

STATE BAR OF SOUTH DAKOTA

AUGUST 2023
NEWSLETTER

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AUGUST LAW FOR LUNCH -
INTRODUCING THE UPDATED
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2024 Annual Convention

June 12 - 14, 2024

*Ramkota Hotel & Convention Center
Pierre, South Dakota*

State Bar of South Dakota

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PRESIDENT'S CORNER



Heather Lammers Bogard

In July, I was fortunate to host our Commissioners' Training and Retreat in the beautiful Black Hills. In addition to plenty of boardroom time, we toured Spearfish Canyon and hiked the path from Spearfish Canyon Lodge to Roughlock Falls. I truly love living in the Black Hills and enjoy sharing the Hills with others at every opportunity. As stated by Frank Lloyd Wright about Spearfish Canyon, "But how is it that I've heard so little of this miracle and we, toward the Atlantic, have heard so much of the Grand Canyon when this is even more miraculous."

I can assure the Members of the South Dakota State Bar Association that all of your Circuits are well represented by your Commissioners. Our meeting included valued input on the Young Lawyers Section, Lawyers Assistance Program, our budget, Strategic Planning, and promoting civility. The reports included:

- Kelsey Blair is the current Young Lawyers Section chairperson. Her enthusiasm for her position and the YLS was readily apparent. She reported on the Strategic Planning and Member Programming from last year. She advised that a Swearing In Ceremony is scheduled for September 29th in Pierre. The YLS will also host a Nuts & Bolts CLE that morning. They will be scheduling YL Boot Camps in the Spring in Rapid City and Sioux Falls and plan to host Speed Networking again at the convention in June 2024. Each Circuit plans to hold a Circuit mixer, partnering with Bar Commissioners in their respective Circuits. Kelsey also advised that Tamara Nash will be taking office as the President of the Young Lawyers Section of

the ABA in August. My personal note: this is a tremendous and well-deserved honor for Tamara. She represents our Bar with great distinction. Last, Kelsey reported that YLS will assist Tamara with the National YL ABA conference in Omaha in May 2024.

- Becky Porter provided us with data showing an increase in calls received by Lawyers Concerned for Lawyers and Lawyers Assistance Committee since COVID. She also discussed issues with co-occurring disorders and presented a proposal to expand services with Sand Creek in order to increase confidential options for counseling for South Dakota attorneys and their families.
- Elizabeth Overmoe reported on the Strategic Planning meeting held in May and discussed a timeline for updating the plan over the coming fiscal year. She also discussed the recent survey on civility that was conducted by the SPC, as well as ideas for addressing its results. Note that the results are provided in this Newsletter.
- Your commissioners were receptive to my proposal of focusing on civility among our Members. Stay tuned for developments and ideas in that regard.

To that end, I have always believed that healthy people are happier and more likely to treat others well. August is Summer Sun Safety Month and a great reminder that, while you are enjoying our wonderful outdoors, protect your skin. A very dear friend of mine was diagnosed with melanoma at the age of 42. She has beat cancer

thus far and will continue the fight, but it will now be a life-long journey. As my dermatologist always says, wear sunscreen and enjoy the summer with a wide brimmed hat!



BE SUN SAFE

Stay in the Shade

While a leafy tree or shade sail will block some UV rays, others will bounce from those sunny areas so always combine this measure with others listed below.

-

Reapply sunscreen

Sunscreens should be applied 30 minutes before sun exposure to allow the ingredients to fully bind to the skin. Reapplication of sunscreen is just as important.

-

Protect your Head

Choose a hat that provides good shade to your face, head, neck and ears.

-

Wear Sunglasses

Wearing both a broad-brimmed hat and sunglasses can reduce UV rays to the eyes by up to 98%.









source: sunsmart.com.au

Save the Date!

2023 SOUTH DAKOTA LAND & LENDING CONFERENCE



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STATE BAR OF SOUTH DAKOTA
Younge Lawyers Section

Kelsey Blair
YLS President



August can be a stressful but exciting time for Young Lawyers. Recent law school graduates have just taken the bar exam and are getting ready to start their careers as attorneys. Our section provides bar exam takers with water bottles, goodie bags, and motivational stickers. We also work with USD Knudson School of Law to provide lunch for all examinees. New students are also getting ready to embark on their first year of law school. Did you know that every law student at USD is an affiliate member of the Young Lawyer Section? The Student Bar Association President is also a member of our Board of Directors. The Young Lawyer Section is proud to support our newest members during this time. This year, several of our Board members are attending orientation at USD Knudson School of Law to speak with law students on a panel titled “What I wish I would have known in Law School.”

As the Young Lawyer Section gears up for a year of programming and support for our members, I challenge each of you to find a small way you can support young lawyers in your area. Maybe that means taking a new associate out for lunch, or maybe that just means saying hello to new faces you see around the courthouse. Little gestures can go a long way toward making the newest members of our profession feel welcome. I would also encourage all members of the Bar to attend the Young Lawyer mixers in your circuit – it’s a great opportunity to connect with attorneys you may not otherwise meet in your area of practice.

If you want to support a young lawyer in a big way, please consider serving as a mentor for the Hagemann-Morris Young Lawyer Mentorship Coin Program. Becoming a mentor is a great way to give back to the legal community by imparting your knowledge and wisdom to the next generation of attorneys. Mentoring can be an extremely rewarding and fulfilling experience. If you are interested in becoming a mentor, please reach out to the Young Lawyer Representative from your circuit. And for all young lawyers, whether you just took the bar exam or have been practicing for a few years, I want to encourage you to apply for a mentor through the Hagemann-Morris Young Lawyer Mentorship Coin Program. Having a mentor can enhance your professional development, grow your network, and help you gain confidence in your new profession.

Finally, I want to highlight our major Fall events on the horizon – the Nuts & Bolts CLE, Statewide Swearing-In Ceremony, and reception. These events will be held on September 29 in Pierre. Mark your calendars now and look for more information in next month’s newsletter!

Save

the

date



NUTS AND BOLTS

SEPTEMBER 29, 2023
MISSOURI AVENUE EVENT CENTER
217 W MISSOURI AVENUE
PIERRE, SOUTH DAKOTA

#NUTSANDBOLTS

Statewide Swearing-In Ceremony

September 29, 2023
3:00PM CST

Save the Date!

CAPITOL ROTUNDA
PIERRE, SOUTH DAKOTA

*The State Bar of South Dakota Young Lawyers
Section requests the honor of your presence at
the Statewide Swearing-In Ceremony for the
new South Dakota attorneys.*

Reception to follow at the Missouri Avenue Event Center

Fellows of the South Dakota Bar Foundation

Sustaining Life Fellow - \$50,000 plus

Fred & Luella Cozad

Life Fellow - \$25,000 plus

Frank L. Farrar

Gregory A. Yates

Diamond Fellows - \$10,000 plus

Thomas C. Barnett, Jr.

Robert E. Hayes

Scott N. Heidepriem

David L. Knudson

Kimberley A. Mortenson

Platinum Fellows - \$10,000

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Chet Groseclose

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Jerome B. Lammers

Scott C. Moses

Charles L. Riter

William Spiry

Hon. Jack R. Von Wald

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Richard A. Cutler

William F. Day, Jr.

P. Daniel Donohue

Dana J. Frohling

David J. King

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Timothy J. Rensch

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Hon. Bobbi J. Rank

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Hon. David R. Gienapp

Patrick G. Goetzinger

G. Verne Goodsell

Robert E. Hayes

Terry L. Hofer

Carleton R. "Tex" Hoy

Steven K. Huff

Hon. Charles B. Kornmann

Lisa Hansen Marso

Bob Morris

Thomas J. Nicholson

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Raising the Bar: Our Profession. Our Responsibility.

YOU ARE INVITED TO JOIN!

Fellows of the South Dakota Bar Foundation

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

Full Name _____

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I would like to contribute:

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

In Memoriam

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

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

Mail payment to:
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111 W Capitol Ave. #1
Pierre, SD 57501

Or you can email this form to:

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

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

Raising the Bar
Our Profession. Our Responsibility.

DEAN'S LIST : NEWS FROM THE LAW SCHOOL



It is August. So, while motorcycles roll west to Sturgis, the Class of 2026 is rolling into Vermillion to begin their legal careers. It is always exciting to welcome a new group of 1Ls to campus. There are new faces, new perspectives, new dreams and fears, and a new group of talented and interesting students to get to know.

Although the numbers never tell the full story of a class, it is always a useful place to start. The Class of 2026 has 90 students (as I write this column—there are always a few late changes). That is an exceptional number. Our target remains class sizes between 80 and 85 to strike the balance of being small enough to build engagement with all students but big enough to help meet the many legal needs across South Dakota. To exceed our target and reach 90 is great news.

The students in the Class of 2026 come from 19 states. South Dakota is home for 63% of them. Other common states remain Minnesota, Nebraska, and Iowa, but we continue to matriculate students from Colorado, Texas, and Florida. This year we even drew a student down from Alaska! Doubtless for our moderate climate and short winters.

The Class of 2026 took many paths to law school. Half of them took a year or more off between their undergraduate study and law school. Twelve have had a gap of more than a decade. We have members of two generations within one family. The breakdown of men and women is 54% and 46% respectively—this hangs close to fifty-fifty most years, with some movement on which gender is in the majority. Of the class, 18% are first-generation college students, and 9% are military veterans.

The Class of 2026 continues our trend of strong entering credentials. Their LSAT score and undergraduate grade point averages at the 25th, 50th, and 75th percentiles demonstrate that: 148/3.18, 151/3.56, 154/3.73. While we have increased all these numbers in recent years, I am particularly happy that we have raised the 25th percentile LSAT score by three points in the last five years. Raising our “floor” does a lot to increase student success. Notably, however, we have done this while offering conditional admission to up to five students per year with lower credentials but other indicia of potential success. We invest in those students with additional academic support and programming to help them succeed and expand access to the profession.

We yield almost 80% of those students who visit campus and see what our community is all about. We work hard to make each applicant feel welcome, help them understand their options, and connect them to faculty and students during visits. Recruiting a great class of law students does not just happen. Kudos to Katey Ulrich and Kaitlyn Frier for putting together the Class of 2026. They recruited a large and talented class of law students in the face of some challenging national trends.

Law school applications have been dropping nationwide for three consecutive years. In fairness, they were up considerably for three years before that downturn. The Law School has increased both the number and quality of applications during this downturn. We are getting more applicants and higher credentials across our applicant pool, not just among the students we admit.

Fewer applications across the country means increased competition for the applications that are made,

however. This year we saw more aggressive recruiting by other schools. Larger regional schools made more aggressive scholarship offers than in recent years. Inevitably, we lost a few of those students. We also saw schools that are struggling to survive make full or near full tuition scholarship offers simply to recruit students. This included schools from across the United States and even some non-accredited schools. With a shrinking pool of applicants, continuing to expand our scholarship pool remains a strategic imperative to attract the most talented students with merit-based scholarships and offer need-based scholarships to those students for whom cost is determinative. Thank you to all of you who continue to invest in scholarships—your investment makes a difference.

The recent downward trend in applications is just beginning. Starting in 2026, we are projected to see a ten-year decline in college matriculants. This will place a significant burden on succession within the legal profession. Fewer people going to college means fewer people going to law school. There is also increasing competition with other professional programs such as medicine, accounting, and advanced business degrees—all of whom also face increased demand and declining supply.

The Law School has engaged in several programs to increase interest among potential law students. We have hosted middle school students at both the Dakota Dreams camp and through the Promising Futures Fund to hear about legal careers and have hands on experiences. Many Girl's State attendees tried simulated cases in the Law School while on campus. We again introduced students from South Dakota and beyond to various legal professionals in federal, state, and tribal courts through our Virtual Law Camp. We have expanded our connections to and built accelerated pathways from surrounding schools like Morningside, and

Mount Marty, and Regental partners like Northern and South Dakota State. All these efforts seek to get more students thinking about going to law school, especially early in their academic careers.

None of us can do this alone. There is no greater challenge for South Dakota lawyers right now than the need for every lawyer to recruit their successor. The State Bar Strategic Planning Committee has recommended that a key pillar of the strategic plan focus on pathway programs. Let me echo their endorsement of this as a priority for all lawyers. To sustain the profession, each of us must cultivate a successor into the profession. Please consider how you can develop relationships with local schools from college to middle school to encourage more students to think about legal careers.

The arrival of the Class of 2026 is exciting and a great time to think about the future of the profession. Like everyone at the Law School, I am excited to welcome these students to campus and see all that they will achieve. I'm equally excited about our ability to attend to the future of our profession. I'm fond of saying that our task is to plant trees, not flowers. Much like we plant trees today to provide shade to future generations, our work with the Class of 2026 and the many students that come after them will sustain the legal profession for generations to come. The text of my orientation speech is available [here](#)!

SAVE THE DATE

FALL OCI DATES:

Aug 23-25	Round I
Sept 22	Stay in South Dakota Career Fair
Sept 28-29	Round II
Nov 2-3	Round III

The "Stay in South Dakota" Career Fair will be held in conjunction with the Law Review Symposium on Rural Lawyers.

Please register for the Career Fair via this [link](#).

Contact Teramie Hill at Teramie.Hill@usd.edu

for more information on these events or to register for OCIs.





