tier 2: Generic Drugs	\$15	\$15	\$15
Tier 3: Preferred Brand Drugs	\$50	\$50	\$50
Tier 4: Non-Preferred Brand Drugs	\$100	\$100	\$150
Tier 5: Value Specialty Drugs	\$10	\$12	\$12
Tier 6: Specialty Drugs (Brand and Generic)	30% Coinsurance	30% Coinsurance	30% Coinsurance
	Gold	Silver	Silver
Quote:	\$ _____	\$ _____	\$ _____

*Examples include gynecologic exam, screening mammography, well-child care and newborn care. Limitations do apply. For a detailed listing, visit AveraHealthPlans.com. **These plans are High Deductible Health Plans (HDHP) that can be paired with a Health Savings Account (HSA). †Preauthorization is required after 20 chiropractic visits per plan year. No coverage for services without preauthorization.

Avera Standard Association Plan Options for SDBA

The Standard Network features Avera and other independent providers and facilities across the state of South Dakota and Northwest Iowa.

	Avera 4500 HSA-Eligible HDHP**	Avera 6000 HSA-Eligible HDHP**
Medical Deductible		
Individual	\$4,500	\$6,000
Family	\$9,000	\$12,000
Coinsurance		
	0%	50%
Out-of-Pocket Maximum		
Individual	\$4,500	\$7,000
Family	\$9,000	\$14,000
Medical Benefits		
Preventive Care Services	No cost to member. This includes preventive immunizations, screenings, exams*	
Primary Care Physician Visit	This is an HSA-compatible plan. Member will pay \$0 after meeting the Medical Deductible	This is an HSA-compatible plan. Medical Deductible/ 50% Coinsurance
Urgent Care Services		
Chiropractic Visit †		
Specialist Visit		
Lab and X-Ray (Diagnostic Test)		
Hospital Services		
Emergency Services		
Maternity Services		
Mental Health and Substance Use Disorder		
Outpatient Services	This is an HSA-compatible plan. Member will pay \$0 after meeting the Medical Deductible	This is an HSA-compatible plan. Medical Deductible/ 50% Coinsurance
Inpatient Services		
Pharmacy Benefits		
Pharmacy Deductible - Individual - Family	NA	NA
	NA	NA
Tier 1: Preventive Drugs	\$0	\$0
Tier 2: Generic Drugs	Member will pay \$0 after meeting the Medical Deductible	Medical Deductible/ 50% Coinsurance
Tier 3: Preferred Brand Drugs		
Tier 4: Non-Preferred Brand Drugs		
Tier 5: Value Specialty Drugs		
Tier 6: Specialty Drugs (Brand and Generic)		
	Silver	Bronze
Quote:	\$ _____	\$ _____

*Examples include gynecologic exam, screening mammography, well-child care and newborn care. Limitations do apply. For a detailed listing, visit AveraHealthPlans.com. **These plans are High Deductible Health Plans (HDHP) that can be paired with a Health Savings Account (HSA). †Preauthorization is required after 20 chiropractic visits per plan year. No coverage for services without preauthorization.

Avera Expanded*** Network Association Plan Options for SDBA

The Expanded Network features Avera and other independent providers and facilities across the state of South Dakota and Northwest Iowa. This network also includes coverage at Mayo Clinic.

	Avera Expanded 2000 Ultra	Avera Expanded 4000 Ultra	Avera Expanded 3500
Medical Deductible			
Individual	\$2,000	\$4,000	\$3,500
Family	\$4,000	\$8,000	\$7,000
Coinsurance			
	40%	40%	40%
Out-of-Pocket Maximum			
Individual	\$4,000	\$8,000	\$8,000
Family	\$8,000	\$16,000	\$16,000
Medical Benefits			
Preventive Care Services	No cost to member. This includes preventive immunizations, screenings, exams*		
Primary Care Physician Visit	Co-pay \$40	Co-pay \$50	Co-pay \$35
Urgent Care Services			
Chiropractic Visit †			
Specialist Visit	Co-pay \$80	Co-pay \$100	Co-pay \$80
Lab and X-Ray (Diagnostic Test)	Co-pay \$40	Co-pay \$50	Medical Deductible/ 40% Coinsurance
Hospital Services	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance	
Emergency Services			
Maternity Services	Office Visits: Co-pay \$40 Inpatient Services: Medical Deductible/ 40% Coinsurance	Office Visits: Co-pay \$50 Inpatient Services: Medical Deductible/ 40% Coinsurance	
Mental Health and Substance Use Disorder			
Outpatient Services	Co-pay \$40	Co-pay \$50	Co-pay \$35
Inpatient Services	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance
Pharmacy Benefits			
Pharmacy Deductible - Individual - Family	\$0	\$0	\$0
	\$0	\$0	\$0
Tier 1: Preventive Drugs	\$0	\$0	\$0
Tier 2: Generic Drugs	\$15	\$15	\$15
Tier 3: Preferred Brand Drugs	\$50	\$50	\$50
Tier 4: Non-Preferred Brand Drugs	\$100	\$100	\$150
Tier 5: Value Specialty Drugs	\$10	\$12	\$12
Tier 6: Specialty Drugs (Brand and Generic)	30% Coinsurance	30% Coinsurance	30% Coinsurance
	Gold	Silver	Silver
Quote:	\$ _____	\$ _____	\$ _____

*Examples include gynecologic exam, screening mammography, well-child care and newborn care. Limitations do apply. For a detailed listing, visit AveraHealthPlans.com. **These plans are High Deductible Health Plans (HDHP) that can be paired with a Health Savings Account (HSA). ***Expanded network includes Mayo in-network. †Preauthorization is required after 20 chiropractic visits per plan year. No coverage for services without preauthorization.

Avera Expanded*** Network Association Plan Options for SDBA

The Expanded Network features Avera and other independent providers and facilities across the state of South Dakota and Northwest Iowa. This network also includes coverage at Mayo Clinic.

	Avera Expanded 4500 HSA-Eligible HDHP**	Avera Expanded 6000 HSA-Eligible HDHP**
Medical Deductible		
Individual	\$4,500	\$6,000
Family	\$9,000	\$12,000
Coinsurance		
	0%	50%
Out-of-Pocket Maximum		
Individual	\$4,500	\$7,000
Family	\$9,000	\$14,000
Medical Benefits		
Preventive Care Services	No cost to member. This includes preventive immunizations, screenings, exams*	
Primary Care Physician Visit	This is an HSA-compatible plan. Member will pay \$0 after meeting the Medical Deductible	This is an HSA-compatible plan. Medical Deductible/ 50% Coinsurance
Urgent Care Services		
Chiropractic Visit †		
Specialist Visit		
Lab and X-Ray (Diagnostic Test)		
Hospital Services		
Emergency Services		
Maternity Services		
Mental Health and Substance Use Disorder		
Outpatient Services	This is an HSA-compatible plan. Member will pay \$0 after meeting the Medical Deductible	This is an HSA-compatible plan. Medical Deductible/ 50% Coinsurance
Inpatient Services		
Pharmacy Benefits		
Pharmacy Deductible - Individual - Family	NA	NA
	NA	NA
Tier 1: Preventive Drugs	\$0	\$0
Tier 2: Generic Drugs	Member will pay \$0 after meeting the Medical Deductible	Medical Deductible/ 50% Coinsurance
Tier 3: Preferred Brand Drugs		
Tier 4: Non-Preferred Brand Drugs		
Tier 5: Value Specialty Drugs		
Tier 6: Specialty Drugs (Brand and Generic)		
	Silver	Bronze
Quote:	\$ _____	\$ _____

*Examples include gynecologic exam, screening mammography, well-child care and newborn care. Limitations do apply. For a detailed listing, visit AveraHealthPlans.com. **These plans are High Deductible Health Plans (HDHP) that can be paired with a Health Savings Account (HSA). ***Expanded network includes Mayo in-network. †Preauthorization is required after 20 chiropractic visits per plan year. No coverage for services without preauthorization.

Avera Direct Association Plan Options for SDBA

The Direct Network features Avera owned, managed and leased providers and is available to employers headquartered in Brown, Lincoln and Minnehaha counties in South Dakota — providing access to more than 2,000 providers. This network provides zero out-of-network coverage.

	Avera Direct 2000 Ultra	Avera Direct 4000 Ultra	Avera Direct 3500
Medical Deductible			
Individual	\$2,000	\$4,000	\$3,500
Family	\$4,000	\$8,000	\$7,000
Coinsurance			
	40%	40%	40%
Out-of-Pocket Maximum			
Individual	\$4,000	\$8,000	\$8,000
Family	\$8,000	\$16,000	\$16,000
Medical Benefits			
Preventive Care Services	No cost to member. This includes preventive immunizations, screenings, exams*		
Primary Care Physician Visit	Co-pay \$40	Co-pay \$50	Co-pay \$35
Urgent Care Services			
Chiropractic Visit †			
Specialist Visit	Co-pay \$80	Co-pay \$100	Co-pay \$80
Lab and X-Ray (Diagnostic Test)	Co-pay \$40	Co-pay \$50	Medical Deductible/ 40% Coinsurance
Hospital Services	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance	
Emergency Services			
Maternity Services	Office Visits: Co-pay \$40 Inpatient Services: Medical Deductible/ 40% Coinsurance	Office Visits: Co-pay \$50 Inpatient Services: Medical Deductible/ 40% Coinsurance	
Mental Health and Substance Use Disorder			
Outpatient Services	Co-pay \$40	Co-pay \$50	Co-pay \$35
Inpatient Services	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance
Pharmacy Benefits			
Pharmacy Deductible - Individual - Family	\$0	\$0	\$0
	\$0	\$0	\$0
Tier 1: Preventive Drugs	\$0	\$0	\$0
Tier 2: Generic Drugs	\$15	\$15	\$15
Tier 3: Preferred Brand Drugs	\$50	\$50	\$50
Tier 4: Non-Preferred Brand Drugs	\$100	\$100	\$150
Tier 5: Value Specialty Drugs	\$10	\$12	\$12
Tier 6: Specialty Drugs (Brand and Generic)	30% Coinsurance	30% Coinsurance	30% Coinsurance
	Gold	Silver	Silver
Quote:	\$ _____	\$ _____	\$ _____

*Examples include gynecologic exam, screening mammography, well-child care and newborn care. Limitations do apply. For a detailed listing, visit AveraHealthPlans.com. **These plans are High Deductible Health Plans (HDHP) that can be paired with a Health Savings Account (HSA). †Preauthorization is required after 20 chiropractic visits per plan year. No coverage for services without preauthorization.

