

JULY 2021

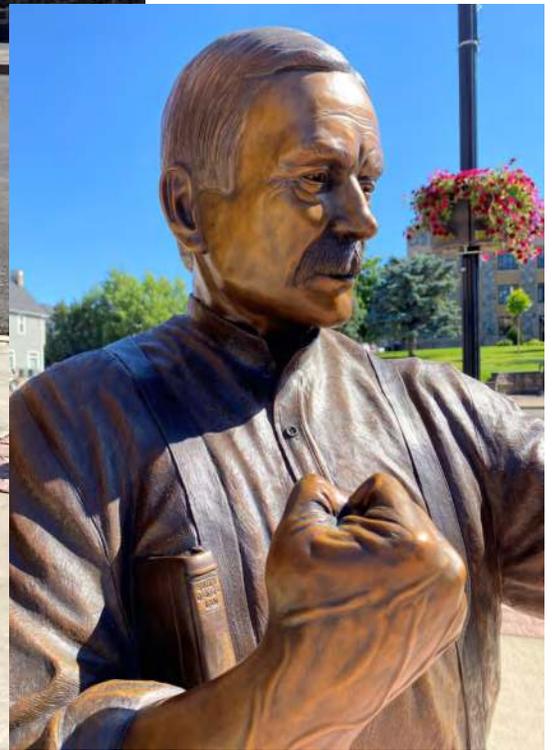
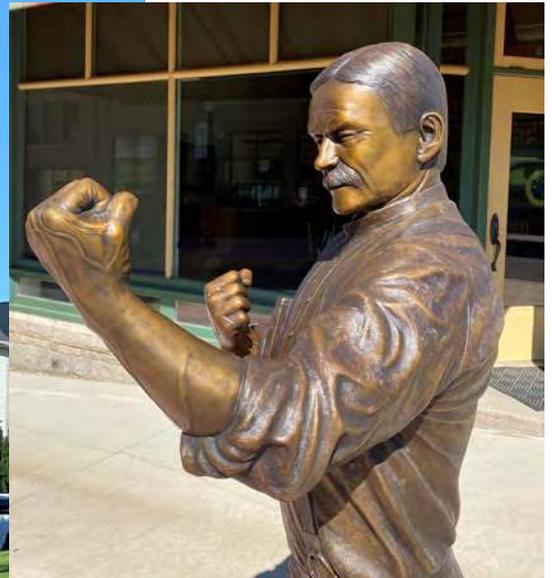
STATE BAR OF SOUTH DAKOTA

# 124TH PRESIDENT OF THE STATE BAR OF SOUTH DAKOTA



*Photo credit: Stephen Parezo*

**WILLIAM C. GARRY**



Gov. Crawford article found on page 28

# State Bar of South Dakota

July 2021 *Newsletter* Issue 7

- 4 President's Corner  
William C. Garry
- 6 Young Lawyers News  
Ole Oleson
- 10 Dean's List: News From the Law School  
Neil Fulton
- 30 How to Avoid ever thinking, "Oh I Shouldn't Have Said That"  
ALPS Risk Manager Mark Bassingthwaighte

- 
- 8 Fellows of the South Dakota Bar Foundation
  - 12 A2J Superheroes
  - 14 General Announcements
  - 17 June 2021 Annual Meeting Highlights
  - 25 Jackrabbit Bar Conference Registration
  - 28 Governor Coe Crawford at the State Bar
  - 29 Resolution of the State Bar of South Dakota
  - 32 In Memoriam
  - 39 Career Center
  - 43 Upcoming Events



## PRESIDENT'S CORNER

*William C. Garry*

In March when the Bar Commission made the decision to move forward with an “in-person” Bar Convention, we were cautiously optimistic that a majority of Bar Members would be fully vaccinated by June and willing to come to the Convention and participate in all of the CLEs, social events and business meeting. Fortunately, our optimism paid off with nearly 650 attendees at the Convention. Thanks to Andy Fergel and the Bar Staff for their hard work in making the Convention a huge success.

At the business meeting, the proposed amendment to the State Bar of South Dakota Bylaws to increase active member dues by \$100, CLE fees by \$25, and inactive member dues by \$25 passed with an overwhelming majority vote. The dues increase will become effective for 2022, and will be reflected on your November invoice. Historically, through conservative fiscal management, dues have only been increased approximately every ten years. It is anticipated we will not have to raise dues for another 8 – 10 years and the increase will allow the Bar to expand on programs deemed important by the Strategic Planning Committee.

Congratulations to Harvey Jewett, this year’s recipient of the McKusick Award and to the 20 members of the Bar honored as 50-year veterans.

Newly elected Bar Commissioners are as follows: Francy Foral, John Richter, Rory King and Jacob Tiede. A special thanks to outgoing Commissioners Dusty Ginsbach, Eddie Hruska, Aaron Pilcher and Josh

Wurgler for their hard work and dedicated service to the Bar.

Also, a special thanks to Terry Westergaard for his passionate and dedicated leadership during yet another difficult year caused by the pandemic. I was often impressed by Terry’s calm and thoughtful approach to dealing with the variety of issues that arose during his term.

Although many of you know me, some of you may know nothing about me. I grew up in Dell Rapids where I graduated from High School. I obtained my undergraduate degree from South Dakota State University and my Juris Doctor degree from the University of South Dakota. Following a clerkship for a Federal Judge in Pierre, I returned to Sioux Falls where I have been practicing with Cadwell Sanford Deibert & Garry LLP ever since. My law practice consists primarily of civil litigation and alternative dispute resolution. My wife, Mary Kay, and I have two children, Charlie and Meg, both of whom reside in Sioux Falls.

Although the Bar has faced many challenges in the past year and a half, we proved to be a resourceful and resilient organization. We were flexible, creative and persistent. We learned to adapt to a virtual world. I read recently that overcoming adversity is a necessary step to greatness. I am confident our Bar will be greater than ever in the years to come.

I am humbled by this opportunity and look forward to serving you.

DO YOU HAVE  
A MINUTE?



Please share your thoughts  
about upcoming Annual  
Convention locations!

[CLICK HERE!](#)



State Bar of South Dakota  
YOUNG LAWYER SECTION



*Ole Oleson*  
YLS President

I have been honored for the last several years to serve on the board of the Young Lawyers Section (YLS) of the State Bar of South Dakota. Now, I am honored for the opportunity to serve as the President of the YLS for the next 12 months. I cannot stress enough to the young lawyers in South Dakota the importance of giving back and serving others. If you are interested in ways that you can help, please do not hesitate to reach out.