JUSTICE SQUAD

THANK YOU TO THE FOLLOWING ATTORNEYS THAT ACCEPTED A PRO BONO OR REDUCED RATE CASE IN JUNE OR JULY FROM ACCESS TO JUSTICE, INC.! YOU ARE NOW A MEMBER OF THE A2J JUSTICE SQUAD - AN ELITE GROUP OF SOUTH DAKOTA LAWYERS WHO ACCEPT THE RESPONSIBILITY TO DEFEND JUSTICE, UPHOLD THEIR OATH AND PROVIDE LEGAL REPRESENTATION TO THOSE WHO NEED IT.

JOEL ARENDS
TIM BOTTUM
TYLER HAIGH
DERIC DENNING
ABIGAIL MONGER
SPENCER PROSEN
COLE ROMEY

Special Thanks to:

BETH BALOUN
JOSEPH HOGUE
STEVE HUFF
KYLE KRAUSE
DENISE LANGLEY
DYLAN MILLER
ERIKA OLSON
NICOLE PHILLIPS
ALISON RAMSDELL
MARWIN SMITH
JAMES TAYLOR

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



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

imgflip.com

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

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



UNIVERSITY OF
SOUTH DAKOTA

SOUTH DAKOTA LAW REVIEW SYMPOSIUM ON RURAL LAWYERS

The South Dakota Law Review Symposium on Rural Lawyers will be hosted on
Thursday, September 21st – Friday, September 22nd at the Knudson School of Law.

Please register by Thursday, September 14th at the link below.

Thursday, September 21st:

9:00 a.m. – 9:05 a.m.: Welcome

9:05 a.m. – 10:15 a.m.: Rural Indigent Criminal Defense Panel

10:30 a.m. – 11:45 a.m.: Rural Prosecutor Panel

12:00 p.m. – 12:30 p.m.: Lunch and Speaker

1:00 p.m. – 2:15 p.m.: How Other States and Industries Draw Talent to Rural Areas Panel

2:30 p.m. – 3:45 p.m.: 10 Year History of South Dakota Project Rural Practice Panel

4:00 p.m.: Keynote Address, Chief Justice Steven Jensen, South Dakota Supreme Court

Friday, September 22nd:

8:15 a.m. – 9:15 a.m.: Rural Professional Responsibility Panel

9:30 a.m. – 10:30 a.m.: Rural Community and Attorney Data Panel

10:45 a.m. – 11:45 a.m.: Teaching and Scholarship Panel

12:00 p.m. – 1:00 p.m.: Experience from the Field – Rural Lawyers Panel

1:00 p.m.: Rural Career Fair

*Register
Here*

ANNOUNCEMENTS



is pleased to announce

Ellie J. Bailey



has joined the firm as Partner
effective July 1, 2023.

Riter Rogers, LLP
319 S Coteau Street, PO Box 280
Pierre, SD 57501
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2023 FALL FORUM

MAKE PLANS TO **JOIN US**
IN SIOUX FALLS OR ONLINE

REGISTER TO DAY!

sdtrustassociation.org

REGISTRATION OPEN!

**OCT
5 & 6
2023**

SOUTH DAKOTA
TRUST ASSOCIATION

We are thrilled to present the results of our recent survey focused on two crucial aspects of the legal profession: civility and public education/outreach. We extend our heartfelt gratitude to each one of you for taking the time and contributing to our collective understanding of these critical topics. You can download the survey summary through the member hub of our State Bar website at this [Link](#)

PLEASE JOIN



Stephanne Cline Thornton,
MSW, LICSW, MAC, CCTP, CSOTP

Clinical Director
West Virginia Judicial & Lawyer
Assistance Program

AUGUST 24, 2023
11 AM MST/12 PM CST

Stephanne was involved in the panel discussion for the CLE presentation by Justice Elizabeth Walker at the 2023 State Bar Convention.

Stephanne has counseled attorneys and others for over 20 years.

Mark Your Calendars

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CONTACT

Ryan Kolbeck
at 605-306-4384





August Law for Lunch

Introducing the Updated Administrative Hearing Guide

A webinar program to provide an overview of the updated Administrative Hearing Guide. The Bar's Administrative Law Committee has updated the Guide to reflect changes in the law and practice since the Guide's initial publication.



August 15, 2023



12:30 PM - 1:30 PM CDT



[REGISTER HERE](#)



Kristen Edwards
SD Public Utilities Commission

John Richter
SD Department of Revenue &
SD Investment Council

Anita Fuoss
SD Bureau of Human Resources
and Administration

Estate Planning Nuggets and Planning Tips Fall 2023

Chair,
Joe Dylla

Presented by Martin M. Shenkman

This presentation will be a potpourri of practical planning tips and ideas for practitioners that will include discussion of some recent developments and how they might be addressed in practice. The presentation will include discussions regarding the following:

- Tax reimbursement clauses – suggestions on safer use.
- SLATs: practical and often overlooked planning, funding and structuring and administration of SLATs to enhance the access clients have and increasing the likelihood of the IRS and creditors respecting the plan including an approach that might obviate a reciprocal trust challenge.
- Mass affluent clients (\$2-\$10M) can benefit from SLATs too! How to apply what is often viewed as only an estate tax reduction technique to lower wealth clients.
- Powers of attorney – an often ignored but vital planning document deserves more attention from special needs planning to 2026 tax planning and more.
- Revocable Trusts – how to tailor them to be more robust later life protective tools to deflect elder abuse, identity theft and more for your aging clients.
- Planning lessons and themes from the Smaldino, Levine and Sorenson cases: adherence to formalities, overlooked reporting and other issues, how to better structure note sale and other transactions and more.
- Kalilkow case.
- Trust decanting – tax and other practical considerations.
- Grantor trust burn – what to do when the client tires of paying income taxes on trust income. It is about a lot more than just trying to turn off grantor trust status.
- How practitioners can practice more defensively given the growing malpractice risks in the estate planning area including recommendations based on an analysis of recent cases. Tips on language to include in engagement letters and billing.
- Recent valuation cases and what they mean to practitioners: Nelson v. Commissioner, CCA 202152018, Daniel R. Baty v. Comm'r, Dematteo v. Comm'r.

September 8 2023
The Country Club of Sioux Falls



**Brought to you by The First National Bank of
Sioux Falls, Sioux Falls Estate Planning Council, and SD CLE, Inc.**

WEBSTER OFFICE

PO Box 615 | 21 West 6th Ave.
Webster, SD 57274

SISSETON OFFICE

PO Box 9 | 520 2nd Ave. East
Sisseton, SD 57262



DELANEY | NIELSEN | SANNES P.C.

Kent Delaney

Gordon P. Nielsen

Thomas L. Sannes

David A. Geyer

Glacial Lakes Bar Social

DATE: Monday, August 21, 2023

FROM: Thomas L. Sannes, Gordon P. Nielsen, and David A. Geyer

RE: 25th Annual GLACIAL LAKES BAR ASSOCIATION SOCIAL
SAVE THE DATE - AUGUST 21, 2023

WHO: All members of the Glacial Lakes Bar Association (Day, Marshall and Roberts counties)

Honorary and retired members of the Glacial Lakes Bar Association (e.g. Judges) Officials and personnel of the State Bar of SD and USD Law School

Spouses and significant others are welcome!

WHAT: Please join us for conversation, food, and drinks. The refreshments and food will be provided by Delaney, Nielsen & Sannes. If you wish to bring a side to share, please feel free to do so!

WHEN: Monday evening, August 21, 2023, from 6:30 P.M. - 9:00 P.M.

WHERE: At Gordon Nielsen's Roy Lake cabin, 438963 Northside Drive, Lake City, SD:

- Parking is available at the cabin or on the gravel directly across the road from the cabin.
- If parking is full at the cabin, please park to the East on the back lot marked with US flags.
- The cabin is tan with white trim and a cement parking pad (which will also be marked with US flags).

Glacial Lakes Bar Business may or may not be conducted. Stories / tales / truth will be told.

Jason is an outstanding criminal defense lawyer and even better person. He's been committed to representing individuals against the state for more than twenty years. He's one of the longest tenured Minnehaha County Public Defenders in recent memory. He's handled a number of serious and high-profile cases in both federal and state court. He's the only defense lawyer I can think of who's handled multiple death penalty cases in South Dakota – on the first one, he and his co-counsel succeeded in getting a life verdict in one of the most sensationalized and publicized cases in Sioux Falls history. On the current one, he successfully led our team in getting the trial court to rule that the state's laws governing intellectual disability in a capital case are unconstitutional. He recently got an acquittal in a homicide case here in Minnehaha County. He tries cases regularly, and is successful more than most of his peers.

He's committed to indigent defense at a time when a lot of us are taking fewer court appointments. He accepts court appointments in federal court, and from counties all over the state, including post-conviction matters and parole board matters. Finally, he's always willing to answer questions and provide wise counsel to other defense attorneys.

Thanks for giving me this opportunity to nominate him.

John P. Hinrichs

Heidepriem, Purtell, Siegel, Hinrichs & Tysdal, LLP



Jason Adams & Family
Outstanding Lawyer of the Year
Awarded by the South Dakota Association
of Criminal Defense Lawyers

JOIN OUR TEAM

LEGAL DIRECTOR

Advises Sr. Leaders on legal matters as well as supports and guides other legal professionals

Additional Benefits:

- 6% fully matched Retirement Plan
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- Paid Family Leave and 11 Paid Holidays
- Employee health insurance includes a plan with a \$0 premium for employee-only coverage
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State of
South Dakota
BUREAU OF HUMAN RESOURCES
AND ADMINISTRATION

More Information :

BHR.SD.GOV/WORKFORUS/

🔍 Job ID 23778

📍 Statewide within SD will be considered

💰 \$125,000 - \$140,000 annually, DOE



October 5-6, 2023 • Sioux Falls Convention Center

Hosted by SD Unified Judicial System, Child's Voice at Sanford Health, and Center for the Prevention of Child Maltreatment, the conference is a regionally-recognized, annual event. Attended by 500+ law enforcement, legal professionals, educators, social workers, medical professionals, and community advocates all focused on the mission to end child maltreatment in South Dakota.

Conference Highlights

- 15+ unique breakout sessions provided by local and regional leaders.
- 3 general sessions feature national experts and current best-practices.
- 10+ hours of continuing education units available.
- In 2022, 52 communities from 37 South Dakota counties attended and 800 learning hours were completed through on-demand portal.

Breakout Sessions Include

- Jurisdictional Challenges and Solutions in the Prosecution of Child Abuse and Exploitation
- Family First Prevention Services Act Preview
- In My Neighbor's House: MDT Responses in Rural Communities
- Persevering through Unresolved Trauma, Exposure to Violence, and Social Determinants of Health Utilizing Lakota Culture



Unto the Third Generation: A Call to End Child Abuse Within 30 Years, presented by Victor Vieth, Chief Program Officer, Education & Research, Zero Abuse Project

In this moving and hopeful address, attendees will learn the five obstacles that prevent us from ending child abuse and will learn about sweeping changes now taking place in our child protection system that will enable us to significantly reduce and perhaps eliminate child abuse over the course of the next three generations.



Familial Trafficking of Minor Males, presented by Nathan Earl, Principal, giantslayer., LLC

Research suggests that familial sex trafficking is a common typology impacting boys and male youth. This training equips attendees with an understanding of prevalence and trending research, risk and vulnerabilities, indicators, tools for identification and community level strategic recommendations to implement evidence and survivor-informed strategies to prevent familial trafficking of boys, while empowering male youth who have been impacted.



Know Your Why, presented by Mitchell Reed, Superintendent, Florence School District 14-1

A presentation on how to identify your why and ways to protect it. We are in a world where people constantly judge and attack our purpose and it burns us out. Through humor and motivation, I share personal stories that will be relatable to you in your current position.

Registration:	Professional	Early Bird	Student
	\$150	\$125	\$75

SDCCPM.com/Conference

MEDIATOR TRAINING

CALKINS ACADEMY OF DISPUTE RESOLUTION



Richard M. Calkins, former dean of Drake University Law School, invites applications for the 91st online (Zoom) Mediator Training Class for 40 hours CLE and 2 hours ethics.

The on-line class will be every Monday beginning September 18, 2023 for 13 weeks from 3:00 p.m. to 6:30 p.m.

Curriculum:

Mediator training, attorney mediation advocacy, psychology of conflict, arbitration basics, negotiation tactics, artificial intelligence, ADR, peacemaker techniques, family law, use of structured annuities

Case materials:

- Lane & Calkins – Mediation Practice Guide, 5th Edition
- Advanced Settlement Techniques
- Practical Psychology of Mediation

Faculty:

Kathleen R. Leedy, Los Angeles, CA; Case Ellis, Chicago, IL; Nick Critelli, Des Moines, IA; Michael Pitton, Iowa City, IA; Zena Zumeta, Ann Arbor, MI, Richard Calkins, Des Moines, IA

Note: Upon completion of 40-hour course, pro bono mediations will be provided through the Iowa Civil Rights Commission.

For registration information, contact Susan Ewing at 515-283-0331 or amta@dwx.com.

Some Perils of Do-It-Yourself (DIY) Weather

By Matthew J. Bunkers, Ph.D.
Certified Consulting Meteorologist

Although do-it-yourself (DIY) weather can be tempting for attorneys because it is quick and inexpensive to obtain, the information obtained from DIY weather can be highly misleading. One source of DIY weather is from the www.timeanddate.com (TAD) website. I have worked on two recent personal injury cases where opposing counsel obtained historical weather information from the TAD website. In both cases, the attorneys thought they had weather information for a smaller community where the slip and fall occurred. However, the actual weather information was from locations 35 to 55 miles away from the two sites where the slip and falls occurred. This was critical to the outcome of the cases. Specifically, the weather information from these distant weather stations (35 to 55 miles away) made it appear the weather was different at the sites compared to that of much closer, representative weather stations that I uncovered during my investigations (i.e., within 0.5 to 2 miles of the sites).

data about data) that should list the station latitude, longitude, and elevation. The TAD website does not provide this information and, therefore, can be easily subjected to mischaracterization.