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	Avera Direct 4500 HSA-Eligible HDHP**	Avera Direct 6000 HSA-Eligible HDHP**
Medical Deductible		
Individual	\$4,500	\$6,000
Family	\$9,000	\$12,000
Coinsurance		
	0%	50%
Out-of-Pocket Maximum		
Individual	\$4,500	\$7,000
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Medical Benefits		
Preventive Care Services	No cost to member. This includes preventive immunizations, screenings, exams*	
Primary Care Physician Visit	This is an HSA-compatible plan. Member will pay \$0 after meeting the Medical Deductible	This is an HSA-compatible plan. Medical Deductible/ 50% Coinsurance
Urgent Care Services		
Chiropractic Visit †		
Specialist Visit		
Lab and X-Ray (Diagnostic Test)		
Hospital Services		
Emergency Services		
Maternity Services		
Mental Health and Substance Use Disorder		
Outpatient Services	This is an HSA-compatible plan. Member will pay \$0 after meeting the Medical Deductible	This is an HSA-compatible plan. Medical Deductible/ 50% Coinsurance
Inpatient Services		
Pharmacy Benefits		
Pharmacy Deductible - Individual	NA	NA
- Family	NA	NA
Tier 1: Preventive Drugs	\$0	\$0
Tier 2: Generic Drugs	Member will pay \$0 after meeting the Medical Deductible	Medical Deductible/ 50% Coinsurance
Tier 3: Preferred Brand Drugs		
Tier 4: Non-Preferred Brand Drugs		
Tier 5: Value Specialty Drugs		
Tier 6: Specialty Drugs (Brand and Generic)		
	Silver	Bronze
Quote:	\$ _____	\$ _____

*Examples include gynecologic exam, screening mammography, well-child care and newborn care. Limitations do apply. For a detailed listing, visit AveraHealthPlans.com. **These plans are High Deductible Health Plans (HDHP) that can be paired with a Health Savings Account (HSA). †Preauthorization is required after 20 chiropractic visits per plan year. No coverage for services without preauthorization.

Questions?



Moving Health
Forward.

Would you ever think doing less would enable you to accomplish more?

People, and particularly women in high performing fields often put the needs of others before their own. Families and children, your practice, and clients get your energy and time in greater proportion and duration. Frequently this sacrifice comes at the cost of sleep, nutrition, exercise, and overall mental and physical prosperity.

Learn how shifting the focus to your own health and wellness can improve areas rarely thought of - hormones, metabolism, and even productivity.

Dr. Lauren Skattum of Britt Haus, PC provides timely information and interventions to radically change your life.




March 2, 2023

noon CST (11 am MST)

During the virtual coffee break with friends in the profession

Dr. Skattum was born and raised in Alabama and attended the University of Alabama where she graduated Magna Cum Laude with a degree in Biochemistry in 2006. She attended medical school at the West Virginia School of Osteopathic Medicine before completing her residency in Obstetrics in Gynecology at Mercy St. Vincent Medical Center in Toledo, OH. In 2014, Dr. Skattum served as chief resident and held leadership positions at the American College of Osteopathic Obstetrics and Gynecology. When her residency was complete, she moved to Leesburg, FL where she practiced in a private group for eight years and served as both the Vice Chair and Department Chair of Maternal Child Health. Britt Haus, PC was launched in 2022 in Sioux Falls, SD with a Direct Patient Care (DPC) model to ensure quality, cost-effective, individualized care and strong doctor patient relationship independent of insurance.





Please join

THE SOUTH DAKOTA LAW REVIEW

in celebration as we dedicate
Volume 68 to
David Lust and Terry Westergaard

FRIDAY, APRIL 14
VALIANT VINEYARDS, VERMILLION
SOCIAL HOUR - 5PM
DINNER & PROGRAM BEGIN AT 6PM

Tickets - \$15
RSVP by emailing
lawrev@coyotes.usd.edu or
Gabrielle.Unruh@coyotes.usd.edu



January 16, 2023

Mr. Paul Cremer
Secretary-Treasurer
South Dakota Bar Foundation
111 Capitol Avenue #1
Pierre, SD 57501

Dear Paul,

On behalf of the members of the South Dakota Teen Court Association, thank you for the recent grant award of \$5,000 from the Bar Foundation. The continued generosity of the Bar Foundation in providing this funding is greatly appreciated.

Teen court programs provide options and alternatives for states' attorneys, defense attorneys and judges when dealing with juvenile defendants. We appreciate the support of lawyers from across the state in making these programs possible, and in allowing teen courts to play a role in this important effort to address juvenile offenders.

Thank you for your continued partnership with the South Dakota Teen Court Association to help provide additional opportunities for youth to be held accountable for their actions, while at the same time contributing in a positive way to the community where they live.

For the Association,

A handwritten signature in blue ink, appearing to read "Jennifer L. Stalley".

Jennifer L. Stalley
Statewide Coordinator

Paul -

*Congratulations on your new
role - The Bar is lucky to
have your leadership!*

Post Office Box 116 ♦ Pierre, SD 57501

The South Dakota Teen Court Association encourages development of new teen courts in South Dakota, seeks to enhance and sustain existing teen court programs and promotes interagency cooperation and information sharing among state and national teen courts.



Introducing Your Member Portal and App

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

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

Video, Chat, and Telephonic Access

24/7/365 access to request mental health sessions and life management referrals

Thousands of Self-Care Articles and Resources

Explore videos, provider resource locators, personal assessments, calculators, and tools

Events Calendar and Free Webinars

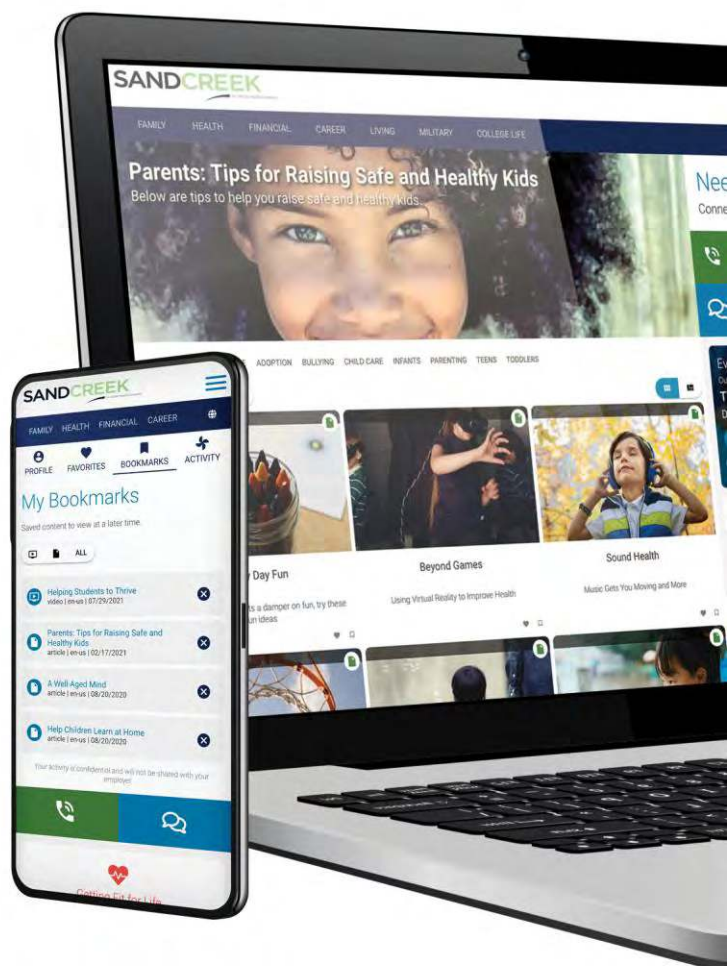
Sign up for the latest webinars and online training sessions

Exclusive Discounts

Save money on entertainment, gifts, travel, and consumer goods

Getting Started Is Easy

1. Visit your landing page, SandCreekEap.com, and click on “Select Portal & App” in the top menu
2. Register to create a new account using your company code: **SBSD1**. A confirmation email will be sent to complete the process



Contact Sand Creek EAP
Call: 1-888-243-5744
Visit: SandCreekEap.com
Code: **SBSD1**

SANDCREEK EAP
An AllOne Health Company

In Memoriam

Robert A. Warder

November 14, 1937 - December 27, 2022

Robert A. Warder passed December 27 at St. Martin's Assisted Living in Rapid City, SD.

Bob was born in Zanesville, Ohio November 14, 1937 to Richard C. and Edith (Moser) Warder. He attended elementary schools in West Virginia and Murfreesboro, Arkansas. At the completion of his Junior Year in Arkansas, Bob and his family moved to Pierre, SD in 1954. His Father was employed as a Project Engineer on the Oahe Dam Project. His mother was an elementary school teacher in Pierre. Bob had two brothers, Richard, C. Jr. and John M.

After graduating from high school in Pierre, Bob attended the University of South Dakota with a degree in Political Science. After undergraduate school, he worked for the State of South Dakota Civil Defense Department for three years. He then attended the USD School of Law. While there he married Katherine Stewart and to them a son Robert A., Jr. was born.

After Law School Bob joined the firm of Gunderson, Farrar, and Aldrich in Rapid City. He became a partner and practiced Law there for 17 years.