I promise not to make all of my columns relate to my daughter, but I wanted to start this one out right:

I am relatively new to parenting and have an amazing 2-year-old (she will be 2 when you read this). She caught her first fish the other day on her Frozen 2 fishing pole. As you can imagine, her father is very proud. Anyone that has had a 2-year-old also knows that her father did most of the catching of that first fish.



I tied her hook, I baited the hook, I cast the line, I set the hook, I held the pole, I helped her reel, and finally I removed the hook once we had the fish on shore. None-the-less, she caught that fish.

Being a first-time parent, there are a lot of things that I have learned. Most importantly, I have learned that humans start life off not really knowing how to do anything, and nobody really expects us to know anything at first. I know that I will take my daughter fishing many more times where I will do most of the things that are necessary to catch a fish, but I also know that each time she will do a little bit more until she finally does all of it herself. At some point in our lives, many of us begin to think that the people around us expect us to just know how to do things. The reality is that we still need someone to tie that first hook for us.

The practice of law really is no different. The expectation is not that young lawyers will know how to do everything and hit the road running full steam ahead. Rather, the expectation is that you have the ability to learn from the lawyers around you and that you will ask someone to help you when you need it. I cannot speak to how it is in other states, but I can tell you that my experience in South Dakota has been that there are ample mentors available. In fact, I cannot think of a single time that someone has turned down helping me when asked. In my view, one of the most important functions of the YLS is fostering mentor/mentee relationships for young lawyers across South Dakota.

Below is a list of our 2021-22 YLS Board:

President – Ole Olesen (Rapid City)

Vice-President – Anthony Sutton (Sioux Falls)

Secretary/Treasurer – Kelsey Weber (Rapid City)

1st Circuit Representative – Mallory Schulte (Yankton)

2nd Circuit Representative – Tyler Coverdale (Sioux Falls)

3rd Circuit Representative – Anthony Teesdale (Brookings)

4th Circuit Representative – Mariah Bloom (Spearfish)

5th Circuit Representative – Jason Erickson (Aberdeen)

6th Circuit Representative – Chelsea Wenzel (Pierre)

7th Circuit Representative – Katelyn Cook (Rapid City)

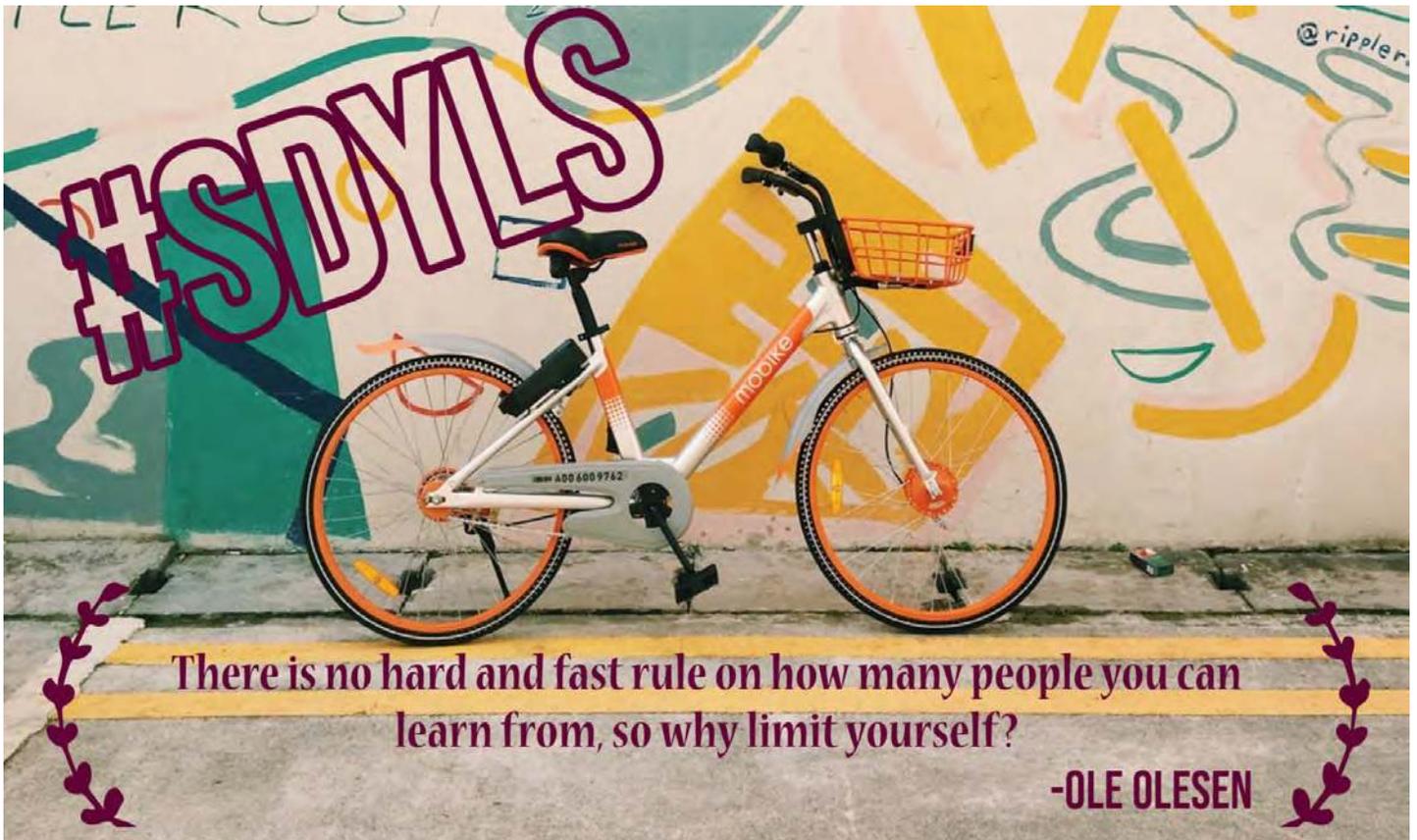
At Large Representative – Arman Zeljkovic (Rapid City)

Law Student Representative – MarieClair Christenson (Vermillion)

Please reach out to your Circuit Representative if you need help finding a mentor. Also, watch your emails and this newsletter for opportunities to network and interact with new mentors. There is no hard and fast rule on how many people you can learn from, so why limit yourself?

decessor, Carrie Srstka, for holding everything together during a frustrating year that made much of what the YLS does difficult, if not impossible. And I'd also like to thank the YLS Board Members for agreeing to give back to our membership and work hard in the year to come.