Here is an example. As a meteorologist who has lived in western South Dakota since 1988, I know that Hoover is a rather small unincorporated community in Butte County. I also know there is no official hourly reporting weather station there. Nevertheless, if I go to the TAD website and request historical data for August 2013 for Hoover, it will immediately render it for me (Fig. 1). The bold header near the top of the page exclaims, “**August 2013 Weather in Hoover — Graph**” and farther down (not shown in Fig. 1) the page states “**Hoover Weather History for August 1, 2013.**” Note, however, that near the top of Fig. 1 in small print states: “Weather station: Ellsworth Air Force Base, USA.” The Ellsworth Air Force Base weather station is **67 miles south** of Hoover!

How can this be? Apparently, the TAD website has an

That is not what you expected, was it?

algorithm that searches for the closest official F A A / N W S recording station to the location that is being sought. When that station is found, the TAD website will list the weather data as if it were from the actual location that was entered in the search. Even so, the location of the

actual official reporting station will be listed in small/fine print embedded near the top of the first page, so it is quite easy to miss. However, as a certified consulting meteorologist, it has been straightforward for me to demonstrate that this distant weather information is unrepresentative of the location of the slip and fall. Moreover, all weather stations have metadata (i.e.,

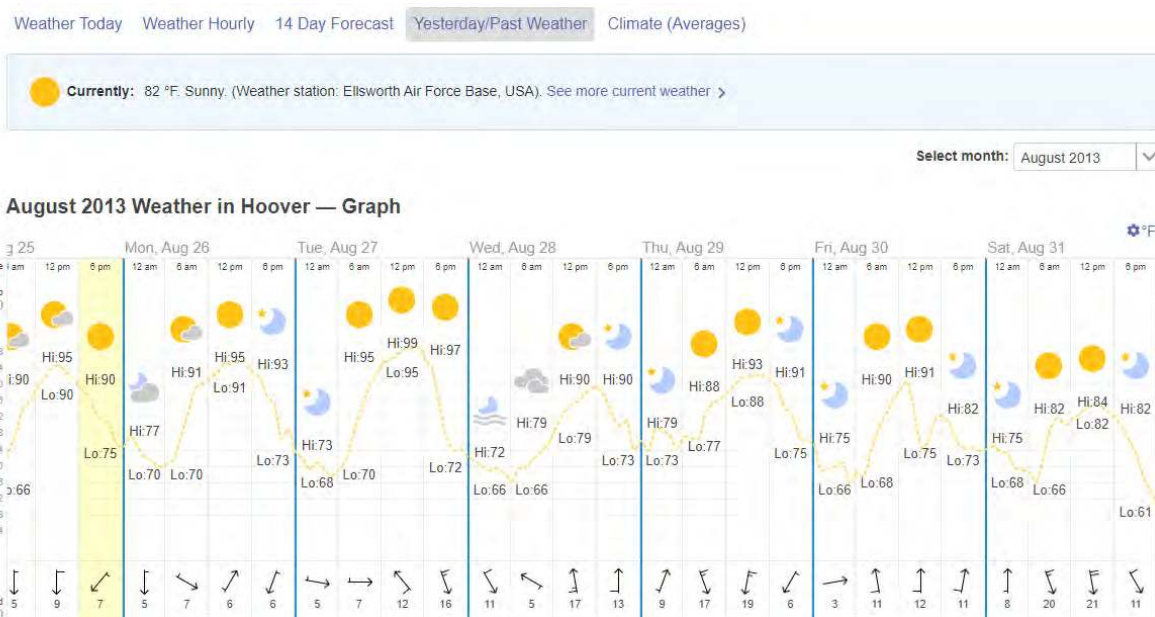


Figure 1. Hoover, SD, weather graph based on a search for August 2013 from the TAD website (<https://www.timeanddate.com/weather/@5765694/historic?month=8&year=2013>).

The takeaway from this experience for me is two-fold. First, if you are an attorney who relies on weather

information from the TAD website, be extremely cautious about its authenticity. You could easily be misled into believing the weather is for your site of interest, but in reality, it is for a location many tens of miles away from the actual site. Second, if you are an attorney who is presented with weather information by opposing counsel who used the TAD website to obtain it, be very, very skeptical in accepting that information. Again, it is highly likely the weather information is not for the site it is claimed to be.

In summary, there may be times when non-meteorologists can get away with DIY weather, but using the TAD website generally is not one of those circumstances. Cases like these are when the role of a certified consulting meteorologist becomes especially important in order to provide accurate and reliable weather information. Note that some DIY sources may be useful for a broad, general understanding of weather conditions across a large area. However, when accurate and precise weather information for a specific site is required, all DIY weather sources will independently fall short of a professional meteorologist's expertise.

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CORPORATE TRANSPARENCY ACT

and more...

October 20, 2023

8:30AM – 11:30AM

Minnehaha Country Club
Sioux Falls, SD

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

In the Matter of Discipline of)	JUDGMENT OF DISBARMENT
MICHAEL G. MILLER,)	
as an Attorney at Law.)	#30380
)	
)	

The Disciplinary Board of the State Bar having filed with the Court a resignation executed by respondent Michael G. Miller, consenting to disbarment pursuant to the provisions of SDCL 16-19-65, now, therefore, in compliance with the provisions of SDCL 16-19-66, it is

ORDERED that Michael G. Miller be disbarred from practicing as an attorney and counselor at law in all of the courts of this state, and the license to practice law granted by this Court to said attorney is hereby canceled and revoked and the Clerk of the Court is authorized and directed to strike the name of Michael G. Miller from the roll of licensed attorneys and counselors at law on file in the office of the Clerk.

IT IS FURTHER ORDERED that respondent shall comply with the provisions of SDCL 16-19-77 through 16-19-81 and that noncompliance shall constitute contempt. SDCL 16-19-82.

#30380, Judgment of Disbarment

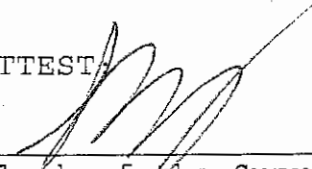
IT IS FURTHER ORDERED that pursuant to SDCL 16-19-77, the disbarment of respondent shall become effective thirty (30) days after the entry of this judgment (August 9, 2023).

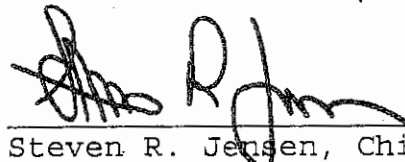
ORDERED that Michael G. Miller shall on or before September 1, 2023, pay to the State Bar of South Dakota \$3,312.30 as reimbursement of its itemized costs and expenses allowed under SDCL 16-19-70.2, proof of said payment to be filed with the Clerk of this Court on or before September 15, 2023.

DATED at Pierre, South Dakota, this 10TH day of July, 2023.

BY THE COURT:

ATTEST:


Clerk of the Supreme Court
(SEAL)


Steven R. Jensen, Chief Justice

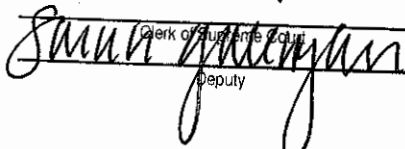
PARTICIPATING: Chief Justice Steven R. Jensen and Justices Janine M. Kern, Mark E. Salter, Patricia J. DeVaney and Scott P. Myren.

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

JUL 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
13 day of JULY, 2023.


Deputy



How to Avoid the **Legal Fee Suit** Counterclaim

Mark Bassingthwaite, Risk Manager

You finish a client matter. You feel good about the quality of your work, and you are pleased that you got such a good result for your client. Then, as sometimes happens, you are forced to come to grips with the reality that this client has stopped making payments on a rather significant outstanding balance. It should go without saying that you deserve to be paid, so what are your options? The temptation, in light of the quality of work and the outcome obtained, is to file suit. Of course, once that happens, the fact that your work was solid, and you got a good result will mean nothing to the client.

If you ever decide to sue for fees based upon the reasons set forth above, don't be surprised if or when a malpractice counterclaim is filed because the decision to file suit was based on the wrong reasons. With this in mind I offer the following thoughts, shared with the intent of helping you avoid ever having to consider suing for fees.

- It begins at intake and the best advice I have to share is this. **Never take on a client who can't afford your services from the get-go.** This will always be a losing proposition and you're going to be the one who will make the decision to step into that mess. If you do so, don't blame the client when the bill goes unpaid.

You really must determine every prospective

client's ability to pay for all proffered services before you take any matter on. This will always require a thorough discussion. For example, it's not enough to simply state that your hourly rate is \$225. That figure is meaningless absent a reasonable estimate of the number of hours involved. Fail to do this properly and you'll find yourself torn between doing all the work that is truly called for while also trying to minimize the financial hit you're about to take.

Never forget that while it's easy to get involved in a matter, it's often far more difficult to exit prior to its completion. You want to do all that you can to avoid the headache. Learn to identify and say no to prospective clients who simply don't have the financial wherewithal to move forward.

- **Have a written fee agreement with all new clients and on all new discrete matters for existing clients.** This doesn't mean the document used must always be your firm's standard multipage engagement contract. For repeat work, a simple "thanks for stopping by" email or letter that confirms your regular rates apply may suffice. Whatever its form, the document should clarify the scope of representation and set forth the fee structure. Where appropriate, be specific regarding the types of out-of-pocket expenses

the client will be responsible for, such as filing fees, court costs, expert witness fees, photocopy charges, travel, etc. If possible, estimate what those expenses might be because first-time clients often are astonished by the amount of out-of-pocket expenses that can be incurred on their behalf.

- **Always bill monthly unless the client has specified otherwise.** Regular billing can prevent a client from receiving a large, unexpected bill that can all too easily leave them with sticker shock and anger. It also encourages clients to make regular payments on their accounts, which will help prevent delinquencies from ever developing. Think about it this way. When clients receive bills on a haphazard basis, the message they receive is its fine for them to pay whenever they decide to get around to it. After all, if regular billing isn't important to you, why should making a timely payment be important to them?
- **Never try to raise your rates on an active matter.** If you undervalued your work at the outset, that is your problem. Put yourself in your client's shoes and think about how you would feel if your lawyer tried to raise her rates midway through. In short, this can be an invitation for trouble. If your fee structure is changing, change it only with new clients and on new matters with current clients.
- **Provide detail in your billing statements using everyday language, not legal jargon.** The billing statements should detail the daily work performed and state why the work was necessary, who did it, and how long it took. In addition, an entry such as "3.5 hours - research" is unacceptable. Rather, the entry should read something like, "3.5 hours to research state case law on piercing the corporate veil in order to create a preliminary strategy." Clients want to be able to see that their matter is progressing and to understand what they're paying for. Create bills with this in mind.
- **Review all your outgoing bills.** Prior to mailing, review each bill in order to check for errors, identify any write downs that should be made.

Also consider adding a brief personal note or update, which would be particularly important if the bill is going to be higher than the client is expecting. For those who are current with their bills this personal note could be as brief as "Thank you for keeping your account current. I appreciate your business!"

- **Copy the client on all correspondence and other materials relating to the client's matter.** These blind copies not only show your client that you want to keep her informed, they also indirectly serve as informal status reports. Ask yourself which client is more likely to pay the monthly bill: the client who hasn't received a single sheet of paper from her lawyer in three months, or the one who regularly receives informational copies?
- **If you are one who continuously struggles with delinquent accounts, try collecting a retainer at the start of all new matters.** If the request for a retainer causes a prospective client to take his business elsewhere, he probably wasn't a client worth having. Just remember that a retainer is almost always considered an advance payment and thus is fully refundable (minus what may have been earned for work started or costs advanced) if the client later decides to take her business elsewhere.
- **Take prompt action on all accounts in arrears.** This is the single biggest mistake lawyers make with respect to fee disputes. A client who can't pay your fee today isn't likely to have the financial wherewithal to pay it tomorrow, and the bill won't get smaller or easier to collect over time. Require timely payments and, if it becomes necessary, withdraw if you can as soon as the situation becomes clear.

One side note here. Beware of clients who promise to pay next month. That's often one of those "fool me once shame on you, fool me twice shame on me" situations and the money never materializes. If you can, it's better to withdraw cut your losses when the past due amount is \$2,500 as opposed to having to eventually write off \$25,000. Again, if they can't pay now, most won't be able to pay later.

- **If a delinquency is developing, you should personally speak to the client within the first sixty to ninety days.** You will have far more success with a personal phone call asking for payment than you will with letters from your bookkeeper or a collection call made by your receptionist. At the very least, you will have made a good faith effort to collect the fee and you might learn something that can help you decide how to proceed.
- **Establish a strong policy against suing for fees. If you can't work out a realistic payment plan with the client, consider other alternatives such as arbitration or mediation.** If you are tempted to sue for fees, consider this: the counterclaim for legal malpractice usually seeks an amount far in excess of the legal fees in dispute. In the vast majority of these cases, the lawyer ends up dropping the fee suit just to get rid of the malpractice claim.
- **If you feel you have no alternative other than to sue for fees, and this is of particular importance, never sue a client who never had the ability to pay your bill in the first place.** Accepting them was your mistake, not theirs; and they will often counterclaim. What other option do they have?