In 1972 Bob married Jo Anna Poppe. They celebrated their 50th Anniversary in January of 2022. They were business partners and enjoyed extensive travel.

In 1983 the family moved to Hill City where Bob had a Law Office and was involved in real estate. Bob was part-time City Attorney in Hill City, Keystone and Hermosa. In 1990 the Warders purchased the Black Hills Central Railroad (1880 TRAIN) and still maintain that family business.

For those who knew Bob, they know how he loved to visit with anyone who would listen some who didn't. He was very well read, could provide facts and figures and could tell a good story. He liked woodworking and restoring his Model A Fords.

Bob loved the Law. He was a past president of the Pennington County Bar. He was Special Assistant Attorney General for many years. He was Appeals Agent

for Selective Service until the draft was discontinued. He handled cases in South Dakota, Montana, Colorado, Nebraska, and Wyoming. Bob represented the State and all the Counties in the Milwaukee Railroad Bankruptcy until the State purchased the railroad. He was admitted to practice in the State of South Dakota, the Eighth Circuit of Appeals, and the United State Supreme Court.

Bob is survived by his wife, Jo Anna, daughter, Meg (Justin), Hill City, SD, sons, Rob (Tacy), Albuquerque, NM, and Greg (Claudia), San Jose, CA. He has three granddaughters, Annika, Sophia and Dagny. He is also survived by two brothers, Richard (Dianne) of Columbia, MO and John (Toni) of Pottsboro, TX. Also, brothers-in-law, Ken (Karen) Poppe, Gold Canyon, AZ, and Mike Poppe, Murdo, SD and many friends and relatives.

A memorial will be held at a later date.

In lieu of flowers, a memorial can be made to the South Dakota State Railroad Museum, PO Box 1070, Hill City, SD 57745 or the USD School of Law, Vermillion, SD 57069



Dean C. Rallis
September 5, 1927 -
January 25, 2023

Dean C. Rallis, age 95, passed away on Wednesday, January 25, 2023. He was born September 5, 1927, in the village of Lasteika, Greece, the oldest child of Christ and Vasiliki Rallis. He moved with his parents to Sioux Falls, South Dakota in 1929 where he was a life long resident. Dean graduated from Washington High School in 1945 and the University of South Dakota in 1951 before serving as an officer in the U.S. Army during the Korean conflict.

On September 6, 1951, we was united in marriage to Barbra Seubert for twenty-three years. They had three children: Chris, John, and Connie. Dean graduated from USD Law School becoming a member of The State Bar of South Dakota in 1956. He practiced law in Sioux Falls over 50 years. He viewed one of his greatest

achievements as serving on the Advisory Board of the Washington Pavilion of Arts and Sciences, helping to create a cultural and economic boon for the city of Sioux Falls.

In 1982 Dean married Kay Knudsen. Grateful for having shared his life are his wife, Kay; children Chris (Susie) Rallis of Sioux Falls, John (Pam) Rallis of Lincoln, Nebraska, and Connie (Robert) Hoff of Big Horn, Wyoming. Nine grandchildren: Dusty, Mike, Andrea, Nick, Chris, David, Paul, Holly and Heidi; twenty-three great grandchildren; brother Jim (Sharon) Rallis of Edina, Minnesota, and sister Vivian Rallis of Sioux Falls. Dean was preceded in death by his parents, Christ and Vasiliki, sister Nitsa Nickolas and brother-in-law Nick Nickolas, and nephew Chris Nickolas.

Dean's family wish to express their deeply felt gratitude to the medical staff of the Veterans Administration Hospital for the compassionate care they provided him during the final week of his life. In lieu of flowers, donations may be made to the Cathedral of St. Joseph's Rectory Building Fund in Dean's name.

Funeral services will be held at 10:00 a.m. Tuesday, January 31, 2023 at the Cathedral of St. Joseph, 521 North Duluth Avenue. Family will be present to greet friends from 4:00 p.m. on Monday, January 30 till 5:45 p.m. at which time the Wake Service and Rosary will begin at Heritage Funeral Home, 4800 South Minnesota Avenue.



Irving Alden Hinderaker
December 1, 1921 -
January 16, 2023

Irving Alden Hinderaker, 101, of Watertown, SD, passed away on Tuesday, January 16, 2023 at Jenkins Living Center.

Funeral services will be 10:30 a.m. on Wednesday, January 25, 2023 at held at Lutheran Church of Our Redeemer in Watertown. Rev. Dave Nerdig and Rev. Tom Christenson will officiate.

In lieu of flowers, the family suggests memorials to the

Watertown Community Foundation or a charity of your choice. The funeral service will be live streamed via our website. Visitation will be held at the Crawford-Osthus Funeral Chapel in Watertown on Tuesday from 5:00-7:00 p.m. and prior to services at the church on Wednesday. Burial will be at Mt. Hope Cemetery in Watertown. Military graveside honors will be conducted by Codington County Post #17 of the American Legion, Watertown and the Military Funeral Honors Team of the SD Army National Guard. Honorary pallbearers will be Daniel E. and Sandra A. Albertson and James and Margaret "Peg" Silliman.

He was born on December 1, 1921 in Hendricks, Minnesota, the son of Hoseas Hinderaker and Dagny Paulson Hinderaker. He grew up in Astoria, South Dakota, one of six siblings. He attended Augustana College, where he met Eula Mae Jertson, who became his wife of 65 years. Irving left college to enlist in the U.S. Army in 1943. He served in Europe following D-Day and narrowly escaped death in the Battle of the Bulge.

He graduated from the University of South Dakota Law School in 1948 and began practicing in Watertown, SD. Irving and Eula welcomed their first son, Paul, in 1948. Three more sons followed: John in 1950, James in 1956, and Eric in 1959. Austin, Hinderaker, and Hackett grew into one of the largest law firms in Eastern South Dakota. Irving practiced law for more than 50 years. He finally retired at age 80.

Irving earned many accolades as a lawyer: he was a member of the South Dakota State Board of Bar Commissioners, the Chairman of the Real Property, Probate and Trust Law Section of the South Dakota State Bar, a Fellow of the American Bar Foundation and of the American College of Trust and Estate Counsel, and was repeatedly listed in Best Lawyers In America. But his clients valued him most for his wise counsel and integrity. For more than 50 years,

Irving devoted himself to the well-being of his community. Among many other contributions, he was a member of the Board of Directors of Memorial Hospital, a Member of the South Dakota Commission on Higher Education Facilities, a President of the Watertown Area Chamber of Commerce, Chairman of the Board of the Watertown Community Foundation, an original member of the South Dakota Board of Economic Development, a member of the Board of Directors of

the Lake Area Technical Institute Foundation, and a member of the Board of Directors of the South Dakota Community Foundation. Irving was a member of the Watertown Rotary Club for more than five decades. He was active in Boy Scouts, as President of the BSA Pheasant Council, and holder of the Silver Beaver Award from the Pheasant Council and the Lamb Award from the American Lutheran Church. He felt a deep affinity for his alma mater, Augustana, where he served for many years as a member of the Board of Regents and as a Charter Member of the Fellows of Augustana College.

Church activities were even closer to Irving's heart than civic organizations. His family and friends knew him as a man of deep and always tolerant faith. He was the first President of Lutheran Church of Our Redeemer in Watertown. He was active at the national and international levels of the American Lutheran Church, as a member of the Executive Committee of the South Dakota District of the ALC, a member of the Commission on Evangelism of the ALC, a member of the ALC Foundation Standing Committee, and a member of the committee that advised Lutheran World Ministries on two International Human Rights Covenants proposed by the U.S. Department of State. In 1963, he was one of a handful of lay American delegates to the Assembly of the Lutheran World Federation in Helsinki, Finland. In recognition of his civic contributions, Irving Hinderaker became a member of the Watertown Hall of Fame in 2014.

Irving was preceded in death by his wife Eula and daughter-in-law Carol. He is survived by his four sons, Paul, John (Loree), James (Susan), Eric (Carrie), nine grandchildren, and six great-grandchildren. All mourn his passing. To his family, he will always be remembered, not just for his life of service, but for his nurturing love, good humor, and integrity.

Arrangements by Crawford-Osthus Funeral Chapel
www.crawfordosthus.com Watertown, Hayti, De Smet, Bryant.

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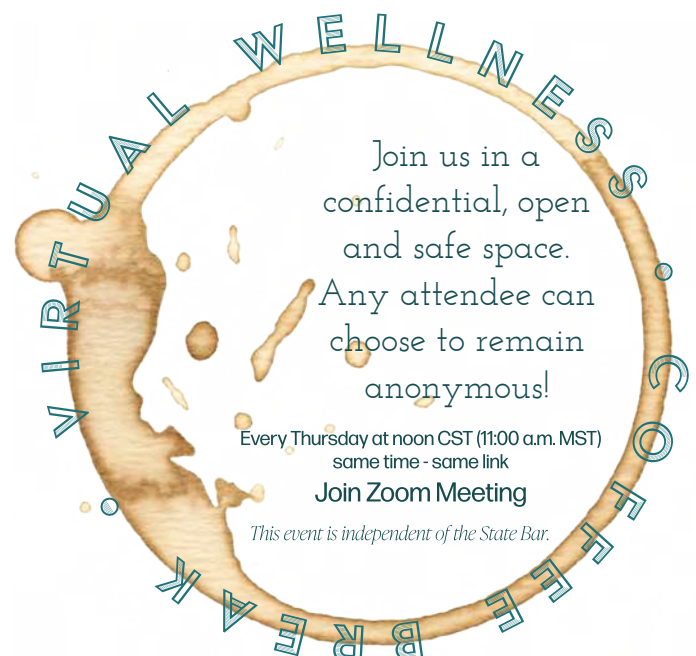
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Infotech

SOLUTIONS, LLC

Infotech is excited to pass along some information about Cyber Safe SD, a great opportunity for small businesses.

Cyber Safe SD is a FREE comprehensive cybersecurity program for small businesses in South Dakota. They offer cybersecurity assessments, cyber threat intelligence, security awareness training, and remediation activities.