In the year ahead, you can expect the YLS to continue its great programming. I would like to thank my pre-



# *Fellows of the South Dakota Bar Foundation*

Many South Dakota lawyers have risen to the challenge of making the SD Bar Foundation a favorite charity. Such generosity deserves public acknowledgement. Therefore, the Bar Foundation Board of Directors has created a "Fellows" program to not only make such acknowledgement, but also to provide an opportunity for more of our members to participate and determine their personal level of professional philanthropy. Participation can be on an annual basis or by pledge with payments over a period of time. All contributions made to the "Fellows" program will be deposited in the Foundation's endowment account managed by the SD Community Foundation – famous for low management fees and excellent investment returns. Donations to the endowment are tax deductible and a perpetual gift to our profession and the educational endeavors and charities the Foundation supports.

## *Sustaining Life Fellow - \$50,000 plus*

Fred & Luella Cozad

## *Life Fellow - \$25,000 plus*

Frank L. Farrar

## *Diamond Fellows - \$10,000 plus*

Thomas C. Barnett, Jr.  
Robert E. Hayes

## *Platinum Fellows - \$10,000*

Hon. Richard H. Battey  
Hon. John B. Jones  
Scott C. Moses  
Charles L. Riter  
William Spiry  
Hon. Jack R. Von Wald

## *Gold Fellows - \$5,000*

Richard A. Cutler  
William F. Day, Jr.  
P. Daniel Donohue  
Dana J. Frohling  
Richard L. Kolker

## *Silver Fellows - \$1,000 (per year)*

Frankianne Elizabeth Coulter  
Kimberley A. Mortenson  
Timothy J. Rensch

*Presidential Fellows - \$10,000*

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

*Fellows - \$500 (per year)*

Hon. John Bastian  
Mary Jane Cleary  
Andrew L. Fergel  
Neil Fulton  
Tom E. Geu  
Craig A. Kennedy

Hon. Judith K. Meierhenry  
Robert C. Riter, Jr.  
Laura Clark Rowe  
Thomas Eugene Simmons  
Jason R.F. Sutton  
Barry R. Vickrey

*Raising the Bar: Our Profession. Our Responsibility.*



## Dean's List: News from the Law School



by: *Neil Fulton*  
*Dean*  
*USD*

*Knudsen School of Law*

It would be easy to provide a Law School report that just updated facts and figures. We are certainly happy with our bar passage and placement rates returning to 90%. It is exciting to talk about the more than 85 students we will welcome to the Class of 2024 in a few weeks. It would be topical to recap our COVID-19 responses that limited us to just over 20 students and faculty testing positive and our classes being delivered successfully under the circumstances. These are important facts, but I want to talk about three big ideas facing the Law School and the profession and our need to work together to address them.

First, we must be aware of an impending demographic cliff. Between 2025 and 2036 the number of high school graduates is forecasted to decrease significantly from current levels. That is driven by declines in both birth rate and projected number of students electing higher education. For the Law School and the legal profession, this means fewer students who can go to law school and more intense competition with other graduate programs as well as among law schools for the best students. In a few short years we will have fewer students available, more intense competition to attract them, and greater need to do so as the legal profession undergoes generational turnover.

This issue challenges us all; an effective response will require all of us. The Law School and the Bar are initiating programs intended to attract students to the law as early as high school and junior high. In the past year the Law School presented at the South Dakota Department of Labor's Week of Work program. We hosted an inaugural law camp in cooperation with federal, state, and tribal courts; public and private lawyers; court personnel; law enforcement; and several postsecondary education programs connected to the law. Research indicates that the earlier students think about a career in the law and develop a personal connection with a lawyer, the more likely they are to go to law school. These types of

cooperative efforts to attract student attention early in their school days are therefore imperative. They will require participation by all sorts of legal professionals across South Dakota and all settings where lawyers are found. That includes each of us.

For now, I would ask everyone to do two things. First, think about ways in which you might be able to build connections to students in high school and even earlier to boost their interest in the law. Second, share your ideas with me or a member of the State Bar Strategic Planning Committee as we work to identify and coordinate those efforts. Our profession faces a significant challenge for its future and our collective response will be imperative to our collective success.

The second issue we face is the shifting expectation of what makes a "well prepared" law school graduate and how our curriculum is shifting to keep up. The National Conference of Bar Examiners is revamping the bar exam to increase focus on aligned knowledge of core doctrine and skills. This presents the opportunity and challenge of realigning the law school curriculum to ensure that our graduates not only have command of key bodies of law and legal skills but an effective integration of the two. It is not easy to teach both well at the same time; making these adjustments inside the Law School will not be quick or convenient, but we are beginning that work.

Additionally, we increasingly need to prepare law students for professionalism and civic engagement. One need only pick up a newspaper or turn on a television to see that American society is in grave danger of losing its ability to constructively and sustainably engage on matters of public concern. I believe, and will always believe, that the character of our public debates will be driven largely by the character of our lawyers. The Law School is therefore developing supplemental programs focused on professionalism. Over the course of three years students will work on the skills of leadership, civility, professional conduct, and the other "soft skills" that make a great lawyer. It does not matter much how brilliant and well prepared a young lawyer is if nobody wants to work with them. It does not matter much how many lawyers we recruit to law school if we do not form them appropriately and the profession slowly loses its integrity. In coming years we will ask those of you out there living careers of integrity and professionalism to come home to the Law School and share your example

with the next generation of law students. To paraphrase Proverbs, “train up a law student in the way they should go, and when in practice they will not depart from it.”

The third issue facing the Law School as we move beyond COVID is remaining a community of excellence, service, and leadership. The first word matters every bit as much as the last three but has been the hardest to sustain through the isolation that COVID imposed. The greatest things we will do as a school and as a profession will be done together. Restoring our community is a key issue facing the Law School in coming days.

Because we are South Dakota's law school, our community includes everyone interested in the law in South Dakota. Whether you are an alumni or not, wherever you work, and whether or not you have had significant connection to the law school so far, you are part of our community and we want to be part of yours. We are the home of the law in South Dakota and your home as lawyers. We want you to come home and interview students, judge competitions, serve as adjuncts, or provide guest lectures. We want to be in your community too. Faculty want to present at CLEs and work with practitioners on new developments in the law. I want to come speak at your local bar association event, your Kiwanis or Rotary meeting, or in your conference room over a cup of coffee. Community is critical to our success; we have no more important issue facing us than re-invigorating our community after COVID.