Assuming the ability to pay isn't the underlying problem, and prior to deciding to sue for fees, have another lawyer first do a thorough objective review of the client file. This might be done by someone in your firm who has had no relationship with the file or a local member of the bar who does collections work. The purpose of the review is to see if there are any facets of the work that could be questioned and to make certain that the client's matter was handled with

the utmost diligence. For many lawyers, once a client is in the hole for a significant sum, it's nearly impossible to be objective about the file and the work that was done for that client. More importantly, understand that if and when that client file is put under the lens that comes with a malpractice counter claim the client made in response to the collection action you started, that file is going to be critically reviewed in every detail. There is value in knowing where the weaknesses are to enable you to make an informed decision about whether to try and collect on the debt.

- And last but not least, if **you decide to pursue collection activity, never do this work yourself.** One of the most important services provided by a lawyer is objectivity. Clients will view their lawyer as someone who is a knowledgeable third party and able to help protect their interests. Do something similar and send the matter to a specialist who can be objective and mediate any concerns that may arise.

These ideas are not meant to be the final word in effective collection practices. In addition, a decision to follow them doesn't mean you will never face a fee dispute. All I can say is this. If you ignore the above, you can unintentionally give a disgruntled or unscrupulous client the opportunity to take a shot at your malpractice insurance coverage (via a counterclaim) if you ever end up deciding you have no other option but to file a suit for fees. Personally, I don't like the idea of painting a target on my chest and I suspect you might feel similarly.



Authored by: Mark Bassingthwaighe, ALPS 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.



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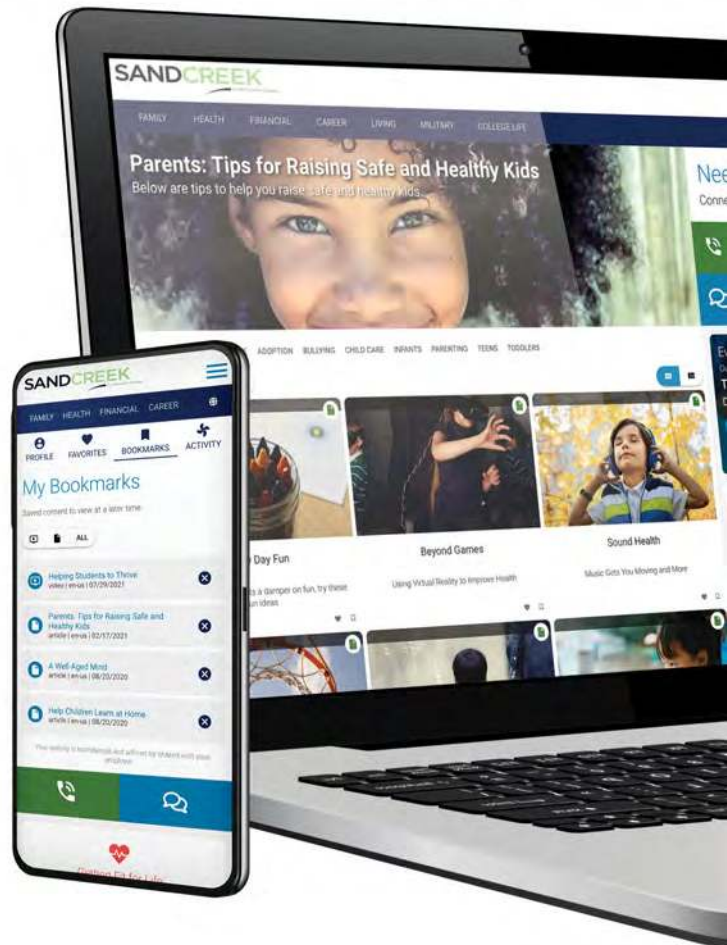
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HIGHLIGHTS

YOUNG LAWYERS EDITION!

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Board

Carla Cushman
Board

Lisa Marso
Board

Dave Pfeifle
Board

Energized and Working to Make a Big Impact!

One of our goals this year is to increase our collaboration with other groups (i.e., other sections of the bar, the law school, and other persons and entities, etc.) to create programs that are integrated, which will allow for better cross-pollination of ideas and broader impact! Accordingly, it's fitting to congratulate public sector attorneys Kelsey Blair and Chelsea Wenzel for being named President and President-Elect of the Young Lawyers Section! Congratulations – we are excited to see what we can accomplish throughout the year!

Administrative Hearing Guide

This past year, the Administrative Law Committee focused on creating an Administrative Hearing Guide for practitioners. The goal with this document is to make it a living document and update it as the law evolves. If you see any ways in which we can improve the document, please email any member of the Administrative Law Committee. As a bonus, the Administrative Law Committee will be discussing the Guide at the Law for Lunch on August 15th – **Register on the State Bar website!**

FREE
Administrative
Hearing Guide

Active! Engaged! Leaders!

PUBLIC SERVANT SPOTLIGHT

YOUNG LAWYERS EDITION!



The Public Sector Section and Administrative Law Committee invite you to join us on August 31, 2023 at 2:00 p.m., CT, via Zoom:

<https://us02web.zoom.us/j/82044718862?pwd=R1pKSnQwUnFwK1VGekVCMmxlNzUrQT09>

This Spotlight will feature U.S. Attorney Alison Ramsdell and Paige Petersen and be hosted by Young Lawyer Morgan Erickson and USD Law Students Shanell Nieuwendorp and Taylor Bushelle! A big thanks needs to go out to all our participants!!

Alison Ramsdell! Paige Petersen!

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.

Our agency can help with the Bar Association Avera Health plan that is now offered to members!

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ATTORNEYS - 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 inviolate 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.

BOARD OF BAR COMMISSIONERS

Minutes, May 17, 2023

Via Zoom

President Lisa Marso called the meeting to order at 9:00 am Central Time on Wednesday, May 17, 2023. Present were Marso, President Elect Heather Lammers Bogard, Commissioners Tyler Matson, David Strait, Stacy Johnson, Erika Olson, Tim Dougherty, Judge Francy Foral, Eric Pickar, Drew Skjoldal, Nick Moser, and John Richter. Also, present at the meeting were Executive Director/Secretary-Treasurer Paul Cremer, Access to Justice, Inc. Coordinator Denise Langley, Strategic Plan Coordinator Elizabeth Overmoe, Assistant Executive Director Nicole Ogan, Lawyers Assistance Program Director Becky Porter, and Communications Director Tracie Bradford.

Minutes of April 27, 2023, Meeting: The Commissioners reviewed the minutes of the April 27, 2023, meeting. The Commissioners noticed an error in the minutes and Commissioner Bell moved to reopen, correct, and approve the minutes. Commissioner Strait seconded the motion. Motion carried.

Discussion of Proposed Resolutions: The Commissioners discussed proposed resolutions to be considered by members at the June 23, 2023, Business Meeting. The proposed resolutions involve a change to State Bar Bylaws for Pres.-Elect nominations, State Bar purposes and immunity, LLC Act amendments, and Title Standards revisions.

Financial Report and 2023-24 Budget Discussion: Nicole Ogan presented the financial report and budget supplements for 2022-23. Commissioner Dougherty made a motion to accept and approve the supplements and Commissioner Pickar seconded the motion. Motion carried. The Commissioners discussed suggested changes to future budget line items as proposed by the Bar Commission audit subcommittee. The Commission discussed committee and section budgets. The Commission discussed plans to approve the budget at the July 2023 Bar Commission meeting. The Commission discussed plans to review IRS Form 990's when they are prepared by the auditors.

Member Benefits - CLIO: Paul Cremer informed the Commissioners that staff is still working with CLIO on their proposal involving member benefits.

Lawyers Assistance Program Update: Becky Porter provided a report regarding the Lawyers Assistance Program. Porter updated the Commissioners on the well-being CLE program scheduled for June 21, 2023, which is scheduled to include West Virginia Chief Justice Elizabeth D. Walker, Stephanie Thornton, Chris Newbold of ALPS, and South Dakota attorneys.

Marketing the Bar: The Commissioners discussed efforts to engage in public outreach efforts.

Cameron Morgan Internship: Beth Overmoe provided an update regarding law school intern Cameron Morgan, who provided valuable assistance to the State Bar, and Overmoe thanked Morgan.

May 12 Strategic Planning Retreat Update: Beth Overmoe provided an update regarding the May 12 Strategic Planning Committee meeting. Overmoe discussed the legal needs assessment and public outreach.

Annual Meeting Updates: The Commissioners discussed the upcoming Annual Meeting, scheduled to be held June 21-23, 2023. President Marso updated the Commissioners on Annual Meeting schedule changes.

President's Update: President Marso updated Commissioners on efforts to increase participation at the Annual Meeting. President Marso thanked the outgoing Commissioners for their service. State Bar staff thanked Marso and the outgoing Commissioners for their service.

Adjourn: President Marso adjourned the meeting at 10:17 AM.

Respectfully submitted,
Paul Cremer
Executive Director/Secretary-Treasurer

Access to Justice

Minutes, May 17, 2023

Via Zoom

President Lisa Marso called the meeting to order at 10:17 am, Central Time on Wednesday, May 17, 2023. Present via Zoom were Marso, President Elect Heather Lammers Bogard, Commissioners Tyler Matson, David Strait, Erika Olson, Tim Dougherty, Judge Francy Foral, Eric Pickar, and John Richter. Also, present at the meeting were Executive Director/Secretary-Treasurer Paul Cremer, Access to Justice, Inc. Coordinator Denise Langle, Strategic Plan Coordinator Elizabeth Overmoe, Assistant Executive Director Nicole Ogan, Lawyers Assistance Program Director Becky Porter, Communications Director Tracie Bradford.

Minutes of January 5, 2023, and April 27, 2023 Meetings: Commissioner Pickar made a motion to approve the January 5, 2023, and April 27, 2023, meeting minutes. Commissioner Foral seconded the motion. Motion carried.

Financial Report: Nicole Ogan provided the financial report for A2J. The commissioners discussed approving the A2J budget at the July Commission meeting. Meeting adjourned at 10:22 AM.

Adjourn: Meeting adjourned at 10:22 AM.

Respectfully submitted,
Paul Cremer
Executive Director/Secretary-Treasurer

SD CLE, INC. BOARD OF DIRECTORS MEETING

Minutes, May 17, 2023

Via Zoom

President Lisa Marso called the meeting to order at 10:22 am Central Time on Wednesday, May 17, 2023. Present at the meeting were Marso, President Elect Heather Lammers Bogard, Commissioners Tyler Matson, David Strait, Erika Olson, Tim Dougherty, Judge Franci Foral, Eric Pickar, Drew Skojdal, Nick Moser, and John Richter. Also present at the meeting were Executive Director/Secretary-Treasurer Paul Cremer, Access to Justice, Inc. Coordinator Denise Langley, Strategic Plan Coordinator Elizabeth Overmoe, Assistant Executive Director Nicole Ogan, Lawyers Assistance Program Director Becky Porter, and Communications Director Tracie Bradford.

Minutes of February 15, 2023, Meeting: Commissioner Pickar moved to approve the February 15, 2023, meeting minutes. Commissioner Foral seconded the motion. Motion carried.

Financial Report and Budget Discussion: Nicole Ogan provided the financial report. The commissioners discussed approving the CLE budget at the July commission meeting.

Adjourn: The meeting was adjourned at 10:27 AM.

Respectfully submitted,
Paul Cremer
Secretary-Treasurer


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BOARD OF BAR COMMISSIONERS SPECIAL MEETING

Minutes, June 19, 2023
Via Zoom

President Lisa Marso called the meeting to order at 12:01 PM CDT.

Present at the meeting were President Marso, President-Elect Heather Lammers Bogard, Commissioners Tyler Matson, Carrie Srstka, David Strait, Justin Bell, Erika Olson, Tim Dougherty, Rory King, and Nick Moser. Also present were State Bar Executive Director Paul Cremer, Strategic Plan Coordinator Elizabeth Overmoe, and Assistant Director Nicole Ogan.

The Commissioners discussed a proposed resolution regarding State Bar purposes and immunity that had been previously disseminated to members as per the 45-day rule in State Bar bylaws.

Commissioner Dougherty made the following motion: present an amendment to members at the June 23, 2023, Business Meeting to bifurcate the current proposed resolution, to defer action on section 1 (regarding State Bar purposes), and to ask members to move forward with current sections 2 and 3 (regarding State Bar immunity). Commissioner Matson seconded the motion. Motion carried.

President Marso adjourned the meeting at 12:25 PM.

Respectfully submitted,

Paul Cremer

Executive Director/Secretary-Treasurer


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20 SEP



Coach your Child to Manage their Emotions

September 20, 2023
12:00 pm EDT - 12:45 pm EDT
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**NINETY-FIRST ANNUAL MEETING OF
THE STATE BAR OF SOUTH DAKOTA**

**RAMKOTA HOTEL AND CONVENTION CENTER
SIOUX FALLS, SOUTH DAKOTA
JUNE 21, 22, and 23, 2023**

The 2023 Annual Meeting of the State Bar of South Dakota was held at the Ramkota Hotel and Convention Center on June 21, 22, and 23, 2023.

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

On Wednesday afternoon, the following CLE was held:

<u>CLE Title</u>	<u>Number Registered to Attend</u>
Enhancing the Culture of the Legal Profession by Enhancing Well-Being & Civility	375

Following the Wednesday afternoon CLE, Roxie Erickson was recognized as the Public Sector Attorney of the Year, and USD Knudson School of Law student Shanell Niewendorp was recognized by the Public Sector Section as their Rising Star Award recipient.

The Young Lawyers Section kicked off the social events of the annual meeting by hosting a speed networking event. The event provided an opportunity for bar members, law students, first-time attendees, and non-USD law school graduates to get to know each other better.