As a partnership between Dakota State University, the Governor's Office of Economic Development, the Bureau of Information and Telecommunications, the South Dakota Fusion Center, the Consumer Protection in the South Dakota Attorney General's office, and the Small Business Administration, they are working to stop cyber-attacks before they happen.

Many of the remediation services will help with your Cyber Liability platform. Ideally, making your organization qualify for a better rate! We here at Infotech (the association's endorsed Cyber Security provider) would be more than happy to implement any remediation resources needed for your organization.

One of the best parts about this grant is, if you qualify (& funds are still available), Dakota State University will pay for up to a year of your organization's remediation services.

If you have any questions about remediation and what that means for your organization, please reach out to myself: Tyler.Ruhd@infotechsd.com

For more information on Cyber Safe SD, and to sign up, please visit: www.dsu.edu/sbacyber.

**CYBER
SAFE
SD**

SOUTH DAKOTA BAR FOUNDATION

December 27, 2022

Via Zoom

South Dakota Bar Foundation (“SDBF”) Vice President Reed Rasmussen called the meeting of the Board to order at 11:09 am, Central Time. Board members present were President Elect Rasmussen, Tom Frieberg, Stephanie Judson, Carrie Srstka, Eric Schulte, Bill Garry, Kimberley Mortenson and Pat Goetzinger. Joining the meeting were incoming Secretary-Treasurer, Paul Cremer, Outgoing Secretary-Treasurer, Andrew Fergel, and staff, Nicole Ogan.

Outgoing Secretary-Treasurer Fergel introduced incoming Executive Director, Paul Cremer. The board thanked Andy for his service, and welcomed Paul.

Minutes of November 18, 2022, Meeting: Director Judson made a motion to approve the minutes of the November 18, 2022, South Dakota Bar Foundation board meeting. Director Schulte seconded the motion. Motion passed.

Bar Foundation Bank Account Signature Authority: Director Mortenson made a motion to move all signature authority for South Dakota Bar Foundation accounts at BankWest from outgoing Secretary-Treasurer Fergel to incoming Secretary-Treasurer Cremer. Director Frieberg seconded the motion. Motion passed.

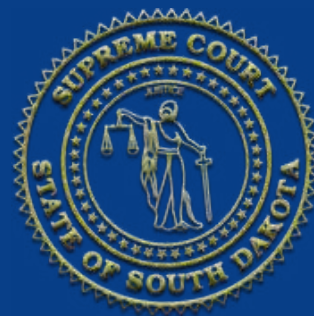
Adjourn: There being no further business, Vice President Rasmussen adjourned the meeting at 11:12 am.

Respectfully submitted,



Paul Cremer
Secretary-Treasurer

Court



Improvement Program

Training



TRAUMA-INFORMED COURT SYSTEM

The Center for the Prevention of Child Maltreatment and the South Dakota Unified Judicial System are hosting monthly trainings on best practices and unique approaches to working with children and families for attorneys, judges, and other multidisciplinary professionals.

These trainings are supported by the [UJS Court Improvement Program](#) which assesses and improves handling of court proceedings related to child abuse and neglect in South Dakota.

LEARNING MORE CAN KEEP KIDS SAFE

Trainings are held the last Wednesday of the month, with some variation based on holidays and other events, from 12-1 CST via Zoom.

UPCOMING TRAININGS

[Wed Feb 22: Independent Living & Young Voices](#)

[Wed March 29: Situational Awareness](#)

[Wed Apr 26: Civil vs Criminal Child Abuse & Neglect Cases training in conjunction with the State Bar](#)

[Wed May 31: Appellate Review of Child Sex Crimes](#)

[Wed June 28: 2023 Legislative Update](#)

For more information or to suggest future training topics, email cpcm@usd.edu or visit www.sdcpcm.com/ciptraining

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.**

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE PROPOSED)	NOTICE OF RULES HEARING
AMENDMENT OF SDCL 15-25-2)	
AMENDMENT OF SDCL 15-26A-13)	NO. 150
AMENDMENT OF SDCL 15-26A-16)	
AMENDMENT OF SDCL 15-26A-73)	
AMENDMENT OF SDCL 15-26A-79)	
AMENDMENT OF SDCL 15-26A-87.2)	
AMENDMENT OF SDCL 15-26A-87.3)	
AMENDMENT OF SDCL 15-26A-91)	
AMENDMENT OF SDCL 15-26C-1)	
AMENDMENT OF SDCL 15-26C-2)	
AMENDMENT OF SDCL 15-26C-3)	
AMENDMENT OF SDCL 15-26C-4)	
AMENDMENT OF SDCL 15-30-4)	
AMENDMENT OF SDCL 15-30-9)	

A petition for the amendment of existing sections of the South Dakota Codified Laws having been filed with the Court, and the Court having determined that the proposed amendments should be noticed for hearing, now therefore,

NOTICE IS HEREBY GIVEN THAT ON February 16, 2023, at 10:00 A.M., C.T., at the Courtroom of the Supreme Court in the Capitol Building, Pierre, South Dakota, the Court will consider the following:

1. Proposed Amendment of SDCL 15-25-2. Application to commence proceeding--~~Fee--Number of copies filed~~ Filing.

Application for permission to commence such action or proceeding and to fix the procedure to be followed therein shall be accompanied by the form of plaintiff's proposed pleading and by a

filing fee. ~~The original and five copies of the~~ application, proposed complaint and supporting papers, if any, shall be filed with the clerk of the Supreme Court.

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2. Proposed Amendment of SDCL 15-26A-13. Petition for permission to take discretionary appeal.

An appeal from an intermediate order made before trial as prescribed by subdivision 15-26A-3(6) may be sought by filing a petition for permission to appeal, together with proof of service thereof upon all other parties to the action in circuit court, with the clerk of the Supreme Court within ten days after notice of entry of such order. When a petition is forwarded to the clerk for filing by mail it shall be accompanied by an affidavit of mailing or certificate of service of mailing and shall be deemed to be filed as of the date of mailing.

~~The original and five copies of the~~ petition shall be filed with the clerk of the Supreme Court, together with the required statutory filing fees unless exempt by law.

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3. Proposed Amendment of SDCL 15-26A-16. Response to petition.

Within seven days after the service of the petition, any party to the action may serve and file a response thereto. ~~The original and five copies of the answer response~~ shall be filed with the clerk of the Supreme Court. When a response to a petition is forwarded to the clerk for filing by mail it shall be accompanied by an affidavit of mailing or certificate of service of mailing and shall be deemed to be filed as of the date of mailing.

The petition and any response shall be submitted without oral argument unless otherwise ordered.

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4. Proposed Amendment of SDCL 15-26A-73. Supplemental brief with late authorities--Service on ~~opposing~~ counsel.

Whenever a party desires to present late authorities, newly enacted legislation, or other intervening matters that were not available in time to have been included in ~~his~~ the party's brief in chief, ~~he~~ the party shall serve a copy thereof upon ~~opposing counsel~~ the attorney for each party to the action separately represented and upon any party who is not represented by counsel and ~~file fifteen copies of the~~ supplemental brief, restricted to such new matter and otherwise in conformity with this chapter, up

to the time the case is called for hearing, or by leave of court thereafter. A supplemental brief shall not exceed ten pages.

5. Proposed Amendment of SDCL 15-26A-79. Number of copies of briefs to be served and filed.

~~(Text of section effective as to Supreme Court cases numbered 30000 and above on September 1, 2022.)~~

A copy of each brief shall be served on the attorney for each party to the appeal separately represented and upon any party who is not represented by counsel. A copy of each brief shall be filed with the clerk of the Supreme Court. In addition to electronic submission of each brief, an original must be submitted to the clerk. The clerk shall not accept a brief for filing unless it is accompanied by admission or proof of service.

~~(Text of section effective as to Supreme Court cases numbered 29999 and below.)~~

~~Two copies of each brief shall be served on the attorney for each party to the appeal separately represented and upon any party who is not represented by counsel. Fifteen copies of each brief shall be filed with the clerk of the Supreme Court. The clerk shall not accept a brief for filing unless it is accompanied by admission or proof of service.~~

6. Proposed Amendment of SDCL 15-26A-87.2. Motions--Answers to motions--Generally.

Unless otherwise specifically provided in this chapter, motions shall be served upon all adverse parties the attorney for each party to the action separately represented and upon any party who is not represented by counsel, and the original and five copies of the motion, together with proof of service thereof, shall be filed with the clerk of the Supreme Court.

An adverse Any party may respond to a motion by filing the original and five copies of a response, together with proof of service thereof, with the clerk of the Supreme Court within ten days after service of the motion, or within such time as may be otherwise directed by the court.

7. Proposed Amendment of SDCL 15-26A-87.3. Motion for attorney fees--Contents, form, and filing of motion.

A motion for appellate attorney fees in actions where such fees may be allowable must comply with the following requirements:

- (1) The motion must be accompanied by a verified, itemized statement of legal services rendered, said statement to be exclusive of costs allowable under § 15-30-6;
- (2) The motion must be served and filed prior to submission of the action on its merits; and
- (3) ~~An original and fifteen copies of the~~ The motion and itemized statement, together with proof of service thereof, must be submitted for filing.

Consideration of a motion for attorney fees will be held in abeyance until such time as the action is considered on its merits.

8. Proposed Amendment of SDCL 15-26A-91. Time for petition for reinstatement--Contents, form, and filing of petition.

A petition for reinstatement of an appeal dismissed by the Supreme Court may be served and filed within twenty days after entry of the order of dismissal. The petition shall state briefly the ground upon which the reinstatement is sought and any underlying circumstances relevant to the dismissal. Copies of relevant affidavits, documents, and correspondence may be attached to the petition. ~~An original and five copies thereof~~ The petition shall be filed with the clerk of the Supreme Court. ~~The adverse~~ Any party may serve and file answer thereto within ten days after service of the petition.