I would like to end with a thought I heard at a bar convention some years ago from Judge Jon Sogn who said, “it's a great day to be a lawyer.” Judge Sogn is right: it is a great day to be a lawyer. Every day. The profession has given me more than I can hope to give it; I hope you feel the same way. Every day that I get to walk in the law school I remain thrilled about the opportunity to have a hand in shaping the future of our profession through the next generation of law students. The future presents significant challenges, but it is a great day to be a lawyer and meet them. We will do so as a community excellence, service, and leadership. There is no community that I would rather be part of. It is going to be great.



## **SOUTH DAKOTA Paralegal Association**

### **Executive Committee 2021-2022**



**Jessi Stucke, ACP**

PRESIDENT

**Richardson, Wylly, Wise,  
Sauck & Hieb**  
Aberdeen



**Autumn Nelson, CP**

1<sup>st</sup> Vice President

**Goosmann Law Firm**  
Sioux Falls



**Christal Schreiber**

2<sup>nd</sup> Vice President

**Schreiber Law Firm**  
Pierre



**Cindy Wooten, ACP**

NALA Liaison

**Midcontinent  
Communications**  
Sioux Falls



**Valerie Winegar, CP**

Secretary

**Lynn, Jackson,  
Shultz & Lebrun**  
Sioux Falls



**Clara Kiley, CP**

Treasurer

**Butte County  
State's Attorney**  
Belle Fourche

**SDParalegals.com** (New website coming soon!)

**Facebook.com** (Search: South Dakota Paralegal Association)



# A2J JUSTICE SQUAD

Thank you to the following attorneys for accepting, completing and mentoring a pro bono or reduced rate case from Access to Justice, Inc., from June 2020 to July 2021. And to our SD Free Legal Answers volunteers! You are our 2021 LEGAL SUPERHEROES!

## A2J VOLUNTEERS:

- KIRSTEN AASEN
- MARY AKKERMAN
- REECE ALMOND
- PAUL ANDREWS
- STAN ANKER
- STANTON ANKER
- JOEL ARENDS
- MARY ASH
- LAURA KULM ASK
- JORDYN BANGASSER
- DAVID BARARI
- SARAH BARON HOUY
- AMY BARTLING JACOBSEN
- CHRIS BEESLEY
- MARIAH BLOOM
- DIANA BONI
- ASHLEY BROST
- MARY BURD
- NICHOLE CARPER
- NATHAN CHICOINE
- JIM CRAIG
- JACOB DAWSON
- LYNDSAY DEMATTEO
- JUSTIN DIBONA
- CHRISTOPHER DOHRER
- TIMOTHY DOUGHERTY
- CASEY EEKHOFF
- ROBIN EICH
- PAUL ENGEL
- DICK ERICSSON
- KOLN FINK
- TOM F. FRANKMAN
- RON FRAUENSHUH
- TOM FRIEBERG
- WILLIAM GARRY
- CLAIR GERRY
- DUSTY GINSBACH
- DENNIS GROFF
- CHET GROSECLOSE
- TYLER HAIGH
- RACHEL HALE
- ERIC HARDY
- MICHAEL HENDERSON
- ELIZABETH HERTZ
- TIM HOGAN
- ALAYNA HOLMSTROM
- GARRETT HORN
- JOHN HUGHES
- KATIE JOHNSON
- MEGHANN JOYCE
- CESAR JUAREZ
- MARY KELLER
- THOMAS KELLER
- RYAN KOLBECK
- KYLE KRAUSE
- HEATHER LACROIX
- TIFFANI LANDEEN
- TYLER LARSEN
- JEREMY LUND
- HOPE MATCHAN
- EMILY MAURICE
- CHRIS MCCLURE
- JERRY MCNEARY
- ROB MEADORS
- ERIN MELLING
- LORIE MELONE
- RICL MICKELSON
- RONDA MILLER
- SHELLY MUNSON
- JAMES MYERS
- ERIKA OLSON
- ALVIN PAHLKE
- DAN PAHLKE
- KALEB PAULSEN
- AARON PILCHER
- GAVIN POCHOP
- STEPHANIE POCHOP
- JOAN POWELL
- HANNAH PURTELL
- BRAD REYNOLDS
- KYLIE RIGGINS
- BETH ROESLER
- REBECCA RONAYNE
- MICHAEL SABERS
- ERIC SCHLIMGEN
- WESLEY SCHMIDT
- JOAN SCHUELLER
- ERIC SCHULTE
- MICHAEL STEVENS
- JIM SWORD
- BRANDON TALIAFERRO
- MCLEAN THOMPSON KERVER
- KATIE THOMPSON
- JENNIFER TOMAC
- MARILYN TREFZ
- PAUL VAN OLSON
- RON VOLESKY
- DEBRA WATSON
- ROSEANN WENDELL
- MINDY WERDER
- TERRY WESTERGAARD
- MICHAEL WHEELER
- TERRI WILLIAMS
- SHEILA WOODWARD
- JOSH ZELLMER
- ROBIN ZEPHIER

## SD FREE LEGAL ANSWERS VOLUNTEERS:

- ALEX HALBACH
- ALISON RAMSDELL
- BETH BALOUN
- ELIZABETH OVERMOE
- TOM SIMMONS
- BRANDY RHEAD
- DENISE LANGLEY
- JOSEPH HOGUE
- KYLE KRAUSE
- TIMOTHY JAMES
- JAMES D TAYLOR
- MARGARET BAD WARRIOR
- SARAH BOUWMAN
- SCOTT MOSES
- STEVE HUFF
- KELLY COLLINSWORTH
- LINDA LEA VIKEN
- MARWIN L SMITH
- PAUL TSCHETTER

Are you interested in becoming a legal superhero and member of the A2J Justice Squad?  
PLEASE SEND A MESSAGE TO DENISE LANGLEY AT: [ACCESS.TO.JUSTICE@SDBAR.NET](mailto:ACCESS.TO.JUSTICE@SDBAR.NET)



***A Community of Lawyers Engage in the  
Defense of Civil Actions***

SDDL A is seeking nominations for their 2021 Awards Program. Below are the three Awards that will be considered by the Board and awarded at the Annual Meeting in November 2021. If you have a colleague that is a current\* or past member of SDDL A and fits this criterion, please consider nominating him or her.

**The Robert C. Riter Distinguished Service Award**

The Robert C. Riter Distinguished Service Award is granted to the SDDL A member for his or her exceptional service to the SDDL A on a continuing and sustained basis.

**Collegiality Award**

The SDDL A Collegiality Award is given annually to recognize one of its members for uncompromising client advocacy while unflinchingly demonstrating utmost respect for the justice system, judges, opposing counsel, and other parties.