On Wednesday evening a social hour, “Legalpalooza,” was hosted by the Young Lawyers Section at the Ramkota. The South Dakota Trial Lawyers sponsored the event. During the event, Anthony Sutton, YLS President, announced that Eric Schlimgen was selected as the recipient of the 2023 Young Lawyer of the Year Award. Sutton also presented Pamela Reiter with a silver mentorship coin for the YLS President’s Appreciation Award. Denise Langley, Access to Justice, Inc. (“A2J”) Coordinator, then took the podium to announce USD law student Khriztyn Krininger was selected as the William F. Day, Jr. Law Student Pro Bono Award recipient.

Following Legalpalooza, the State Bar hosted a “Not” Black-Tie Affair that featured cocktails, conversation, and a host of heavy hors d’oeuvres. During the event, Taylor Bushelle, President of the USD Knudson School of Law Student Bar Association, announced Tom Welk as the winner of the Marshall M. McKusick Award. President Marso then announced Michael J. McGill and Aaron Pilcher as co-recipients of the President’s Pro Bono Award. Recognition and celebration of the 50-year veterans of the State Bar

concluded the evening's festivities. Approximately 675 people attended the event where an enjoyable time was had by all.

On Thursday morning and afternoon, June 22nd, the following CLEs were held:

<u>CLE Title</u>	<u>Number Registered to Attend</u>
Early Bird	215
Legal Potpourri (2 Tracks) (Sponsored by SD Court Reporters)	373
Pozner on Cross: The Chapter Method	461

Later Thursday afternoon, a bench-bar social was held. Chief Justice Steven R. Jensen delivered remarks and introduced judges. During the event, it was announced Betsy Doyle was selected as the recipient of the 2023 USD Women in Law Attorney of the Year Award, and Jonathon Leddige was selected as the recipient of the LCDI Diversity and Inclusion Award.

At the conclusion of the bench-bar social, the Rural Attorney Recruitment Program was celebrated for its tenth anniversary of successful attorney placement in rural communities across the state. Project Rural Practice Committee co-chair Bob Morris and UJS staff attorney Jeff Tronvold offered sentiments and congratulations on this momentous occasion.

Following an evening of live music at the Levitt in downtown Sioux Falls, the South Dakota Bar Foundation, South Dakota Community Foundation, and USD Foundation hosted a reception at the Ramkota to thank those who have contributed this year.

Total attendance for the 2023 Annual Meeting and Convention was 802; of the 802 registrants, 530 were member lawyers, 191 were spouses/guests, 7 were office staff, 5 were speakers, and 69 were law students.

FRIDAY, JUNE 23

State Bar President Lisa Marso called the 91st business meeting of the State Bar of South Dakota to order at 8:05 AM at the Sioux Falls Ramkota. A quorum was determined to be present. Erin Willadsen, President of the Second Circuit Bar Association, welcomed members to Sioux Falls. Thereafter, President Marso welcomed new members.

State Bar Executive Director/Secretary-Treasurer Paul Cremer gave the financial report and noted that the State Bar is financially sound. Cremer also recognized and thanked former Executive Director Andy Fergel for his service to the State Bar. Cremer introduced State Bar Staff and thanked them for their hard work. Bar members honored State Bar Staff with a standing ovation. Cremer also thanked President Marso and President Elect Heather Lammers Bogard for their service, and Will Mortenson for serving as Parliamentarian at the business meeting.

Tim Dougherty, a member of the Bar Commission's Audit and Finance Committee, reported that an independent audit by ELO CPAs and Advisors was conducted on the combined financial statements, and other related financial documents, of the State Bar of South Dakota, SD CLE, Inc., and Access to Justice, Inc. Commissioner Dougherty noted that, based on the audit, ELO expressed the opinion that the financial statements presented fairly, in all material respects, the financial position of the State Bar, SD CLE, Inc., and Access to Justice, Inc. as of July 31, 2022, and the changes in net assets and its cash flows for the year then ended in accordance with generally accepted accounting principles. Pamela Reiter moved that the financial report and audit be accepted as presented. Rod Tobin seconded the motion. Motion carried.

Pamela Reiter, outgoing President of the South Dakota Bar Foundation, provided the Bar Foundation report. Reiter recognized Chris Newbold, Chief Operating Officer of ALPS Lawyers Malpractice Insurance, for his assistance in facilitating a retreat in late 2022 which resulted in the development of a strategic plan for the SD Bar Foundation. Goals for the SD Bar Foundation based on the newly developed strategic plan include: 1) expanding revenue to advance SDBF's program priorities, 2) refining and promoting the SDBF story, and 3) assessing board governance and needs. Based on the new strategic plan, Reiter reported grants awarded and the current state of IOLTA.

Jeff Veltkamp, Director of Development for the SD Community Foundation, provided the South Dakota Community Foundation report. Veltkamp gave a brief history of how the South Dakota Community Foundation was established and thanked the South Dakota Bar Foundation and South Dakota Bar members for being early partners. Veltkamp reported that there has been approximately \$2 million dollars in principal investments into the South Dakota Bar Foundation endowment fund, and that the total value of the fund to date is over \$2.6 million, with over \$275,000 in grants distributed to verified nonprofits in the State. In closing, Veltkamp thanked Key Club members for their work in helping clients create gifts through the South Dakota Community Foundation and expressed appreciation to the membership in general for the work they do.

Paul Cremer provided the Access to Justice, Inc. report on behalf of A2J Coordinator Denise Langley. South Dakota Bar members have provided over \$250,000 of pro bono legal assistance since June of 2022, and have answered over 200 legal questions online through SD Free Legal Answers. Cremer also announced that the winners of the A2J Golf Fundraiser were the "Pat Goetzinger" team of John Heisler, Dan Fritz, Brian Kirby, and Tim Purintun.

Dean Neil Fulton provided the USD Knudson School of Law report and noted that State Bar volunteers assisted with teaching after the death of Professor Tom Horton. Dean Fulton also discussed success by competition teams, successful placement of 2023 graduates, and upgrades to law school facilities. Dean Fulton concluded his report by highlighting and encouraging future efforts to attract law students to help maintain sufficient access to legal services.

Chief Justice Jensen provided the UJS report and noted the continued excellent relationship between the State Bar and the Judiciary. Chief Justice Jensen also discussed UJS committees who are studying the admissions process and indigent legal defense.

President Marso introduced Callie Russell, the keynote speaker for the meeting. Russell gave an inspiring address that was centered on optimism, perspective, and compassion, and her address was well-received. The meeting was then recessed for a short break.

President Marso called the meeting back to order at 10:13 AM.

President Elect Heather Lammers Bogard presented a resolution to propose an amendment to Article V of the State Bar Bylaws requiring the President Elect to complete a nominating petition containing signatures of at least 15 Active Bar members. This resolution would make the election requirements of the President Elect similar to the election requirements for At Large Bar Commissioners. Pamela Reiter made a motion to adopt the resolution as presented. Bob Riter seconded the motion. Motion carried.

Tim Dougherty presented a resolution to propose revisions to the State Bar purposes statute (SDCL 16-17-2) (Section 1 of the resolution), and propose new sections to SDCL Ch. 16-17 to provide immunity from liability for certain actions of the State Bar and its agents (Section 2 and Section 3 of the resolution). Commissioner Dougherty reported the Bar Commission met on June 19, 2023, and passed a motion to request members to defer action on Section 1, involving the State Bar purpose, and to request members

to move forward with Section 2 and Section 3, involving immunity. Erika Olson made a motion to defer action on Section 1 and to authorize the State Bar to move forward with Section 2 and Section 3 of the resolution. Eric Hanson second the motion. Motion carried.

Erika Olson and Eric Hanson, members of the Real Property, Probate, and Trust Section's subcommittee on Title Standards, presented a resolution on revisions to the Title Standards. Olson, who serves as chair of the subcommittee, provided a brief history on the work of the subcommittee and their continued efforts to update the Title Standards, which serve simply as a restatement of the law, to reflect current statutory language. Olson and Hanson noted that if changes needed to be made to statutes, a separate resolution could be presented at the annual business meeting. Tyler Matson made a motion to accept the resolution as offered. Steve Huff seconded the motion. Motion carried.

Bobbi Thury presented a resolution related to proposed amendments to the South Dakota Uniform Limited Liability Company Act ("LLC Act"). Thury noted that the proposed amendments were drafted by a subcommittee of the Business Law Committee to keep the LLC Act current with other competing jurisdictions. The proposed changes involve updating three areas of the LLC Act: the powers of the LLC under 47-34A-112, the administrative reporting requirements, and adding a new section regarding excluded managers. Rod Tobin made a motion to adopt the resolution as presented. Jeremy Lund seconded the motion. Motion carried.

President Marso announced the unopposed nominees for the 4th and 5th Circuit Bar Commission positions as well as two unopposed nominees for the At Large Bar Commission positions. Petitions had been filed for Kimberly Kinney (4th Circuit), Gerald McCabe (5th Circuit), Amber Mulder (2nd At Large), and Steve Blair (7th At Large). No names were submitted to State Bar Staff, pursuant to Article VII, Section 7.4.b. of the State Bar Bylaws that would allow someone to run from the floor. Therefore, President Marso asked for a motion to cast a unanimous ballot for the four uncontested nominees for the Bar Commission. Stephanie Pochop made a motion to cast a unanimous ballot for those four candidates. Eric Hanson seconded the motion. Motion carried. President Marso congratulated and thanked the four new Commissioners.

Anthony Sutton, Young Lawyers Section President, read the Necrology in memory of the following members who have passed since the last annual meeting: James George Abourezk, Sioux Falls, SD; Duane Anderson, Sioux Falls, SD; Bradley G. Bonyng, Sioux Falls, SD; Robert Burns, Seattle, WA; Jon Flemmer, Webster, SD; A. Peter Fuller, Lead, SD; Mark Goodenow, Spirit Lake, IA; Thomas H. Harmon, Pierre, SD; Irving A. Hinderaker, Watertown, SD; Thomas Horton, Vermillion, SD; John Hughes, Sturgis, SD; David Irvin, Lexington, KY; Thomas M. Issenhuth, Madison, SD; Gustav K. Johnson, Rapid City, SD; John Bailey Jones, Sioux Falls, SD; Jerome Lammers, Madison, SD; Celia Suzanne Miner, Yankton, SD; Steven Oberg, Sioux Falls, SD; Peter Pagones, Aberdeen, SD; Terry Quinn, Rapid City, SD; Steven Rabuck, Sioux Falls, SD; Dean Rallis, Sioux Falls, SD; Walter D. Reed, Vermillion, SD; Randolph Seiler, Fort Pierre, SD; Robert Warder, Hill City, SD.

After the Necrology, Mr. Sutton presented a report on the activities of the Young Lawyers Section. He encouraged participation in State Bar activities by younger members and continued mentorship of younger attorneys by experienced Bar members.

President Marso gave a heartfelt final address, and she expressed her gratitude to the outgoing Bar Commissioners, the current Bar Commissioners, President Elect Lammers Bogard, State Bar staff, and former Executive Director Andy Fergel. Marso also expressed gratitude to our Judiciary, the USD Law School, and State Bar members who volunteer and serve on State Bar Committees and Sections. She referred members to her June 2023 President's Corner for a recap of the past year's activities. President Marso's address was met with a standing ovation.

President Marso then installed Heather Lammers Bogard as President of the State Bar. Upon accepting the gavel, President Lammers Bogard thanked Past President Marso for her leadership and service to the Bar, and delivered a short address.

Thereafter, in her first official act, President Lammers Bogard called for nominations for the position of President Elect of the State Bar of South Dakota. Reed Rasmussen nominated Julie Dvorak. Jeremy Lund seconded the nomination. There being no other nominations, Justin Bell made a motion that nominations cease, and a unanimous ballot be cast for Ms. Dvorak. Frances Shabazz seconded the motion. The motion carried and a unanimous ballot was cast for Julie Dvorak.

There being no further business, President Lammers Bogard adjourned the meeting.