9. Proposed Amendment of SDCL 15-26C-1. Electronic Filing.

~~(Text of section effective as to Supreme Court cases numbered 30000 and above on September 1, 2022.)~~

(1) ~~Effective upon further order of the Supreme Court entered after July 1, 2019, and except~~ Except as specifically exempted by these rules or court order, attorneys shall electronically file all documents, including petitions, notices of review, motions and briefs, and any appendices with the Supreme Court through the Odyssey® electronic filing system unless advance permission is granted by the court allowing paper filing or filing through any other method. Self-represented litigants may file electronically but shall not be required to file electronically.

(2) Registered users will receive electronic notice when documents are entered into the system. Registration for electronic filing constitutes written consent to electronic service of all documents filed in accordance with these rules.

(3) A document filed electronically has the same legal effect as an original paper document.

(4) The typed attorney or party name or electronic signature on a document filed electronically has the same effect as an original manually affixed signature.

(5) A party electronically filing a document that is not accessible to the public, in whole or in part, is responsible for redaction or designating the document as confidential or sealed before transmitting it to the Supreme Court. For any document containing information where redaction is required, in whole or in part, pursuant to chapter 15-15A or order of the Supreme Court or circuit court, the original unredacted document shall also be filed electronically. It is the responsibility of the parties to seek advance approval from the Supreme Court for submitting a document as sealed or confidential if that document is not already declared confidential or sealed by existing law, court rules or order.

~~(Text of section effective as to Supreme Court cases numbered 29999 and below.)~~

~~(1) Effective January 1, 2014, except as specifically exempted by these rules or court order, attorneys shall electronically file briefs and any appendices with the Supreme Court unless advance permission is granted by the court allowing paper filing. Any other notices, petitions, pleadings, motions, or documents may be filed electronically at the discretion of the attorney. Electronic filing for self-represented litigants is discretionary for all filings with the Supreme Court. On a showing of good cause, an attorney required to file electronically may be granted leave of court to file paper documents with the Supreme Court.~~

~~(2) Documents filed electronically must be submitted by email attachment to SCCLerkBriefs@ujs.state.sd.us. The number of the case shall appear in the subject line of the email.~~

~~(3) A document filed electronically has the same legal effect as an original paper document.~~

~~(4) The typed attorney or party name or electronic signature on a document filed electronically has the same effect as an original manually affixed signature.~~

~~(5) A party electronically filing a document that is not accessible to the public, in whole or in part, is responsible for redaction or designating the document as confidential or sealed before transmitting it to the court. For any document containing information where redaction is required, in whole or in part, pursuant to chapter 15-15A or order of the court, the original unredacted document shall also be filed electronically.~~

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10. Proposed Amendment of SDCL 15-26C-2. Electronic document formats.

~~{Text of section effective as to Supreme Court cases numbered 30000 and above on September 1, 2022.}~~

(1) All documents submitted to the Supreme Court in electronic form must be in portable document format (.pdf) except as follows:

(a) Parties must obtain permission from the Supreme Court Clerk in advance if they seek to submit documents in another format.

(b) Briefs shall comply with chapter 15-26A and shall consist of a single document submitted in pdf and an approved word processing format.

(c) When an appendix is filed, it shall be in .pdf format and shall be included as part of the brief document. Except for limited excerpts showing a court's reasoning, circuit court transcripts that have been filed electronically with the Supreme Court shall not be included in an appendix. A table of contents with page or paragraph reference as appropriate for each document must precede the appendix. Points of particular interest with page or paragraph reference may also be added to the table of contents. When feasible, electronic bookmarks shall be added to note the first page of each document in the appendix and may be added to note the location of points of particular interest.

~~{Text of section effective as to Supreme Court cases numbered 29999 and below.}~~

~~(1) All documents submitted to the court in electronic form must be in approved word processing format which shall then be converted by the supreme court clerk to portable document format (.pdf).~~

~~(a) Parties must obtain permission from the supreme court clerk in advance if they seek to submit documents in another format.~~

~~(b) Briefs shall comply with § 15-26A-60.~~

~~(c) An appendix may be filed electronically in portable document format (.pdf). Except for limited excerpts showing a court's reasoning, circuit court transcripts that have been filed electronically with the Supreme Court shall not be included in an appendix. A table of contents with page or paragraph reference as appropriate for each document must precede the appendix. Points of particular interest with page or paragraph reference may also be added to the table of contents. When feasible, electronic bookmarks shall be added to note the first page of each document in the appendix and may be added to note the location of points of particular interest.~~

11. Proposed Amendment of SDCL 15-26C-3. Time of filing.

~~(Text of section effective as to Supreme Court cases numbered 30000 and above on September 1, 2022.)~~

(1) A document in compliance with the Rules of Appellate Procedure and this rule and submitted electronically to the supreme court clerk by 11:59 p. m. central standard time or daylight savings time as applicable shall be considered filed on that date.

(2) After reviewing an electronically filed document, the supreme court clerk must inform the filer, through an e-mail generated by the Odyssey® system, whether the document has been accepted or rejected. A document may be rejected (a) if it is filed in the wrong court; (b) applicable filing fees are not paid or waived; (c) the document is incomplete or contains missing information; (d) or fails to comply with applicable statutory requirements or these rules.

(3) Parties filing briefs electronically must also submit an original to the supreme court clerk. For any brief filed in an appeal from a judgment or order pursuant to chapter 26-8A, the appellant shall also file a redacted brief in compliance with subdivision 15-26A-60(9).

(4) The Supreme Court may also order any party to provide additional hardcopies of any documents electronically filed.

~~(Text of section effective as to Supreme Court cases numbered 29999 and below.)~~

~~(1) A document in compliance with the Rules of Appellate Procedure and this rule and submitted electronically to the supreme court clerk by 11:59 p. m. central standard time or daylight savings time as applicable shall be considered filed on that date.~~

~~(2) Upon receiving an electronic document, the supreme court clerk will issue an e-mail confirmation that the document has been received.~~

~~(3) Parties filing electronically must also submit an original and two hardcopies hardcopy of any document to the supreme court clerk. For any brief filed in an appeal from a judgment or order pursuant to chapter 26-8A, the appellant shall also file two a hardcopy redacted briefs brief in compliance with subdivision 15-26A-60(9).~~

~~(4) The Supreme Court may also order any party to provide additional hardcopies of any documents electronically filed.~~

~~(5) A party must pay all required fees and payments within five days of submitting a document filed electronically. If fees and payments are not received within five days of submission, the document will not be filed and will be returned by the supreme court clerk and the party will be required to re-file the document.~~

12. Proposed Amendment of SDCL 15-26C-4. Electronic Service.

~~(Text of section effective as to Supreme Court cases numbered 30000 and above on September 1, 2022.)~~

(1) All documents filed electronically must be served electronically through the Odyssey® system except for documents served on or by self-represented litigants. On a showing of good cause, an attorney may be granted leave by the Supreme Court to serve paper documents or to be exempt from receiving electronic service.

(2) Electronic service is not effective if the party making service learns that the attempted service did not reach the person to be served.

~~(Text of section effective as to Supreme Court cases numbered 29999 and below.)~~

~~(1) After January 1, 2014, any attorney not exempt from electronic filing or a party filing electronically must designate an email address for accepting electronic service and for receiving electronic service with the supreme court clerk. On a showing of good cause, an attorney may be granted leave of court to serve paper documents or to be exempt from receiving electronic service.~~

~~(2) If a party files a document by electronic means, the party must serve the document by electronic means unless the recipient of service has not designated an email address for receiving electronic service.~~

~~(3) Electronic service is not effective if the party making service learns that the attempted service did not reach the person to be served.~~

~~(4) If a recipient cannot accept electronic service of a document, service under another means specified by § 15-6-5 (b) is required.~~

~~(5) Any party effectuating service electronically must include a certificate of service specifying the items electronically served.~~

~~(6) Documents served electronically may be in portable document format (.pdf), with the exception of those documents to be filed with the Supreme Court in approved word processing format as previously specified herein.~~

~~(7) The Supreme Court may electronically file and serve on registered attorneys and parties any decisions, orders, notices, remittiturs or other documents prepared by the court in such cases provided the attorney or party to be served has designated an email address for receiving electronic service.~~

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13. Proposed Amendment of SDCL 15-30-4. Time for petition for rehearing--Contents, form, and filing of petition.

A petition for the rehearing of a cause heard on appeal to the Supreme Court may be served and filed within twenty days after the date of filing of the formal opinion or the order of summary disposition. ~~The adverse~~ Any party may serve and file answer thereto within ten days after service of the petition. The petition shall state briefly the ground upon which a rehearing is asked and the points supposed to have been overlooked or misapprehended by the court, with proper reference to the particular portion of the printed record and to the authorities relied upon. The petition and answer may be typewritten. ~~An original and five copies thereof shall be filed.~~

14. Proposed Amendment of SDCL 15-30-9. Objections to taxation of costs on appeal--Reply to objections--Decision by court.

At any time within ten days after the mailing of such notice of taxation of costs, any party aggrieved may object to the same by serving written objections upon the other parties to the appeal and filing ~~five copies of~~ such objections with proof of service thereof with the clerk of the Supreme Court. If any relevant question of fact is raised, the party objecting shall serve and file with ~~his~~ the objections, proof in the form of an affidavit or affidavits of the facts as claimed by ~~him, and five additional copies of such affidavits must be filed with the clerk~~ the party. The objections may be supported by such written argument or authority as the party desires to submit in support of the same. Within five days after the service of such objections, any party to the appeal may reply thereto by serving the same with answering affidavits if any on the ~~adverse~~ other parties and filing ~~five clear copies~~ the reply with the clerk of the court. Such reply may contain such argument and authority as the party may desire to submit. Upon receipt of such objections and replies, if any, and after the time for serving and filing the same has expired, the court shall consider and decide upon the same and make such order thereon as to it may seem warranted and such order shall be final and not subject to rehearing or appeal excepting that the court will at all times reserve the right to correct any actual mistake or error existing therein.