**SDDL A Associate Lawyer Award (Rising Star)**

The SDDL A Associate Lawyer Award is given annually to recognize one of the Association's associate lawyers who has consistently demonstrated growing professional excellence and service to his or her community.

Please submit the nominee's name, CV and a short paragraph outlining reasons for the nomination by emailing Kris Rahm at [krisrahm@me.com](mailto:krisrahm@me.com) no later than August 2, 2021.

\*nominations cannot include current SDDL A Board Members.

# ANNOUNCEMENTS

Eric Kerkvliet is pleased to announce the opening of his new firm,

*Equity Law Firm, PLLC*

effective June 22, 2021.

Equity Law Firm, PLLC  
824 W. 11th Street  
Sioux Falls, SD 57104

Telephone: (605) 215-2625

[eric@equitylawfirm.com](mailto:eric@equitylawfirm.com)

[www.equitylawfirm.com](http://www.equitylawfirm.com)

South Dakota Department of Human Services is pleased to announce that

*Jenna Howell*

has joined our legal department as the lead attorney effective June 28, 2021.

SD Department of Human Services  
Hillsview Plaza  
C/O 500 East Capitol Avenue  
Pierre, SD 57501

Telephone: (605) 773-5990

[Jenna.Howell@state.sd.us](mailto:Jenna.Howell@state.sd.us)

Austin, Hinderaker, Hopper, Strait & Benson LLP is pleased to announce changes to their name, website address, and mailing address:

*Austin, Strait, Benson  
& Thole LLP*

Austin, Strait, Benson & Thole LLP  
25 First Avenue Southwest  
Watertown, SD 57201

[www.austinlawsd.com](http://www.austinlawsd.com)

Zieser & Rothschadl Law is pleased to announce that

*Abigail Monger*

has joined the firm as an Associate.

Zieser & Rothschadl Law  
1711 Main Street  
PO Box 476  
Tyndall, SD 57066

Telephone: (605) 589-3333

Facsimile: (605) 589-3334

[abbymlaw@hcinet.net](mailto:abbymlaw@hcinet.net)

Estes Campbell Rehorst Law Firm  
will now be the

## *Estes Campbell Law Firm*

We wish our partner Abby Rehorst all the best in her new position with the State of South Dakota.

Estes Campbell Law Firm  
PO Box 330  
4020 Jackson Boulevard, Suite 4  
Rapid City, SD 57709

Telephone: (605) 343-3534

Estes Campbell Law Firm  
220 Division Street, Third Floor  
Northfield, MN 55057

Telephone: (507) 645-5529

The Office of the Attorney General would like to announce the promotion of

## *Sarah Thorne*

as the new Deputy Attorney General of the Appellate Division.

We would also like to announce the promotion and appointment of

## *Paul Swedlund*

as the first Solicitor General for the State of South Dakota.

Office of Attorney General  
1302 E. Hwy. 14m Suite 1  
Pierre, SD 57501-8501

Telephone: (605) 773-3215  
Facsimile: (605) 773-4106

**TRIAL TECHNIQUES**

# INTENSE REVIEW OF OBJECTIONS

PRESENTER:  
**LAURA ROSE**  
USD LAW PROFESSOR

JULY LAW FOR LUNCH

Thursday  
July 15, 2021  
12:30PM - 1:30PM CST

Register Here

## AUGUST LAW FOR LUNCH - TRIAL TECHNIQUES

PRESENTER:  
LAURA ROSE  
USD LAW PROFESSOR

THURSDAY  
AUG. 19TH  
12:30PM - 1:30PM CST

# Law and Use of Exhibits



## ESTATE PLANNING WITH ROBERT KEEBLER



 September 17, 2021  
 Sioux Falls -  
(location TBA)  
 8:30 am to 12 noon

- Income and Estate Tax changes for Estate Planners
- Roth conversions a how to for estate lawyers and planners
- Tax planning for large IRA's including why MN residents should leave their IRA to a SD trust