Respectfully submitted,

Paul Cremer
Executive Director & Secretary-Treasurer




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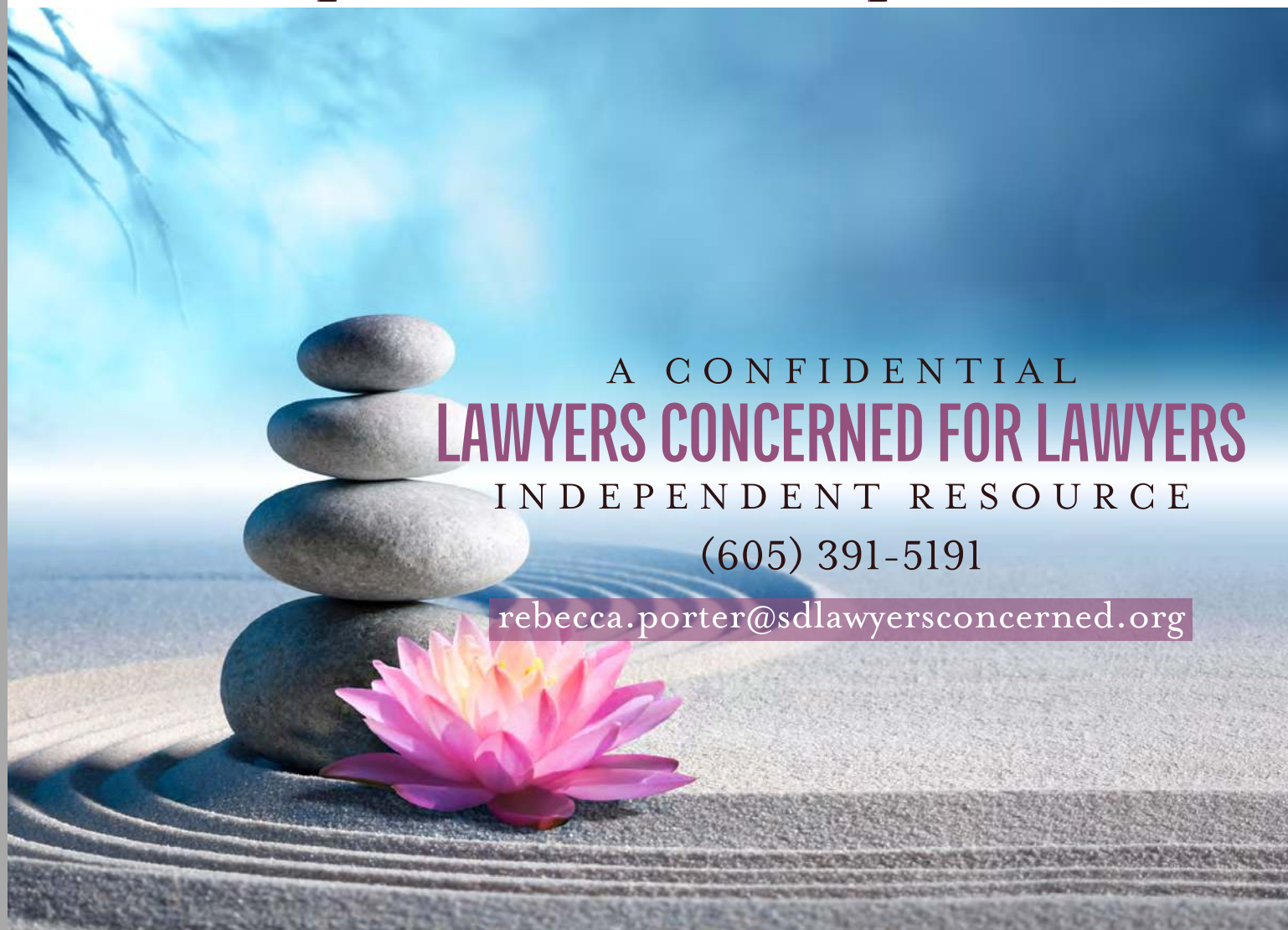
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In Memoriam



Bradley Allen Schreiber

June 8, 1958 -

July 16, 2023

Bradley (Brad) Allen Schreiber, 65, went home to be with Jesus on Sunday, July 16, 2023 surrounded by his family after a short battle with TPLL (T-Cell) Leukemia.

A prayer service will be held at 5pm on Sunday, July 23, 2023 at Community Bible Church in Pierre. The family will be available to greet guests for one hour prior to the prayer service. Immediately following the prayer service, the family will be leaving to attend a private family event and will not be available.

Bradley Allen Schreiber was born on June 8, 1958 in Pierre, SD to Marion and Lola (Allen) Schreiber. Brad spent his childhood on a farm west of Agar, SD and attended school in Agar, graduating from Agar High School in 1976.

Following graduation, Brad attended Huron College where he enjoyed playing on the college basketball team. He enjoyed the many friendships and camaraderie that formed during his years at Huron College. Following his graduation from Huron College, he worked as a patrol officer with the Pierre SD Police Department. Brad returned to the University of South Dakota to study law, graduating with a Juris Law Degree in 1988. Brad practiced law in Belle Fourche until he moved his practice to Pierre in 2008.

Brad enjoyed Martial Arts. He was a member of the Rocky Mountain Elk Foundation and Ducks Unlimited. He served as a law clerk for the 1st Judicial Circuit from 1988-1989; he was a Law Clerk to the South Dakota Supreme Court from 1989-1990; he served on the South Dakota State Bar Board of Commissions; from 2002-2003 he served as the President of the South Dakota Trial Lawyers Association; he was a member of the South Dakota Association of Criminal Defense Lawyers and the National College of DUI Defense; he was also a

member of the Community Bible Church. In 2020 Brad was awarded the South Dakota Association of Criminal Defense Lawyers.

On May 31, 2008, Brad married Christal (Chris) Zabel. Brad and Chris enjoyed riding motorcycles, spending time at their cabin in the Black Hills but most of all, they enjoyed their time with their kids and grandkids as well as extended family and friends. Brad loved to play guitar and could be found playing his guitar every day after work. He led many sing a longs with the Zabel family including the bantering and endless laughter that accompanied those gatherings. Brad had a heart and personality bigger than life and in his humble manner, he looked out for others until the moment he went home to be with Jesus.

Brad leaves a legacy of being a strong spiritual leader, husband, father, son, brother, uncle and friend. He is survived by his wife Christal; daughter Lyndsay (Andrew Norten) Schreiber, Asher & Aiden Heinzerling; sons Erich Schreiber, Alec (Megan) Espeland, Stetson & Wyatt, Brayden (Courtney) Espeland & Stella, and Camden (Britney Hicks) Espeland; mother Lola Schreiber; brother Shawn (Connie) Schreiber; father and mother-in-law Cam and Jan Zabel; sisters-in-law and brothers-in-law Cindy & Kevin Stoick, Vonnie & Gary Reuer, and Lana & Waylon Grout as well as many nieces, nephews, aunts, uncles, cousins, and friends.

Preceding Brad in death were his father Marion Schreiber, grandparents Arnold & Bessie Schreiber and Cecil & Helen Allen and niece McKayla Marie Reuer.





Ronald Gene Schmidt
February 28, 1937 -
July 16, 2023

Ronald Gene Schmidt passed away peacefully on Sunday, July 16, 2023 at his residence, surrounded by family. He was 86 years old.

Ron lived a loving life dedicated to family, his legal career and community. He was born on February 28, 1937 in Turtle Lake, ND and resided in Balfour, ND until he was five years old, when his family moved to Minot, ND. His father, Otto, was a restaurateur, farmer and rancher who ran a summer resort and rodeos at Strawberry Lake, where Ron and his mother (a photographer and jewelry designer) also worked. In 1955, he graduated from Minot High School, where he played basketball and co-edited the newspaper.

After high school, Ron enlisted in the United States Army and spent several years as a member of the Army Reserve. He was stationed at The Pentagon in Washington, D.C. as an aide to the Deputy Chief of Staff for Military Operations. While in D.C., he enrolled in courses at George Washington University and volunteered with U.S. Senator William Langer.

Ron then attended The University of North Dakota in Grand Forks, where he played football and was a member of the Phi Delta Theta fraternity. He served as head resident of two dormitories, worked part-time at a law firm, and became a reserved commissioned officer in the U.S. Army. Ron was elected delegate to the 1960 North Dakota Republican Convention and helped to form the North Dakota College Federation of Young Republicans.

During law school, he was a member of the Interfraternity Council Board of Justice, the Student Editorial Board of the North Dakota Law Review, and the Phi Delta Phi legal fraternity. Ron earned a bachelor of science degree in business administration in 1961 and a juris doctorate degree in law, with honors, in 1963.

Ron launched his career as an associate attorney at the Lathrop, Richter, Gordon and Parker law firm in Kansas

City, Missouri, where he reconnected with fellow U.N.D. alum Priscilla Schmidt, who worked as a lithographic artist at Hallmark corporate headquarters. They were wed in Huron, SD on February 8, 1964.

In 1965, Ron, Priscilla and their infant son, Ethan, moved to Pierre, SD, where Ron served as director of the South Dakota Legislative Research Council, Constitutional Revision Commission and Local Government Study Commission. Their two daughters, Ingrid and Eva, were born in Pierre.

In 1970, Ron opened his own law practice. As he established a specialty in construction law, his case work expanded from South Dakota to North Dakota, Montana, Wyoming and Nebraska and spanned Federal Supreme, District, and trial courts. He proudly received AV Preeminent ratings by Martindale-Hubbell for his legal ability and ethical standards. Ron found tremendous joy in his career, never retiring, and offered pro bono legal work for clients in need.

For over 30 years, Ron worked as a lobbyist during the state legislative session. He served as general counsel to the South Dakota Association of General Contractors, who presented him with the Golden Hardhat award for his dedication to construction law. Ron represented dozens of organizations including the Independent Community Bankers, the American Insurance Association, the American Council of Life Insurers, the Implement Dealers Association of Minnesota and South Dakota, the South Dakota Municipal League, the American Council of Engineering Companies of South Dakota and the South Dakota Optometric Society.

Governors Frank Farrar and Nils Boe appointed Ron to serve on several state boards, committees and commissions. In 1972, Attorney General (later Governor) William Janklow appointed Ron as Special Assistant Attorney General. Ron also served South Dakota on the Regional Advisory Council to the Small Business Administration, the Council of State Governments committee on Suggested State Legislation, and the National Conference of Commissioners on Uniform State Laws.

In 1992, Ron was nominated by President George H.W. Bush to be a U.S. District Court judge on the Eighth Circuit Court of Appeals, ultimately blocked by Democrats until President Bill Clinton took office.

For decades, Ron served in leadership roles in the Republican party. In 1972, he won the Republican nomination to run for South Dakota Attorney General and, in 1998, he won the Republican primary and ran as the party's candidate for United States Senate.

When South Dakota Lieutenant Governor Walt Miller became governor in 1993, he asked Ron to fill his position as Republican National Committeeman. Re-elected three times, Ron served on the Republican National Committee for 16 years, including six years as a member of the RNC's 11-member Executive Committee. He was additionally vice chairman of the Rules Committee and appointed to the Education Task Force and the New Majority Council to increase outreach to minority communities. Ron was a delegate to four Republican National Conventions.

Ron co-chaired the South Dakota Bush for President Committee for George H.W. Bush, South Dakota Lawyers for Bushuayle, South Dakota Lawyers for Bushheney and was South Dakota Finance Vice Chairman for George W. Bush. In 1995, the RNC nominated Ron and Priscilla Schmidt to the Eisenhower Commission in recognition of a lifetime of dedication and support. The Pennington County Republican Party presented Ron with the Honest Abe Award to honor his support of local GOP candidates. Throughout his life, Ron collected elephant statues that adorned his office, a nod to his devotion to the GOP.

Another organization close to Ron's heart was the YMCA, which played a pivotal role in his childhood. From 1973 to 1979, he served as co-founding board president of the Oahe YMCA in Pierre, originally located in the Masonic Temple building. Ron chaired a community fund drive to raise \$865,000 in capital for a permanent YMCA building; his innovative funding plan, a partnership with the city to use revenue bonds and lease the land, received national attention.

Ron served on the executive committee and regional board of directors of the YMCA of the USA's 12-state Mid-American YMCA. In 1983, he was elected to the YMCA of the USA board of directors, where he served on the executive committee and as national director. Ron was a co-founding director of Y-Mutual Insurance Company in Bermuda from 1987 to 1999. He was additionally elected to the national board of directors of The Armed Services YMCA of the USA and served

as a trustee of the Sioux Nation Indian YMCAs; Ron was awarded the United Sioux Tribes Indian Athletic Foundation Leadership Award. In 1986, the YMCA of the USA honored him with a Lowell C. Linnes Leadership Award and, in 1993, honored him with Mid-America Field Committee Member Emeritus status.

Ron was also a longtime active member of the Catholic church, chairing two major fundraisers for Saints Peter and Paul Catholic Church in Pierre.

In 2004, the Schmidts relocated to the Black Hills, west of Rapid City, South Dakota, where Ron continued his legal work as part of Schmidt, Schroyer, Moreno, Lee and Bachand. In 2014, Ron joined the Gunderson, Palmer, Nelson and Ashmore law firm in Rapid City, while also working as an arbitrator on the construction panel of the American Arbitration Association. In addition, he was a licensed real estate broker in South Dakota for over 20 years.

Ron was preceded in death by his beloved wife Priscilla, parents Otto and Charlotte Schmidt, nephew Shane Schmidt, and daughter-in-law Kim Schmidt.

Survivors include his son Ethan Schmidt of Rapid City; daughter Ingrid Schmidt of Los Angeles, California; daughter Eva Reed of Minnetonka, MN; grandsons Nick Schmidt and William and Charles Reed; granddaughter Rebecca Schmidt; nephew John (Amanda) Hames; sister-in-law Ann Hames and brother-in-law Mark (Carolyn) Schmidt.

A celebration of life will be held at 11:00 a.m. on Saturday, September 16, 2023 at Blessed Sacrament Church in Rapid City. Burial will be at Mt. Calvary Cemetery in Rapid City. If desired, friends may make memorial contributions in Ron's name to the Oahe YMCA in Pierre or The Republican Party. Condolences may be sent to the family at 11551 West Hwy 44; Rapid City, SD 57702.

PUBLIC NOTICE

REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE

The current appointment of Magistrate Judge Andrew Robertson is due to expire on November 18, 2023. Magistrate Judge Andrew Robertson serves in the Second 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 Andrew Robertson 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 August 20, 2023.

PUBLIC NOTICE

REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE

The current appointment of Magistrate Judge Tara Adamski is due to expire on December 20, 2023. Magistrate Judge Adamski serves in the Sixth 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 Tara Adamski 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 September 21, 2023.