Explanation for Proposals 1-14

These amendments are proposed by the State Court Administrator's Office.

In 2019, rules were adopted that would allow for appellate filings through the Odyssey system. The purpose was to move away from the e-mail-based filing system used by the Supreme Court. The rules were to be made effective upon further order of the Court. In September 2022, the Court issued an order making the rules effective, but the rules differed for cases numbered 30000 and above and 29999 and below. Once these proposed changes become effective, all parties, except pro se litigants, shall be required to file all pleadings and briefs with the Supreme Court through the Odyssey system, regardless of the case number. These proposals are also intended to reduce the number of paper copies a party must submit of any filing with the Court and to make the filing rules consistent no matter the case number. The purpose of these amendments is to further move the Court to full utilization of the Odyssey appellate system.

Additional changes are made in the sections related to the number of copies filed to increase consistency with other rules of appellate procedure or modernize the language of the rule. The proposed amendments to SDCL 15-26A-73 and 15-30-9 include changes to utilize gender-neutral language. The proposed amendments in SDCL 15-26A-73, 15-26A-87.2, 15-26A-91, 15-30-4, and 15-30-9 include changes to reflect the fact that all parties, whether adverse or not, should be served. See SDCL 15-26A-4(3) (requiring service of "the notice of appeal and docketing statement on counsel of record of each party other than appellant, or, if a party is not represented by counsel, on the party at his or her last known address").

The proposed amendments are not based upon a Federal Rule of Civil Procedure and should not affect other existing rules or statutes.

- - - - -

Any person interested may appear at the hearing and be heard, provided that all objections or proposed amendments shall be reduced to writing and filed with the Clerk of the Supreme Court no later than February 2, 2023. Subsequent to the hearing, the

Notice of Rules Hearing No. 150 - February 16, 2023

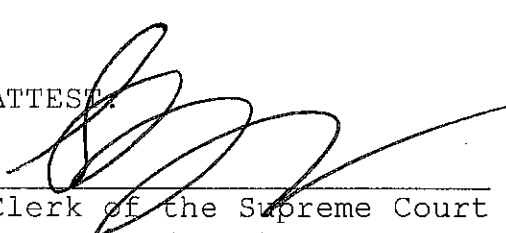
Court may reject or adopt the proposed amendments of any rule germane to the subject thereof.

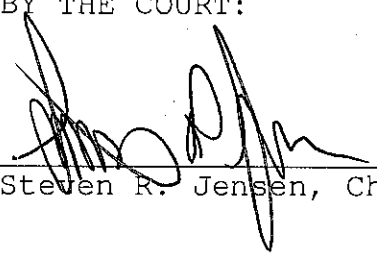
Notice of this hearing shall be made to the members of the State Bar by electronic mail notification, by posting notice at the Unified Judicial System's website at <https://ujs.sd.gov/Supreme Court/Hearings.aspx> or the State Bar of South Dakota's website <https://www.statebarofsouthdakota.com>.

DATED at Pierre, South Dakota this 5th day of January, 2023.

BY THE COURT:

ATTEST:


Clerk of the Supreme Court
(SEAL)


Steven R. Jensen, Chief Justice

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

JAN - 5 2023


Clerk



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IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE PROPOSED)	Rule 23-01
AMENDMENT TO THE APPENDIX TO CHAPTER)	
16-16 REGULATIONS OF THE BOARD OF)	
BAR EXAMINERS STATE OF SOUTH DAKOTA)	
5. ACCEPTANCE OF MULTISTATE BAR)	
EXAMINATION RESULTS FROM OTHER STATES)	

A hearing was held on January 10, 2023, at Pierre, South Dakota, relating to the Appendix to Chapter 16-16 Regulations of The Board of Bar Examiners State of South Dakota 5. Acceptance of Multistate Bar Examination Results from Other States and the Court having considered the proposed amendment, oral presentation and being fully advised in the premises, now, therefore, it is

ORDERED that the Appendix to Chapter 16-16 be amended to read as follows:

**APPENDIX TO CHAPTER 16-16
REGULATIONS OF THE BOARD OF BAR EXAMINERS
STATE OF SOUTH DAKOTA**

5. Acceptance of Multistate Bar Examination Results from Other States

In its discretion, the Board of Bar Examiners may accept an applicant's previous score on the MBE administered in a jurisdiction other than South Dakota if taken within two years prior to the next scheduled examination, and if the score on the MBE is a scaled score of 135 or above. ~~and if the applicant passed the entire bar examination in the other jurisdiction.~~ The Board of Bar Examiners may accept an applicant's MPRE score if taken within

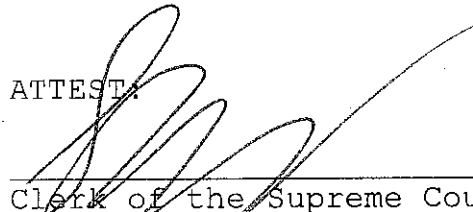
twenty-eight months prior to the next scheduled examination and if the score is a scaled score of 85 or above.


IT IS FURTHER ORDERED that the rule shall become effective immediately.

DATED at Pierre, South Dakota this 10th day of January 2023.

BY THE COURT:

ATTEST:


Clerk of the Supreme Court
(SEAL)

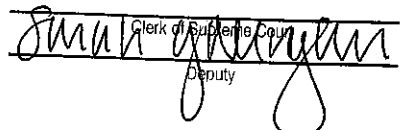

Steven R. Jensen, Chief Justice

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

JAN 10 2023


Clerk

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
10 day of Jan, 2023.


Shirley A. Jameson-Fergel
Clerk of the Supreme Court
Deputy

PUBLIC NOTICE

REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE

The current appointment of Magistrate Judge Francy Foral is due to expire on June 9, 2023. Magistrate Judge Foral serves in the Fourth Judicial Circuit.

The duties of a magistrate judge include conducting preliminary hearings in all criminal cases, acting as committing magistrate for all purposes and conducting misdemeanor trials. Magistrate judges may also perform marriages, receive depositions, decide temporary protection orders and hear civil cases within their jurisdictional limit.

Pursuant to UJS policy members of the bar and the public are invited to comment as to whether Magistrate Judge Francy Foral should be reappointed to another four-year term. Written comments should be directed to:

Chief Justice Steven R. Jensen
Supreme Court
500 East Capitol
Pierre, SD 57501

Comments must be received by March 11, 2023.

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



Lateral Attorney – Sioux Falls

BOYCE LAW FIRM, LLP, in Sioux Falls, South Dakota has an opening in its TRUSTS & ESTATES practice area for a lateral attorney with 3-10 years of experience in private practice or relevant experience in the trust industry. Qualified candidates will have a background in advanced estate planning and/or trust administration, superior communication skills, and be highly self-motivated. Ideal candidates will have an existing book of transferable business and LLM in Taxation. Boyce Law Firm LLP is a top-rated, multi-specialty law firm.

Compensation will be commensurate with education and experience. Benefits include generous 401K, health insurance, annual CLE tuition, professional dues and memberships and numerous incidentals.

Confidential inquiries, including resume and cover letter should be directed to Paul Tschetter, Boyce Law Firm, LLP, PO Box 5015, Sioux Falls, SD 57117-5015 or to pwtschetter@boycelaw.com.

For more information about Boyce Law Firm, please visit www.boycelaw.com.

Staff Attorney – Ft. Yates, ND

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our Ft. Yates, North Dakota office. The Ft. Yates office serves Campbell, Corson and Walworth counties in South Dakota and the Standing Rock Indian Reservation.

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

SALARY: Competitive, depending on experience. DPLS has excellent fringe benefits, including generous leave benefits and employee insurance coverage (medical, dental, life, disability).

CLOSING DATE: Open until filled.

APPLICATION INFORMATION: Please submit a letter of interest and resume to: Thomas S. Mortland, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, tmortland@dpls.org.

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

Staff Attorney – Mission

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

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

SALARY: Competitive, depending on experience. DPLS has excellent fringe benefits, including generous leave benefits and employee insurance coverage (medical, dental, life, disability).

CLOSING DATE: Open until filled.

APPLICATION INFORMATION: Please submit a letter of interest and resume to: Thomas S. Mortland, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, tmortland@dpls.org.

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

Staff Attorney – Pine Ridge

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our Pine Ridge, South Dakota, office. The Pine Ridge office serves the Pine Ridge Reservation and Bennett, Jackson and Shannon counties in South Dakota.

QUALIFICATIONS/RESPONSIBILITIES: Applicants must have a JD degree and be licensed to practice, or by reciprocity be able to obtain a license to practice, in

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

SALARY: Competitive, depending on experience. DPLS has excellent fringe benefits, including generous leave benefits and employee insurance coverage (medical, dental, life, disability).

CLOSING DATE: Open until filled.

APPLICATION INFORMATION: Please submit a letter of interest and resume to: Thomas S. Mortland, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, tmortland@dpls.org.

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

Financial Examiner– Sioux Falls or Pierre

Division of Banking Financial Institution Examiner

Job ID: 20584

Salary: \$50,000 annually

Closing Date: Open Until Filled

This is a Full-Time 40 Hours Weekly position with the South Dakota Division of Banking, part of the Department of Labor & Regulation. For more information on the Division of Banking, please visit <https://dlr.sd.gov/banking>. The Division of Banking regulates the state's banking, trust, and financial services industries to assure that our citizens have confidence in our state's financial markets and services. We are seeking an inquisitive individual with analytical and communication skills to join our team of professional Financial Institution Examiners in either Pierre or Sioux Falls.

Examiners at the Division of Banking enjoy:

- Training – Effective on-the-job training is combined with annual off-site training at locations such as Hilton

Head, SC; Arlington, VA; and Boston, MA.

- Pay Advancements – Salary increases are offered for successful work performance and completion of formal trainings.
- Positive working environments – Enjoy having your own office while still working as part of a knowledgeable and supportive team.
- Personal growth – Develop comprehensive knowledge of the financial industry while developing leadership and communication skills.
- Advancement – Successful examiners will receive numerous certifications with internal promotional opportunities available.