# June 2021

## ANNUAL CONVENTION HIGHLIGHTS



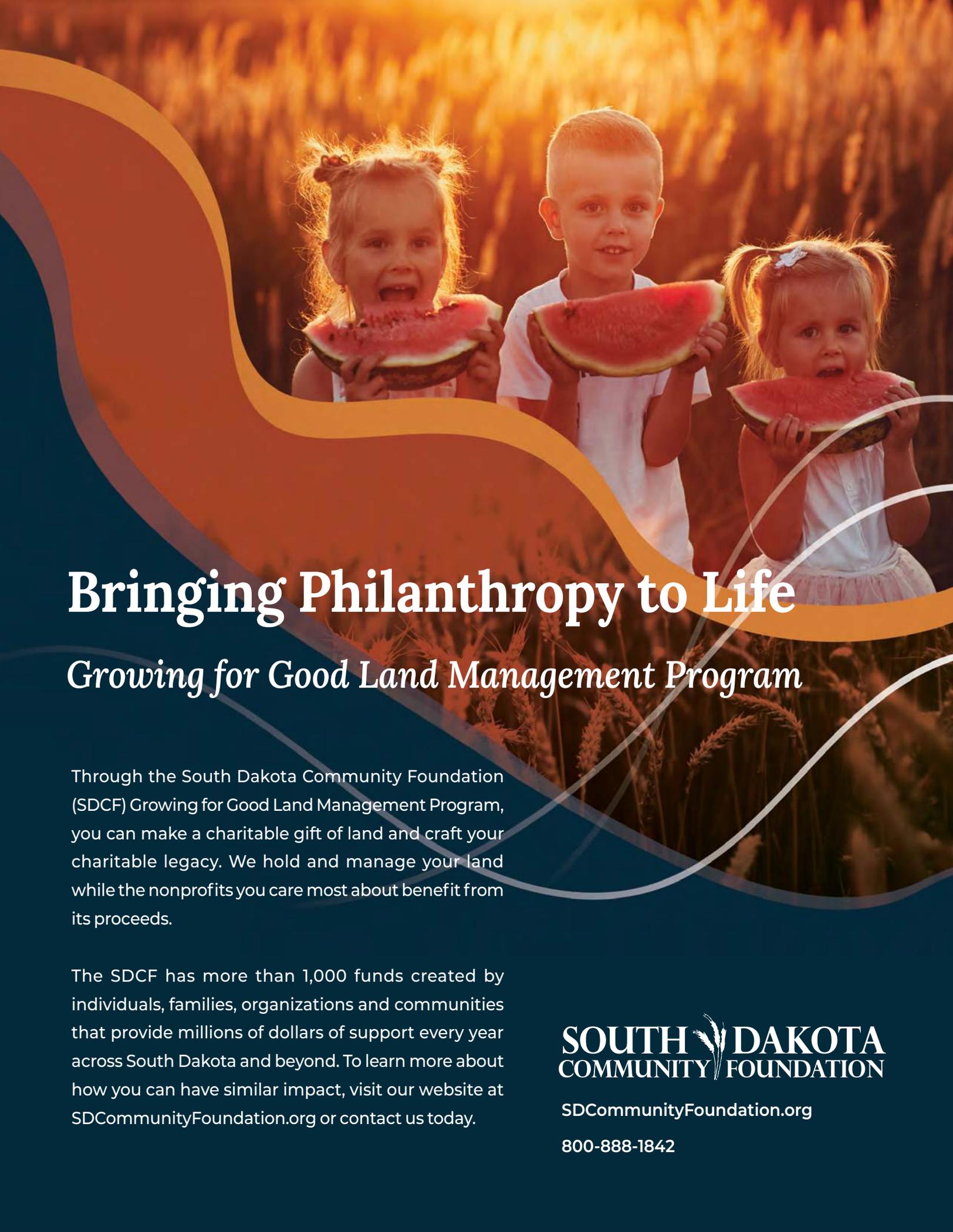
# MORE HIGHLIGHTS



# MORE HIGHLIGHTS



*And that's a wrap!*



# Bringing Philanthropy to Life

## *Growing for Good Land Management Program*

Through the South Dakota Community Foundation (SDCF) Growing for Good Land Management Program, you can make a charitable gift of land and craft your charitable legacy. We hold and manage your land while the nonprofits you care most about benefit from its proceeds.

The SDCF has more than 1,000 funds created by individuals, families, organizations and communities that provide millions of dollars of support every year across South Dakota and beyond. To learn more about how you can have similar impact, visit our website at [SDCommunityFoundation.org](http://SDCommunityFoundation.org) or contact us today.

**SOUTH DAKOTA  
COMMUNITY FOUNDATION**

[SDCommunityFoundation.org](http://SDCommunityFoundation.org)

800-888-1842

The USD Knudson School of Law will be hosting Fall 2021 On Campus Interviews (OCI) on August 19-20, September 9-10, and September 30 - October 1.

Employers are invited to participate in Fall OCI on the date of your choice to interview our 2L students for internship and externship opportunities and our 3L students for post-graduate positions.

Interviews may be conducted either in-person at the law school or virtually.



# FALL 2021 ON CAMPUS INTERVIEWS (OCI)

To register, please contact Brian Boyenga, Director of Career Services, at [brian.boyenga@usd.edu](mailto:brian.boyenga@usd.edu) with your preferred interview date and a job description of the position(s) you are seeking to fill.

**DeRouche Agricultural & Legal Consulting, LLC**

Roger DeRouchey  
700 Broad Street Alexandria, SD 57311  
605-770-8080  
[rderouchey.agconsulting@triotel.net](mailto:rderouchey.agconsulting@triotel.net)

- 34 years Farm Business Instructor at Mitchell Tech
- 4 years of Ag Lending
- 9 years Research, Deposition, Testifying
- Expert witness on agricultural issues

[www.deroucheyagriculturallegalconsulting.com](http://www.deroucheyagriculturallegalconsulting.com)

A business card for DeRouche Agricultural & Legal Consulting, LLC. The card features a background image of a man in a suit. On the right side, there is a small portrait of Roger DeRouchey. The text provides contact information and a list of his professional experiences.

**NEW  
UPDATES**

## 2021-2022 COMMITTEE ASSIGNMENTS

**CHECK IT OUT**

A graphic with a teal background. At the top, the words 'NEW UPDATES' are written in a red, hand-drawn font. Below that, '2021-2022 COMMITTEE ASSIGNMENTS' is written in white, bold, sans-serif font. In the center, there is a circular light blue area containing a network diagram of white person icons connected by thin white lines. At the bottom, the words 'CHECK IT OUT' are written in a red, hand-drawn font.

YOU  
asked.  
We're  
answering.  
COMING  
SOON!

A brand new  
State Bar website  
and simplified  
member hub is on  
it's way!

Look for  
more information  
in upcoming  
newsletters  
and emails.





# REACH *Beyond*

Power your law practice with industry-leading legal research. Fastcase is a free benefit to Dakota Disc subscribers.



# REGISTRATION IS NOW OPEN

21st ANNUAL COMMUNITY RESPONSE TO CHILD ABUSE CONFERENCE

## Wednesday, September 29

In-Person Pre-Conference · 8:00am-11:15am CT

In-Person Vendor Booths & Lunch · 11:15am-12:00pm CT

Main Program · 12:00pm-5:00pm CT

## Thursday, September 30

In-Person Check-In & Breakfast · 7:30am-8:00am CT

Main Program · 8:00am-12:00pm CT

Visit [sdpcm.com/conference](http://sdpcm.com/conference) to reserve your virtual or in-person seat!

21<sup>ST</sup> ANNUAL



## Virtual Conference

The Unified Judicial System, the Center for the Prevention of Child Maltreatment and Child's Voice at Sanford Health invite you to save the date for the 20th Annual Community Response to Child Abuse Conference!

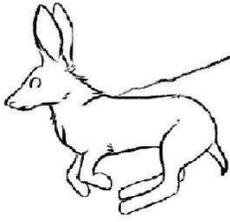
This two-day, multi-disciplinary, in-person and virtual conference provides opportunities for continuing education, networking, learning, and collaboration for those who work to prevent and respond to child maltreatment.

## Who Should Attend

Those passionate about the prevention of and response to child abuse and maltreatment, including:

- Medical Providers
- Nurses
- Behavioral Health
- Social Workers
- Counselors
- Law Enforcement
- Legal Community
- Educators
- Dental Providers
- Community Advocates
- Students
- Business Community

Credits have been approved for Education, Social Work, and Counselors & Marriage and Family Therapists.



# JACKRABBIT BAR CONFERENCE

September 23-25, 2021  
Idaho Falls, Idaho

Name	
Name for Badge	
Title	
Address	
City, State Zip	
Phone	
Email	
Spouse/Guest Name	
Name for Badge	

**Fees Per Person      Total**

Conference Registration (includes meetings, opening reception, breakfasts, and Friday night dinner)	\$425	\$
Spouse/Guest registration Fee (includes opening reception, breakfasts, and Friday night dinner)	\$125	\$

Total \$ \_\_\_\_\_

**Return this form and payment to:**

Jackrabbit Bar Conference  
c/o Idaho State Bar  
PO Box 895  
Boise, ID 8701

**Or**

Email: [sbeckwith@isb.idaho.gov](mailto:sbeckwith@isb.idaho.gov)

**Or**

FAX: 208-334-4515

**Hotel Information: Hilton Garden Inn**

700 Lindsay Blvd  
Idaho Falls, ID 83402  
1-208-522-9500  
Rate \$149/night

**Block cutoff date 9/9/21**

Cancellations must be confirmed with the hotel 24 hours prior to arrival to avoid a late cancellation fee.