Career Center

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Minnehaha County

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- Stay informed on changes in relevant law and statutes and proposed legislation and policy pertaining to criminal law, juvenile delinquency, and juvenile abuse and neglect. Draft proposed legislation. Appear before legislative committees.
- Communicate, correspond, and collaborate with parties involved in cases including victims, parents, school personnel, attorneys, court personnel, and law enforcement regarding procedures and actions for those cases. Respond to inquiries from the public and the media.
- Make recommendations for custody, parental rights, sentences, and restitution.
- Represent the State's Attorney's Office at public, private, and inter-governmental programs and events. Communicate with the media and prepare press releases. Serve on boards, panels, and task forces.

- Train and educate volunteers, law enforcement, and social workers on their roles and duties on legal issues and the court process duties. Train interns. Supervise clerical staff and interns.
- Answer, handle, or direct phone calls and walk-in traffic from clients and the general public regarding legal concerns and questions.

What You Need to Succeed in this Role

Graduation from a college of law. Attainment of a Juris Doctorate degree from an accredited law school. Admission by the Supreme Court of South Dakota to practice law in the state of South Dakota; 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. Comparable combination of education and experience may be considered. Must successfully complete pre-employment background process. Working knowledge of civil and criminal law and methods and practices of pleadings, court procedures, and rules of evidence. Working knowledge of principles, methods, materials, and practices utilized in legal research. Working knowledge of general law and established precedents. Ability to prosecute cases. Ability to speak and write effectively in the preparation and presentation of legal matters. Ability to establish and maintain effective working relationships with coworkers, other agencies, and the public. Ability to maintain professional appearance and demeanor.

Other Applicable Experience

Strong oral argument skills. Consideration for appointment as a Senior Deputy State's Attorney requires a minimum of two years of relevant work experience.

EEO Statement

Minnehaha County is an Equal Opportunity Employer and does not discriminate on the basis of race, color, religion or creed, national origin or ancestry, citizenship, sex or gender including pregnancy, sexual orientation and gender identity, marital status, age, disability, veteran's status, genetic information, or any other legally protected status. Arrangements for accommodations required by disabilities can be made by contacting Human Resources at (605) 367-4337.

Managing Attorney– Sioux Falls

\$200,000-\$250,000* BASE, INCENTIVE BONUSES, AND \$100,000* SIGN-ON BONUS

Our client is an established top-rated, award-winning multi-state law firm with a devotion to work/life balance, and will do what it takes to get the right candidate to lead that office.

LET'S HAVE A CONFIDENTIAL DISCUSSION TO DISCUSS THIS OPPORTUNITY.

The firm offers a top-shelf benefit package as well as:

Beautifully renovated modern designed offices and workspaces

In-house marketing and business development staff with a strategic plan that helps you get clients and land prospects

High tech cloud-based systems allowing secure remote work

Experienced office support staff

Local businesses as well as FORTUNE 500 clients

Over \$2 BILLION in M & A Dealmaking and Disputes and growing

Partner Track Possibilities depending on performance

PRACTICE AREAS OF CLIENT:

AGRIBUSINESSANDCOOPERATIVES;ALTERNATE BUSINESS RESOLUTION; BANKRUPTCY AND RESTRUCTURING; DIVERSITY AND INCLUSION LAW; EMPLOYMENT LAW; LITIGATION TRIAL LAW; PROBATE;

INDUSTRIES SERVED:

BANKING AND FINANCE; BLOCKCHAIN; CONSTRUCTION; ENVIRONMENTAL HEALTH AND SAFETY; FINTECH; LOCAL COUNSEL FOR FORTUNE 500 COMPANIES; REAL ESTATE; MANUFACTURING LITIGATION; MULTIFAMILY HOUSING; HEALTHCARE LAW; TRUCKING, TRANSPORTATION AND LOGISTICS.

Please contact me in full confidence to receive a Confidentiality Agreement, allowing further confidential discussions.

C. Adam Jansen, CEO

Sterling Cooper, Inc. - Consulting Division

www.sterlingcooper.info

email: jansen@sterlingcooper.us

Direct Toll Free: 1-866-285-6572

Direct Cell Phone and Text: 1-929-465-7456

Trial Attorney– Sioux Falls

Evans, Haigh & Arndt, L.L.P., an established Sioux Falls law firm, is seeking to add trial attorneys to our litigation practice. Our firm's practice is primarily devoted to civil litigation including commercial litigation, health care litigation, professional liability litigation, and personal injury litigation. We are seeking attorneys with three plus years of litigation experience who are interested in trial work and long-term employment/partnership relationship.

All applications will be confidential and should be directed to Tyler Haigh, P.O. Box 2790, Sioux Falls, SD 57101, thaigh@ehalawyers.com.

Attorney– Sioux Falls

Hoy Trial Lawyers, a personal injury firm, has an opening for an associate position. We are looking for a candidate with several years of experience. Only candidates seeking a long-term employment opportunity will be considered. This position will require research, brief writing, depositions, trial preparation, and litigation. Some out of state training will be required and provided. Excellent people skills are required.

Confidential inquiries, including resume and cover letter, should be directed to Scott G. Hoy, Hoy Trial Lawyers, 4900 S. Minnesota Ave., Suite 200, Sioux Falls, SD 57108 or by email at scott@hoylaw.com. We offer competitive salary and benefit package.

Legal Director - Pierre

(Job Id 23778)

Location - Pierre, SD or Statewide, SD

Post Date - 07/12/2023

Agency Administration Close Date - 07/26/2023

Employment Type - Permanent Employee

Salary 125,000.00-140,000.00 US

PLEASE ATTACH THE ADDITIONAL REQUIREMENTS LISTED AT THE BOTTOM OF THIS PAGE

Job ID: 23778

Agency: Bureau of Human Resources and Administration

Location: Pierre preferred, but Statewide within South Dakota would be considered.

Salary: \$125,000 - \$140,000 annually, commensurate

with experience.

Pay Grade: L4

Closing Date: 7/26/23

This is a Full-Time 40 Hour Weekly position with the Bureau of Human Resources and Administration. For more information on the Bureau of Human Resources and Administration, please visit <https://bhr.sd.gov/> and <https://boa.sd.gov/>.

The Bureau of Human Resources and Administration is seeking qualified applicants to fill the role of Legal Director. This position provides legal advice and strategies to the three bureaus and all state departments under the authority of the Governor as a member of the Bureau of Human Resources and Administration leadership team. The main duties include supervising employees, reviewing and writing various legal contracts, negotiating and managing client and vendor contracts, and ensuring legal compliance across a wide variety of issues, including insurance, employment, procurement, and construction. The Legal Director is a strategic thought leader, who can make decisions and accommodate change in both an independent and collaborative manner.

Responsibilities:

supports the legal team in overseeing all legal functions for the three bureaus and indirectly supporting the legal teams of the other agencies under the authority of the Governor;

advises leadership regarding law, rule, and policy that would impact functionality of the organization;

oversees the legal matters of the bureaus, including acting as the legal representative;

reviews legal strategy in response to litigation and partners with the Director of Risk and Litigation Management in legal efforts with outside counsel;

implements short- and long-term strategies impacting the organization's legal function;

provides legal advice and counsel and represents the organization in administrative and court proceedings;

recommends changes to law, rule, policy, or procedure with the goal of enhancing success while minimizing risk;

engages in the legislative process as a representative of the Bureau of Human Resources and Administration;

partners with other Risk Management team members in the development and management of captive insurance programs, contracting and renewal of commercial

products and stop loss, and the management of claims, subrogation, and related legal proceedings; maintains records of all legal documents and proceedings;

leads, supervises, and directs the work of other employees and has responsibility for personnel actions including hiring, performance management, and termination; and

collaborates with other members of the Bureau of Human Resources and Administration leadership to align departmental strategy or direction with the overall goals of the organization.

Licenses and Certifications:

License to practice law in the State of South Dakota, or ability to obtain licensure within 1 year of employment.

The Ideal Candidate Will Have:

J.D. degree and at least 10 years of experience in the practice of law;

leadership experience and the ability develop and mentor others

excellent oral and written communication skills;

ability to build collaborative relationships; and

ability to influence others.

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

This position is exempt from the Civil Service Act.

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

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

<http://shorturl.do?key=MTP>

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

South Dakota Bureau of Human Resources

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

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

"An Equal Opportunity Employer"

Division of Banking - Trust Examiner – Sioux Falls or Pierre

Job ID: 23485

Salary: \$52,500 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; among others.
- 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 trust institutions;
- evaluate adequacy of trust institutions' internal

- control procedures;
- determine compliance with State and Federal statutes related to banking, trust, licensing, and consumer protection;
- evaluate investment portfolios and decision-making to determine suitability;
- review and evaluate the oversight and governance structure of trust institutions;
- make recommendations on findings;
- investigate consumer complaints related to supervised trust institutions.

The ideal candidate will have:

- A bachelor's degree in trust, 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 trust companies; financial and fiduciary work environments; fiduciary principles; trust-related statutes and regulations; and Microsoft Office products and management information systems.
- Skill to communicate concisely and effectively with co-workers, financial institution personnel, and examiners from other agencies; gather, interpret, report, and use financial information; understand and interpret federal and state trust regulations; effectively manage time and prioritize tasks.

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/lmgshr/xmlhttp/shorturl.do?key=MJ2>

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

Deputy Public Defender – Lawrence County

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 \$66,394.64-\$79,054.82 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 to: Amber L. Richey, Director, Lawrence County Public Defender Office, 90 Sherman Street, Deadwood, SD 57732 or arichey@lawrence.sd.us.

Chief Deputy States Attorney – Brookings County

DEPARTMENT: States Attorney's Office

REPORTS TO: States Attorney

FLSA STATUS: Exempt

WAGE GRADE: 16

DESCRIPTION OF WORK

General Statement of Duties

The Deputy State's Attorney II performs routine professional legal work in the prosecution of civil and criminal crimes, juvenile crimes, and juvenile abuse and neglect cases in Brookings County.

Examples of Duties: (Any one position may not include all of the duties listed, nor do the listed examples include all duties which may be found in positions of this grade.)

- Prepare and manage a caseload of predominantly misdemeanor cases, low-level felonies, juvenile violation cases, and juvenile abuse and neglect cases; present cases for legal proceedings; perform legal research; prepare draft, and file documents and correspondence.
- Process mental commitment and child support enforcement cases.
- Handles tax matters and tax appeals.
- Review offenses, police reports, and evidence to make determination on charges; prepare, send, and track subpoenas for witness and records; prepare and interview witnesses for legal proceedings; and select jurors.
- Stay informed on changes in relevant law and statutes and proposed legislation and policy pertaining to criminal law, juvenile delinquency, and juvenile abuse and neglect; draft proposed legislation; and appear before legislative committees.
- Defend Brookings County in civil actions, particularly emergency medical cases
- Communicate, correspond, and collaborate with parties involved in cases including victims, parents, school personnel, attorneys, court personnel, and law enforcement regarding procedures and actions for those cases; respond to inquiries from the public and media.
- Make recommendations for custody, parental rights, sentences, and restitution.
- Represent the state's Attorney's Office at public, private and inter-governmental programs and events; communicate with the media; prepare

press releases; and serve on boards, panels, and task forces.

- Train and educate volunteers, law enforcement, and social workers on their roles and duties on legal issues and the court process duties; train interns; supervise clerical staff and interns.
- Answer, handle, or direct phone calls and walk-in traffic from clients and the general public regarding legal concerns and questions.
- Attend training sessions and meetings as required

QUALIFICATION FOR APPOINTMENT

Required Knowledge, Skills, and Abilities

- Admission by the Supreme Court of South Dakota to practice law in the state of South Dakota; or be license 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.
- Working knowledge of civil and criminal law and methods and practices of pleadings
- Working knowledge of court procedures and rules of evidence
- Working knowledge of principle, methods, materials and practices utilized in legal research
- Working knowledge of general law and established precedents.
- Ability to prosecute cases
- Ability to speak and write effectively in the preparation and presentation of legal matters.
- Ability to establish and maintain effective working relationships with coworkers, other agencies and the public.
- Education
- Graduation from a college of law
- Attainment of a Juris Doctorate degree from an accredited law school

Deputy State's Attorney– Pennington County

Position Objective:

The role of a Deputy State's Attorney is to work collaboratively with law enforcement in enforcing the laws in the jurisdiction of Pennington County. They represent the State of South Dakota in all stages of court proceedings.

Essential Functions:

- Reviewing law enforcement reports.

- Making criminal charging decisions.
- Presenting evidence at probable cause hearings, whether before the Court or Grand Jury.
- Representing the State of South Dakota at Initial Appearances and Arraignments.
- Representing the State of South Dakota at Status and Motion Hearings.
- Representing the State of South Dakota at Evidentiary Hearings.
- Making bond arguments at hearings before the Court.
- Conducting legal research and writing, and motion preparation.
- Abiding by all victims' rights and assisting victims through the criminal justice system. Meeting with victims and other witnesses throughout the prosecution of cases.
- Preparing law enforcement officers, witnesses and victims for courtroom testimony.
- Preparation for and presentation of evidence at court and jury trials.
- Deputy State's Attorneys routinely field phone calls from citizens and interested parties about criminal prosecutions.
- They are also responsible for updating and training law enforcement on relevant areas of the law.
- Deputy State's Attorneys also represent the State of South Dakota at involuntary mental commitments, involuntary drug and alcohol commitments and fugitive proceedings.
- Deputy State's Attorneys handle appeals from magistrate to circuit court, and initial habeas filings at the State level.
- The Deputy State's Attorney assigned as the juvenile prosecutor acts as a liaison to the Juvenile Detention Alternative Initiative Committee (JDAI), and meets daily with this group to discuss alternatives to detention placements. This attorney works collaboratively with the Juvenile Services Center, the Department of Corrections and Court Services and prosecutes all stages of litigation for juvenile offenders.
- The Deputy State's Attorney assigned to abuse and neglect prosecution represents the Department of Social Services (DSS) in all stages of litigation in civil proceedings against parents and guardians accused of abusing or neglecting their children. Works cooperatively with DSS, tribal representatives, children's counsel, Department

of Corrections, law enforcement and Court Services.