As part of a team, you will:

- determine the financial condition of state-chartered banks, trust companies, and licensed financial institutions;
- evaluate adequacy of financial institutions' internal control procedures;
- determine compliance with State and Federal statutes related to banking, trust, licensing, and consumer protection;
- evaluate loan and investment portfolios to determine quality and suitability;
- make recommendations on findings;
- investigate consumer complaints related to supervised financial institutions.

The ideal candidate will have:

- A bachelor's degree in banking, finance, accounting, or a related field with an advanced degree preferred. Professional experience that leads to mastery of the following knowledge and abilities will be considered.
- Knowledge of accounting and auditing principles and procedures; the organization of banks and other financial institutions; banking work environments; fiduciary principles; consumer protection statutes and regulations; and Microsoft Office products and management information systems.
- Skill to communicate concisely and effectively with co-workers, financial institution staff and officials, and examiners from other agencies; gather, interpret, report, and use financial information; understand and interpret federal and state banking regulations.

Additional Requirements: To be considered, attach your resume, letter of interest, writing sample & post-secondary transcripts

This position is exempt from the Civil Service Act.

This position is eligible for Veterans' Preference per

ARSD 55:10:02:08.

Successful applicant(s) will be required to undergo a background investigation. An arrest/conviction record will not necessarily bar employment.

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

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

Must apply online: <https://sodakprod-lm01.cloud.infor.com:1443/lmg/hr/xmlhttp/shorturl.do?key=JST>

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

Associate Attorney – Sioux Falls

Griese Law Firm, P.C., is seeking a full time associate attorney to join the growing law office. Applicant must be bar licensed but flexible if attorney is sitting for spring exam. Position is paid salary commensurate with experience. Also offer an incentive bonus structure based on revenue earned for the firm quarterly. Benefits include paid time off and health insurance. Please send Resume and attorney references to Nicole@grieselawfirm.com.

Deputy Public Defender – Deadwood

The Lawrence County Public Defender's Office is seeking applications for a full-time Deputy Public Defender position. Duties of the position are as follows: Representation of indigent clients through all stages of the state court system in criminal and some civil matters. This includes pre-trial proceedings, motions, various court hearing and trials in criminal matters, appeals, habeas corpus proceedings, abuse and neglect actions and juvenile proceedings.

Applicant must possess a J.D. degree and be admitted by the Supreme Court of South Dakota to practice law in the state; or be licensed to practice law in any other state and able to take the next available South Dakota bar examination; or be a recent or imminent law school graduate, eligible to sit for the next available South Dakota bar examination. Criminal trial experience or clinical program experience in criminal law are preferred.

Applications will be reviewed until position is filled with a start date dependent upon availability. Salary will be a range of \$69,714.32-\$86,297.12 annually (DOE). Lawrence County offers health, dental and life insurance, paid vacation and sick leave and retirement benefits and is an equal opportunity employer. Please contact the Lawrence County Public Defender's Office for more information at (605)578-3000.

A resume with references and writing sample should be submitted no later than January 20, 2023 to: Amber L. Richey, Director, Lawrence County Public Defender Office, 90 Sherman Street, Deadwood, SD 57732 or arichey@lawrence.sd.us.

Deputy State's Attorney - Butte County

Job Title: Butte County Deputy State's Attorney

Opening Date: January 1, 2023

Closing Date: When Filled

Salary: \$64,000 to \$73,000 Depending on Experience

Position Summary:

The Deputy State's Attorney performs routine professional legal work in the prosecution of civil and criminal cases, juvenile crimes, and juvenile abuse and neglect cases in Butte County, South Dakota. Actual responsibilities of the Deputy State's Attorney may vary depending on need but may include working with law enforcement in the investigation of criminal cases, reviewing offenses and evidence to make charging decisions in criminal and juvenile cases, reviewing requests for petitions and determining appropriate courses of action, making recommendations for child custody and parental rights, and attending legal proceedings. Duties may also include advising County elected and appointed officials on various civil law issues, to include contracts, labor law, taxation, and other civil matters.

Position Requirements:

Applicants must be a graduate of an accredited College of Law with a Juris Doctorate degree. Applicants must also be:

- licensed to practice law by the Supreme Court of South Dakota, or
- licensed in any other state and able to take the next available South Dakota Bar Examination, or
- a recent or imminent law school graduate, eligible to take the next available South Dakota Bar Examination

Applicants must also successfully complete a pre-employment background process.

Preferred Qualifications:

Strong research and writing skills, strong oral advocacy skills, ability to work well in a group, and ability to use a computer in a standard office setting.

Knowledge, Skills, and Abilities:

A successful applicant will have a working knowledge of criminal and civil law, to include criminal and civil procedure, court pleadings, and rules of evidence. A successful applicant will also be able to review, research, and prosecute criminal and juvenile cases, and communicate effectively in writing and orally. A successful applicant will also be able to maintain effective working relationships with coworkers, other agencies and the public. Finally, a successful applicant will be able to maintain a professional appearance and demeanor.

Apply by submitting a resume and cover letter to:

LeEllen McCartney

Butte County State's Attorney

839 Fifth Avenue

Belle Fourche, SD 57717

Leellen.mccartney@buttesd.org

605-892-3337 FAX: 605-892-6768

Turst Officer – Sioux Falls

South Dakota Trust Company has a great opportunity for an experienced Trust Officer in the Sioux Falls Office.

About the position:

The Trust Officer position requires a legal degree, accounting degree, and/or have a minimum of five years of related or similar experience. Actual trust account administrative experience is also required. This

position is responsible for the day to day administration of a wide variety of complex personal trust accounts and will work closely with the account advisors, family office managers as well as the individual clients. An understanding of estate planning, taxes and fiduciary law is preferred, as well as foreign trust experience.

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

What we offer:

A competitive salary, our benefits package includes health, dental, and life insurance, retirement plan with company match, short term and long term disability, 11 paid holidays and generous paid vacation and sick time.

South Dakota Trust Company is an Equal Opportunity Employer.

For more information and to apply, visit <https://www.sdtrustco.com/careers/>.

Senior Assistant City Attorney - Sioux Falls

HIRING RANGE DOQ: \$3,671.20 - \$4,752.80 bi-weekly

DEADLINE FOR FILING: Friday, February 10, 2023

Job Summary

Perform advanced professional legal services representing serious and complicated aspects of the law. Provide legal assistance, advice, counsel to, and representation of City government, elected officials, officers, and employees regarding complex legal matters across various disciplines as assigned.

Minimum Qualifications

Graduation from an accredited school of law and a minimum of six (6) years' experience in the practice of law, preferably in public sector law, regulatory compliance work experience, or diversified program management experience including conducting research and/or investigations and analyzing data; or any such combination of education, experience, and training as may be acceptable to the hiring authority.

Admission in good standing to the State Bar of South Dakota.

APPLICATION AND SELECTION

Apply online at www.sioxford.org/careers. Most qualified will be invited for testing. If an ADA accommodation is needed, please contact, 72 hours prior to closing date, 605-367-8740 or recruiter@sioxford.org.

Senior Contract Specialist - Sioux Falls

Location: Sioux Falls, SD, US, 57104

Please visit: Senior Contract Specialist (ravenind.com)

At Raven, we help farmers serve the world. This purpose guides the work and passion of our team members, who operate at the intersection of agriculture, technology, and innovation. For over 65 years, we've dedicated ourselves to learning more so we can grow as individuals and as a team. Today, we are united by our mission to develop a better and more sustainable planet for each of us.

SUMMARY

Supports in-house legal department in managing contracts and compliance for contracts while also working closely with internal leaders to ensure proper adherence to applicable laws, rules, and regulations.

Essential Functions

- Essential Functions as outlined in Contract Specialist.
- Collaborate with business units to plan, implement, and monitor compliance programs.
- Manages compliance and contract-related projects and implementation on a company-wide scale.
- Determines compliance needs for new business growth.
- Supports strategic growth and development by contributing information, analysis, and recommendations.

QUALIFICATIONS

- Bachelor's degree in business, supply chain, pre-law or related field.
- Minimum 5 years related experience in contract management, manufacturing compliance, or equivalent combination of education and experience.
- Excellent research abilities.
- Demonstrated leadership abilities.

- Strong analytical skills.
- High level of patience and service.
- Ability to motivate team members.
- Problem-solving abilities. Ability to identify waste and creatively look for solutions.
- Capacity to be flexible and multitask.
- Proficient with a computer, including Microsoft Office.
- Ability to communicate effectively with team members and leadership staff.
- Travel up to 10% of time.

BENEFITS TO YOU

Not all benefits are created equal, but we've got you covered. Raven not only offers a wide range of benefits that encourage wellness and preventative care, but we also provide the right tools and programs to help you achieve it. Our benefits package includes medical, dental, vision, company-paid life and disability insurance and 401k. We offer workplace flexibility policies to promote work/life balance in addition to paid time off (PTO) benefit. Team Members can also take advantage of additional benefit programs such as education assistance, our onsite fitness center or fitness center reimbursement, employee assistance program (EAP) and much more.

EEOC STATEMENT

Raven is committed to providing equal employment opportunity to all qualified employees and applicants. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, genetic information, citizenship, ancestry, marital status, protected veteran status, disability status or any other status protected by federal, state, or local law.

Family Law Attorney - Sioux Falls

Ver Beek Law, Prof. L.L.C. is seeking a family law attorney for our Sioux Falls office. We are looking for candidates with experience levels ranging from newly licensed lawyers to those with several years of experience. Only candidates seeking a long-term employment opportunity will be considered. The position offers competitive salary. Interested applicants should send their cover letter and resume to kelsey@verbeeklaw.com.