For further information, contact Diane Minnich at (208) 334-4500 or [dminnich@isb.idaho.gov](mailto:dminnich@isb.idaho.gov)

Method of Payment:  Check Enclosed    Credit Card:  VISA  MasterCard

CC # \_\_\_\_\_ Zip Code \_\_\_\_\_ CCV# \_\_\_\_\_ Exp. Date \_\_\_\_\_

Signature \_\_\_\_\_



*September 23-25, 2021*

*Hilton Garden Inn*

*Idaho Falls, Idaho*

**Thursday, September 23**

4:30 p.m. to 6:00 p.m.      **Registration**

6:00 p.m. to 7:00 p.m.      **Welcome Reception** – Hilton Garden Inn  
patio

**Friday, September 24**

7:30 a.m. to 8:30 a.m.      **Breakfast**

7:30 a.m. to 9:00 a.m.      **Registration**

8:30 a.m. to 8:40 a.m.      **Welcome to the Jackrabbit Bar  
Conference**, Hon. Michael J. Oths, Idaho,  
Chancellor

8:40 a.m. – 8:50 a.m.      **Welcome to Idaho Falls** – Ammon Mayor  
Sean Colletti

8:50 a.m. to 9:00 a.m.      **Overview of the Conference**, Diane  
Minnich, Idaho

9:00 a.m. to 10:15 a.m.      **Judicial Independence: The Founders’  
Aims, Concerns and Current  
Controversies** – Dr. David Adler, The  
Alturas Institute

10:15 a.m. to 10:30 a.m.      **Break**

10:30 a.m. to 11:30 a.m.      **Courts in Idaho, Water Law** – Hon.  
Roger Burdick, former Idaho Supreme Court  
Chief Justice

11:30 a.m. to 12:00 noon      **Roll Call of the States** – Montana,  
Wyoming, South Dakota, Utah, Idaho  
*Sponsored by ALPS*

6:30 p.m.      **Dinner – Idaho Falls Art Museum**  
*Sponsored by Fastcase*

## **SATURDAY, September 25**

- 7:30 a.m. to 8:30 a.m.      **Breakfast** – Hilton Garden Inn
- 8:30 a.m. – 8:45 a.m.      **Roll Call of the States** –North Dakota, Nevada, New Mexico
- 8:45 a.m. – 9:45 a.m.      **Idaho National Laboratory**
- 9:45 a.m. – 10:15 a.m.      **ABA Update**
- 10:15 a.m. – 10:30 a.m.      **Break**
- 10:30 a.m. – 11:30 noon      **Future of the Legal Profession** – Utah Regulatory Sandbox
- 11:30 a.m. to 12:00 noon      **Unified Bar Update** – Tony J. Weiler, Executive Director, State Bar Association of North Dakota
- 12:00 noon – 12:15 p.m.      **Wrap up, Preview of 2022 Conference**

**NORTHERN PLAINS WEATHER SERVICES, LLC**

**Matthew J. Bunkers, Ph.D. | 605.390.7243**

- **Certified Consulting Meteorologist (CCM)**  
*What does a CCM do? Check out:*  
<https://npweather.com/forms/CCM-article.pdf>
- 27+ years of weather/forecasting experience
- Consulting, reports, depositions, & testimony
- **Specialties:** forensic meteorology, weather & forecasting, radar, satellite, severe storms, rainfall & flooding, winter weather, fire weather, applied climate & meteorology, ag weather, education & training, and technical editing



<https://npweather.com> | [nrnplnsweather@gmail.com](mailto:nrnplnsweather@gmail.com)

## GOVERNOR COE I. CRAWFORD (6TH GOVERNOR OF SOUTH DAKOTA 1907-1909)

Fifteen lawyers have served as Governor of South Dakota. The life size bronze statue of Governor Coe I. Crawford, certainly one of the most prominent lawyers to serve as South Dakota's chief executive, arrived at its permanent location on the Trail of Governors in front of the office of State Bar following its unveiling on June 11, 2021. Accompanying the 28 statues of former Governors currently on the Trail, he will be joined by the last three including Beresford attorney W.J. Bulow, 12th Governor of South Dakota (1972-1931) in June of 2022 when the initial phase of the Trail is completed.

Before statehood Crawford served as the first Hughes County State's Attorney and in the Territorial Legislative Council. After South Dakota became a State he was Attorney General and later opened a law practice in Huron where he represented the Chicago & North

Western Railroad. Elected Governor in 1906, Crawford went on to become US Senator, returning to Huron to practice with his son until his death in 1944.

If you or your firm would like to be included, please send your tax-deductible contribution to: Trail of Governors, % South Dakota Community Foundation, 2310 Patron Parkway, Pierre, SD 57501. Please note on check: Trail of Governors (TOG) and Governor Crawford. All donors will be recognized on the TOG website: [www.trailofgovernors.com](http://www.trailofgovernors.com) and all State Bar affiliated donors will also be recognized on a plaque to be placed in the foyer of The State Bar office. Questions may be directed to retired lawyer Chuck Schroyer of Pierre who serves on the Trail of Governors Board of Directors at (605) 280-2623.

  
*Thank You*  
FOR YOUR SUPPORT!

### Contributors:

Pierre lawyer Jason Glodt and family, as owners of the building have agreed to become an additional sponsor of the Crawford statue.

Members of the State Bar of South Dakota have sponsored one quarter of the cost.

Davenport, Evans, Hurwitz  
& Smith, LLP of Sioux Falls

Lori Wilbur of Sioux Falls

Robert C. Riter, Jr. of Pierre

Sandy Zinter of Pierre

South Dakota State's  
Attorneys Association of Pierre

Bill Van Camp, Jr. of Pierre

Bob and Kim Hayes of Sioux Falls

Andy and Shirley Fergel of Pierre

Ron Schmidt and Chuck Schroyer, formerly of the Firm Schmidt, Schroyer, Colwill, Zinter & Barnett, PC of Pierre, in Memory of their deceased former partners, Gary F. Colwill & Steven L. Zinter.

All donors are also individually recognized on the Trail of Governors website: [www.TrailofGovernors.com](http://www.TrailofGovernors.com).