- The Deputy State's Attorney assigned to the Civil Division handles planning and zoning cases and assists the Civil Chief Deputy as the legal representative for all County Department Heads and the County Commission.
- The Deputy State's Attorney assigned to Magistrate Court represents the State of South Dakota in misdemeanor cases (those punishable by up to one year in county jail.)
- The Deputy State's Attorney and Senior Deputy State's Attorney assigned to Circuit Court represent the State of South Dakota in the same manner as those assigned to Magistrate Court. In addition, these attorneys will represent the State in felony matters (ranging in punishment from two years in the State Penitentiary to life imprisonment.) These attorneys will also be assigned with one or more specialty courts. These attorneys may also be called upon to assist with law enforcement investigation, search warrants and visit crime scenes. These attorneys are also responsible for the presentation of evidence and cases to the Pennington County Grand Jury.

Experience and/or Education Required:

- Juris Doctorate Degree from an accredited University.
- Membership in the State Bar of South Dakota.
- Working Environment:
- Most work is performed indoors in an office where noise and interruptions often occur.
- Must walk to the Pennington County Courthouse for multiple daily court appearances in all weather, carrying multiple files.
- Overtime hours may be required to adequately prepare for jury trials and complicated hearings.
- Some travel may be required for training, meetings, mental commitment hearings and appearances as needed in other jurisdictions.
- Physical Requirements:
- Must be able to frequently sit, walk, stand, bend, kneel, stoop, reach and lift, push or pull and manual dexterity is needed to type, write, use a calculator, and answer telephone.
- Must be able to walk two blocks multiple times a day to court in all weather.
- Upper body strength is a requisite to lift/move a maximum of 20 lbs. unassisted to carry files to

court.

- Ability to communicate effectively orally and in writing.
- The ability to talk and communicate both electronically and face to face.

Associate Attorney– Rapid City

Rensch Law Office, a well-established criminal defense and personal injury law firm in Rapid City, SD, is looking to fill a full-time Associate Attorney position. Courtroom experience preferred, but willing to work with the right candidate. Must have a South Dakota law license. Willing to work with a recent graduate who is studying for the bar exam.

Salary ranges from 70-85k depending on experience.

- Benefits include:
- medical
- dental
- retirement
- paid vacation
- mileage reimbursement

Confidential inquiries, including cover letter and resume, should be sent to contact@renschlaw.com.

Staff Attorney – Ft. Yates, ND

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

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our 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: Starting at \$60,000 plus, 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 – Fort Thompson

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

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our Fort Thompson, South Dakota, office. The Fort Thompson office serves the counties of Brule, Buffalo, Hyde and Lyman, along with the Lower Brule and Crow Creek Reservations.

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: Starting at \$60,000 plus 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

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

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our Mission, South Dakota 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: Starting at \$60,000 plus, 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.

Litigation Legal Assistant/Paralegal - Watertown

Schoenbeck & Erickson, PC is seeking an organized and detail-oriented legal assistant/paralegal who has a minimum of 3 years legal experience.

Duties Include

- Case file management.
- Transcribe dictation.
- Correspondence with clients, attorneys, court staff, and other legal and business entities.
- Draft standard pleadings.
- Electronic filings in state, federal, and appellate courts.
- Legal research.
- Organize/index production of documents.
- Calculate and manage deadlines and scheduling.
- Order and summarize medical records/bills.
- Assist with trial preparations and trials.
- Skills Required
- Attention to detail.
- Strong organization and prioritization skills.
- Ability to work independently.
- Knowledge of common legal principles and practices.
- Strong interpersonal skills.
- Professionalism.

Job Type

- Full time, M-F, 8am-5pm, occasional overtime.

Benefits

- Salary \$50,000 minimum, plus bonuses.
- 401(k), matching, profit-sharing.
- Health insurance.
- Paid vacation.
- Paid sick leave.

Education

- Bachelor's or Paralegal Certification/Degree (preferred), but not required.
- Application Information
- Cover letter, resume, and references to: jen@schoenbecklaw.com

Administrative Assistant - Watertown

Schoenbeck & Erickson, PC is seeking an organized and detail-oriented administrative assistant with office and bookkeeping experience.

Duties Include

- Bookkeeping for business and trust accounts.
- Client billing and account management.
- Managing office supplies.
- Answering phones, greeting clients.
- Office errands.
- Drafting some correspondence and documents.
- Organizing and filing documents.
- Opening/closing client files.

Skills Required

- Professionalism.
- Attention to detail.
- Strong organization and prioritization skills.
- Ability to work independently.
- Strong interpersonal skills.
- Dependable.

Job Type

- Full time, M-F, 8am-5pm.

Benefits

- Salary \$45,000 minimum.
- 401(k), matching, profit-sharing.
- Health insurance.
- Paid vacation.
- Paid sick leave.

Education/Background

- Education and/or experience in office work and bookkeeping is preferred.

Application Information

- Cover letter, resume, and references to: jen@schoenbecklaw.com

Staff Attorney – Eagle Butte

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

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our Eagle Butte, South Dakota office. The Eagle Butte office serves the counties of

Dewey, Haakon, Potter and Ziebach, along with the Cheyenne River 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 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: Starting at \$60,000 plus, depending on experience. DPLS has an excellent fringe benefits package 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.

LATERAL ATTORNEYS WITH EXISTING CLIENTS - COME JOIN WITH OUR CLIENT APPLICABLE TO ALL OFFICES IOWA-NEBRASKA-SOUTH DAKOTA \$50,000-\$100,000* SIGN-ON BONUS**

Considering a career change with less intense hours and getting back to why you became a lawyer, while becoming a part of an award-winning firm that will support your goals; let's have a confidential discussion. Work in office, remotely or utilize any of the office locations as desired OR KEEP YOUR PRESENT LOCATION - IT'S NEGOTIABLE!

- Beautifully renovated modern designed offices and workspaces

- In-house marketing and business development staff with a strategic plan that helps you get clients and land prospects
- High tech cloud-based systems allowing secure remote work
- Experienced paralegals and office support staff
- Local businesses as well as FORTUNE 500 clients, with over \$2 billion in deal making and disputes, and growing
- Licensure in additional states helpful but not required.

Join with our client to achieve your goals without drama and stuffy board rooms, with business casual atmosphere with a fast-growing firm.

“OF COUNSEL” CONTRACTOR/IRS 1099 SIGN-ON BONUS NEGOTIABLE

Use your professional legal experience in your area of specialization and arrange for a confidential discussion of compensation details, while devoting only time you may have set aside for continuing legal work as well as arbitration and mediation advisory.

- Beautifully renovated modern designed offices and workspaces
- In-house marketing and business development staff with a strategic plan that helps you get clients and land prospects
- High tech cloud-based systems allowing secure remote work
- Experienced office support staff
- Local businesses as well as FORTUNE 500 clients
- Sign on bonus possible if bringing on existing clients to the firm, or acting as “rainmaker”.

Let's talk in full confidence.

SENIOR COUNSEL - SENIOR ASSOCIATE

START \$100,000-\$150,000* BASE AND INCENTIVE BONUS

IOWA, SOUTH DAKOTA, NEBRASKA
UP TO \$50,000* SIGN-ON BONUS

Jump start your legal career if you have 4-7 years of experience with this award-winning firm that offers:
WORK LIFE BALANCE - the firm values life, family and then business in that order, with business casual setting, and wants employees to enjoy their careers and spend quality time with family.

GEOGRAPHIC DIVERSITY - attorneys can work in multiple office locations with flexible schedules and expand their practice throughout the Midwest.

REMOTE CAPABILITY - cloud based secure systems allow for work from anywhere capability for efficiency and staff support.

MARKETING - the firm invests heavily into the success of their attorneys and their practice area with a full-time marketing staff to get clients and land prospects.

Strong local and Fortune 500 representation with over \$2 BILLION in deals and disputes and growing
Experienced office paralegal and support staff

ASSOCIATES - ALL OFFICE LOCATIONS UP TO \$100,000 STARTING SALARY

\$10,000 - \$25,000* SIGN ON - BONUS

Jump start your law career with an award winning law firm if you have 1-3 years experience, by joining any of our client's offices in Iowa, South Dakota or Nebraska with a sign-on bonus.

With flexible schedules, remote work and being able to work from multiple offices, you can enjoy a better life work balance than with any other firm and advance your legal skills with business clients ranging from local businesses to FORTUNE 500 companies.

- Automatic Partner Track is possible with great advancement opportunities, where they recognize performance and results.
- Let's have a confidential discussion about your future career track with our client.
- Part time is possible based on your personal preferences and desire for more leisure or family time. Hone your skills on your timeline.
- Beautifully renovated modern designed offices and workspaces
- In-house marketing and business development staff with a strategic plan that helps you get clients and land prospects
- High tech cloud-based systems allowing secure remote work
- Experienced paralegals and office support staff

Join with our client to achieve your goals without drama and stuffy board rooms, business casual atmosphere with a fast-growing firm interested in your growth as an attorney as well as attractive incentive compensation.

\$50,000-\$100,000*** REFERRAL BONUS FOR LEADS THAT RESULT IN A LAW FIRM ACQUISITION!

Our client will pay a confidential referral fee for any leads that result in an acquisition or controlling interest in an established law firm preferably in Iowa, Nebraska, South Dakota or other states where they already do

business or have attorneys licensed to practice there:
New York, North Dakota, Minnesota, California,
Illinois, Arizona, Colorado, Missouri, Massachusetts.

Prefer firms with \$1 - \$10 million in annual billings.

Client is an award winning established, multi-office well capitalized firm, that is looking to increase its office footprint by doubling every year. Become a part of their success through your earned referral fees.

The acquisition can be using any of the following methods:

- a. An outright purchase of the majority partners' holdings, allowing for planned retirements or private estate planning reasons.
- b. The injection of capital for majority control and used for a capital distribution to all partners (with no tax consequences if treated as a return of capital) enabling the partners to pull out previously locked-in capital.
- c. Possible merger or formation of a financially beneficial working arrangement for continuation of business and added locations.
- d. Capital injection for controlling interest in a law firm facing financial challenges.

DO YOU OWN YOUR ESTABLISHED LAW OFFICE RIGHT NOW?

WANT TO BE PART OF A GROWING LEGAL PRACTICE WHILE KEEPING YOUR FIRM'S IDENTITY?

Our client will consider entering into a joint venture/partnership whereby your legacy firm name remains, while our client becomes an added named partner with you, expanding your law practice capabilities.

This could be accomplished through sharing staffing, marketing and/or a capital contribution to enter into the partnership.

For example, if your firm name is now "Smith & Jones, LLP"; through the capital injection it would become: "Our client name, Smith & Jones, LLP.

That is just one possibility and client is open to discussion of any other means that the parties may agree to.

Becoming affiliated with or strongly capitalized, award

winning firm will provide significant benefits to your existing practice as their marketing department will get prospects and grow your existing business.

You will be a part of one of the fastest growing firms in the Midwest, as well as having access to their FORTUNE 500 clients and work that may be in your areas of expertise.

Let's have a confidential discussion with no commitments or obligation.

PRACTICE AREAS OF CLIENT:

**AGRIBUSINESS AND COOPERATIVES;
ALTERNATE BUSINESS RESOLUTION;
BANKRUPTCY AND RESTRUCTURING;
DIVERSITY AND INCLUSION LAW;
EMPLOYMENT LAW; LITIGATION TRIAL LAW;
PROBATE;
INDUSTRIES SERVED:
BANKING AND FINANCE; BLOCKCHAIN;
CONSTRUCTION; ENVIRONMENTAL HEALTH
AND SAFETY; FINTECH; LOCAL COUNSEL
FOR FORTUNE 500 COMPANIES; REAL ESTATE;
MANUFACTURING LITIGATION; MULTIFAMILY
HOUSING; HEALTHCARE LAW; TRUCKING,
TRANSPORTATION AND LOGISTICS.**

Please contact me in full confidence to receive a Confidentiality Agreement, allowing further confidential discussions.

C. Adam Jansen, CEO

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email: jansen@sterlingcooper.us

Direct Toll Free: 1-866-285-6572

Direct Cell Phone and Text: 1-929-465-7456

NOTES:

- *Base Pay range is negotiable based on experience, sign-on bonus is negotiable based on client retention and demonstrated billings, payable at start of employment or as agreed.
- **Applies to lateral attorneys and those with existing client base.
- ***Referral bonus based on leads that result in acquisition of a law firm, payable at closing.

Upcoming EVENTS

August 15, 2023 | Law for Lunch | Introducing the Updated Administrative Appeals Court

August 16, 2023 | Bar Commission Meeting | Teleconference

September 8, 2023 | Estate Planning CLE | Sioux Falls Ramkota

September 21-22, 2023 | Rural Lawyer Symposium | USD Knudson School of Law, Vermillion

September 29, 2023 | Nuts & Bolts CLE | Missouri Avenue Event Center

September 29, 2023 | Statewide Swearing-In Ceremony | Capitol Rotunda

September 29, 2023 | Reception to follow Swearing-In Ceremony | Missouri Avenue Event Center

October 20, 2023 | The Corporate Transparency Act: Coming Soon To a Family - Owned Entity Near You! | Minnehaha County Club, Sioux Falls

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