Associate Attorney – Custer

We are looking to hire an associate attorney to grow and expand our services to the Custer, South Dakota community. This is an associate attorney position ideally for a licensed South Dakota attorney with no experience up to 2 years of experience. Currently, we are a general practice law firm handling a variety of matters from criminal defense, municipality law, estate planning, real estate issues, business formation, and other legal issues. The ideal candidate should be willing to take on various legal matters, and even possibly expand our legal services. If there is a particular area of law you are interested in, we will work to promote that service.

You will be working under an experienced attorney and will be appearing in court, meeting clients, drafting legal documents, and will ultimately be handling your own clients.

Why Custer, South Dakota? The area we cover includes both Custer County and Fall River County. This area is not oversaturated with attorneys and there are many opportunities for a small firm like ours to grow. Additionally, the Custer area offers a wonderful place to live in the Black Hills with many national parks, state parks, lakes, and low taxes. If you love the outdoors, this is the place for you. The people in the Black Hills are great and there are many things to do.

If are seeking a full-time opportunity to practice law with plenty of room for growth, start your application today!

Qualifications:

We are looking for someone who can communicate well and a person who is friendly and likable. Being that we live in a small town, reputation and likability play a major role in acquiring new clients and keeping old clients. Sometimes, this means meeting clients after business hours to fit their schedules, going directly to a person's home or the hospital when they are unable to come to our office, and basically being accommodating and going the extra mile. This position is not for everyone. However, it will be the "perfect" fit for someone.

Candidates should be able to exhibit that they are a hard worker, have attention to detail, they are a self-starter but are able to follow directions, committed to positive outcomes for our clients, committed to teamwork, conscientious of those around him or her, curious, courageous, competitive, and able to respond under pressure and independently.

This firm is looking for someone who will thrive working with our clients and who can manage a range of tasks from a variety of sources; someone who is comfortable multi-tasking and single tasking. This person needs to be punctual, disciplined, and dependable. The position calls for someone who is detail oriented and who can execute a busy schedule with ease. We are looking for someone who is a hard worker, who can work well under deadlines, and fit in as part of our team.

Lastly, communication is key in this business. We need someone who is good at communication, both oral and written, is an active listener, and conducts themselves in a professional manner.

Other Qualifications:

- Completion of a Juris Doctor (J.D. degree) from an accredited law school (if graduating in 2023, please still apply)
- Successful completion of the bar exam (if you are planning on taking the 2023 bar exam, please still apply)

Work Activities:

Preparing and Editing Legal Documentation:

- Drafting estate planning documents, such as trusts, wills, etc.
- Drafting and proofreading various legal documents: letters, discovery requests, motions, pleadings, contracts, etc.
- Corresponding and working with governmental agencies such as the state's attorney.

Lawyering:

- Interviewing prospective clients.
- Developing legal plans and solutions for our clients.
- Preparing and editing Legal Documents.
- Arguing legal issues in court.

Completing Some Administrative Tasks:

- Returning phone calls and emails in a timely manner.
- Working with staff to keep track of billing.
- Keeping a detailed calendar of your schedule.
- Organizing electronic documents.
- Calling and emailing various outside contacts: attorneys, paralegals, court staff, etc.
- Help with the promotion and growth of the firm.

Job context:

Our firm is a growing firm and we feel our staff and clients are like family. We provide various services to the Custer community and you will find out that we wear many hats. Hopefully, the ideal person will join

our firm and become a member of that family.

Compensation:

Compensation will consist of a fixed salary and a share of the hours you bill our clients. This requires you to be diligent in keeping up with billing hours and ensuring you are doing enough work to justify your position. The amount of money you can make is completely up to you; however, we spend a significant amount of time and resources advertising and promoting our firm, so we do not feel there will be any lack of work. Additionally, with the hiring of a new attorney, we will likely expand our advertising.

Please Contact:

Garland Goff (owner)

Phone: (605) 673-3529

Email: garlandgoff@custerattorney.com

Mail:

220 N 5th St

Custer, SD 57730

Associate Attorney – Custer

The Custer, SD law firm of Southern Hills Law PLLC is seeking to hire an attorney for its growing regional criminal and civil practice. This position is open to any level of experience who is right for training. Salary is negotiable depending on experience. Applicant may also qualify for Rural Attorney Recruitment loan forgiveness program.. Work will include preparation of criminal and civil litigation documents and some appearances in local state courts. Interested persons should send cover letter and resume to southernhillslaw@gmail.com.

Attorney – Sioux Falls

Olson Law Firm, LLC is seeking an associate attorney to join its busy growing criminal defense and family law practice. An associate attorney will not be limited to practice in only these two areas of law and will be welcome to expand their practice into other areas. Applicants must be licensed to practice law in South Dakota or enrolled to sit for the next bar exam in South Dakota. Salary is negotiable depending upon the attorney's level of experience and a performance-based bonus is available. Benefits include paid time off and health insurance. Please send your cover letter and resume to Jan at jolsonlawfirm@gmail.com.

Attorney - Pierre

OFFICE OF ATTORNEY GENERAL CRIMINAL LITIGATION

DETAILS: The Office of Attorney General seeks an attorney for a position with the Criminal Litigation Division. The attorney will prosecute major criminal cases in state court and accordingly litigation experience is preferred. The individual must have strong research and writing capabilities. Must be able to communicate well to clients and the courts and must have strong legal advocacy skills.

OFFICE LOCATION: The preferred working station for this position will be Pierre, but for the right candidate we would consider the Sioux Falls station.

STARTING SALARY: Entry level salary is \$72,000 annually or greater, depending upon experience. The State of South Dakota has an excellent benefit package including retirement, employee insurance coverage and paid leave.

QUALIFICATIONS: Applicants must have a JD degree and be licensed to practice law in South Dakota. The person eligible for this position must be a motivated self-starter, have strong research and writing capabilities, be able to communicate well to clients and the courts, and have strong legal advocacy skills. Prior litigation experience is preferred but not required.

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

Email: Brent.Kempema@state.sd.us

OR Mail to:

MARTY J. JACKLEY, OFFICE OF ATTORNEY GENERAL, 1302 E. HIGHWAY 14, SUITE 1, PIERRE, SOUTH DAKOTA 57501.

Attorney - Pierre

OFFICE OF ATTORNEY GENERAL CIVIL LITIGATION POSITION

DETAILS: The Office of Attorney General seeks an attorney for a position with the Civil Litigation Division, Consumer Protection. The Civil Litigation Division is responsible for representing the state in civil cases defended or prosecuted by the State and in many administrative licensing and regulatory cases. Division attorneys practice in both state and federal courts and are involved in constitutional, natural resources, Indian law and environmental litigation. The Civil Litigation Division also provides legal advice to state officials, agencies, boards and commissions. The person eligible for this position must have strong research and writing capabilities, must be able to communicate well to clients and the courts, and must have strong legal advocacy skills. Prior litigation experience is not required but is preferred.

OFFICE LOCATION: The preferred working station for this position will be Pierre.

STARTING SALARY: Entry level salary is \$72,000 annually or greater, depending upon experience and funding availability. The State of South Dakota has an excellent benefit package including retirement, employee insurance coverage and paid leave.

QUALIFICATIONS: Applicants must have a JD degree and be licensed to practice law in South Dakota; must be a motivated self-starter and be prepared to assume immediate civil litigation responsibilities.

APPLICATION PROCESS AND DEADLINE DATE: Interested persons should send a resume containing three references, a writing sample and a letter describing their qualifications to the email or address below. The closing date for this position will be opened until filled. Email: Charlie.McGugan@state.sd.us

OR Mail To:

MARTY J. JACKLEY, OFFICE OF ATTORNEY GENERAL, 1302 E. HIGHWAY 14, SUITE 1, PIERRE, SOUTH DAKOTA 57501.

Attorney – Pierre

We have a position opening due to a staff retirement.

If you hold a Juris Doctorate and are licensed by the South Dakota State Bar to practice law in South Dakota, you should check out this attorney position.

We are seeking a professional, intelligent and dedicated attorney to represent the South Dakota Public Utilities Commission in proceedings before the commission and in working with the regulated industry.

This position pays \$100,000 per year or more depending on your qualifications or relevant experience. This position works in an office in our state's beautiful Capitol building, and works with other attorneys and professional staff.

The State of South Dakota provides excellent benefits. These include employer-paid health insurance, 11 paid holidays, generous vacation and sick leave accrual, dental, vision, and other insurance options and retirement benefits. Access South Dakota's benefit information at BHR.SD.Gov/job-seekers/work-for-state-government/. This position is exempt from the Civil Service Act. Equal Opportunity Employer.

Visit PUC.sd.gov and click on Employment Opportunity for more details.

Please email your resume, cover letter and contact information for three work-related references to PUC@state.sd.us.



Send your job announcement to
Tracie Bradford

tracie.bradford@sdbar.net

*Submit your job announcement by the 26th of the month
preceding publication in a Word Document.*



UPCOMING EVENTS

February 15, 2023 | Bar Commission Meeting | Teleconference
February 16, 2023 | Law for Lunch - Administrative Law Process
March 15, 2023 | Bar Commission Meeting | Teleconference
March 16, 2023 | Law for Lunch - Appellate Process Do's & Don'ts
March 30-31 | Disciplinary Board Meeting | Aberdeen
April 27, 2023 | Bar Commission Meeting | Sioux Falls
May 5 | Criminal Law & Family Law CLE's | Sioux Falls
May 17, 2023 | Bar Commission Meeting | Teleconference
May 18, 2023 | Law for Lunch - 2023 Legislative Updates
June 23, 2023 | Bar Commission Meeting | Ramkota, Sioux Falls

A2J ANNUAL STATE BAR CONVENTION GOLF TOURNAMENT

Thursday, June 22, 2023

Elmwood Golf Course - Sioux Falls

ONE Shotgun Start at 8:00 a.m.

Entry fee is \$125/player (\$500 Team)



Tournament open to all
bar members including
judiciary, spouses/partners,
court reporters, and
law students.

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State Bar of South Dakota

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New Case Reference

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