## RESOLUTION OF THE STATE BAR OF SOUTH DAKOTA

**WHEREAS**, the State Bar of South Dakota is created for, among other things, the betterment of the administration of justice in South Dakota, and directed under SDCL 16-17-2 "to furnish a legal entity through which the considered judgment of its members on matters affecting the judicial system of the state may be ascertained and made available to the courts and the Legislature";

**WHEREAS**, the State Bar of South Dakota acknowledges that the judiciary serves a substantial and important role in our democratic way of life, including the resolution of civil and criminal disputes, which improves commerce and economic opportunities for our citizens, preserves order and ensures justice;

**WHEREAS**, in 2007 the UJS Court Reporter Committee was appointed by former Chief Justice David Gilbertson with its mission to explore innovative ways to provide court reporting services and recruit and retain qualified court reporters and that since its inception this ongoing committee, in executing its mission, is dedicated to the quality and integrity of the court record and to using court reporters to produce this record;

**WHEREAS**, the Committee continues to support official and freelance court reporters and the importance of court reporting positions in the Unified Judicial System versus electronic reporting methods;

**WHEREAS**, the number of official and freelance court reporters continues to decline in South Dakota and nationwide;

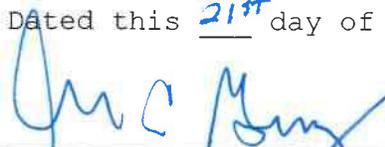
**WHEREAS**, continuing a strong and highly qualified pool of court reporters is crucial for the betterment of the administration of justice in South Dakota;

**BASED UPON THE ABOVE AND FOREGOING, IT IS HEREBY**

**RESOLVED** that the State Bar of South Dakota supports the efforts of the UJS Court Reporter Committee to continue its mission of recruiting and retaining qualified court reporters for the betterment of the administration of justice in South Dakota.

THIS RESOLUTION was approved by the membership of the South Dakota State Bar at its annual meeting on June 18, 2021.

Dated this 21<sup>st</sup> day of June, 2021.

  
\_\_\_\_\_  
William C. Garry, President  
State Bar of South Dakota



about your competency, civility or even your integrity. The better the writing, the lower the risk.

Start by being intentional, as opposed to impulsive. To allow your emotions to get the better of you with any work-related writing is simply asking for trouble. Better yet, if time permits, read aloud what you've written or set it aside and come back to review it a day later. Either approach can help you avoid saying something you might later regret.

Next, be concise and write to your audience. For example, if your audience is a nonscientist, which of the following two sentences more clearly answers the question what color is the sky? 1) "Only on days when the sky isn't completely saturated with an aerosol of a visible mass of minute liquid droplets, the gas molecules that make up the earth's atmosphere will, through a process called Rayleigh scattering, absorb light waves with shorter wavelengths then radiate this energy back out into the sky in many different directions which will result in anyone standing on the ground on such a day seeing a blue sky," or 2) "On clear days, the sky is blue." The second sentence is always going to be the better choice.

In a similar vein, use plain English instead of confusing legalese because any writing full of gobbledygook serves no one. Consider poorly drafted legal documents. If the understanding you intended to convey is eventually misinterpreted by one or more of the parties due to the inclusion of such gibberish, you may eventually have a serious problem on your hands.

Finally, proofread everything you write and don't rely on spellcheck. Better still, have someone else review what you've written for two reasons. First, a fresh set of eyes can often catch a few typos you've been missing; and second, it's a great way to confirm that your words are being interpreted correctly.

I once asked several of our claims attorneys to identify the top habits they felt new lawyers should develop from day one. With one exception, the list they provided covered the habits I expected they would prioritize. And yet, the more I thought about that one exception, the more I realized how spot on they were. In short, every lawyer should make writing well a habit and here's why.

The professional writing you do, be it an email to a client, a brief filed with a court or a response to opposing counsel can too easily say more than you might intend. For instance, think about the hastily written email composed with little forethought, a legal brief impetuously penned under a time crunch or an emotionally written response to opposing counsel. In short order, you could come to realize that, well as the Hagrid character from the Harry Potter series would sometimes say, "I shouldn't have said that."

The correct choice of words and proper grammar matter because poor writing often results in the sending of a secondary and unintended message that says something



Authored by: Mark Bassingthwaighe, Risk Manager

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

# GOOD COVERAGE. REASONABLE RATES.

“ Long history of providing good coverage with reasonable rates and experienced claims handlers who are all lawyers. ”

▶ Thomas J. Welk, Boyce Law Firm, Sioux Falls, SD

South Dakota law firms can connect directly with ALPS at [learnmore@alpsinsurance.com](mailto:learnmore@alpsinsurance.com) or by calling (800) 367-2577.

Learn more about how ALPS can benefit your firm at

[www.alpsinsurance.com/sdlawyer](http://www.alpsinsurance.com/sdlawyer)

Endorsed by



THE NATION'S LARGEST DIRECT WRITER OF LAWYERS' MALPRACTICE INSURANCE



## 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.*

# *In Memoriam*



Brooks Christenson  
August 20, 1984 - June 08, 2021

On August 20, 1984 in Yankton, South Dakota, Bob and Kris Anne Christenson gifted the world a son, R. Brooks Christenson. He was the oldest of four children. Brooks left this world on June 8th, 2021 at Avera McKennan Hospital due to complications from pneumonia.

After Brooks' birth the family moved from Vermillion, South Dakota to Sioux Falls where Brooks was educated in the Sioux Falls Public School System at Longfellow Elementary, Patrick Henry Middle School and Lincoln High School where Brooks graduated in 2003. Brooks was an All-State soccer goalie for Lincoln High School and traveled to Europe with the United Soccer Club.

After high school Brooks spent a year abroad on a Rotary Exchange Program in Romania living with the Schiau family. He went on to graduate from the University of South Dakota (USD) Magna Cum Laude in 2008 with a bachelor's degree in International Relations.

While attending USD, Brooks worked as a Research Assistant in the Government Research Bureau. His work included research on Disparate Sentencing in the Native American Community, Project Safe Neighborhoods: Domestic Gun Violence in South Dakota, and Job Task Analysis of South Dakota Law Enforcement Personnel. USD Professor Emeritus Dr. Steve Feimer shared that Brooks was one of the best research assistants he has worked with in his 30 years at the University of South Dakota.

Brooks attended USD School of Law and graduated with his Juris Doctorate in 2012. USD Law Professor Thomas Horton described Brooks well by writing, "Brooks was a beautiful person, who brought joy to all of us who had the pleasure of getting to know him. I still remember the first day of school, when Dean Vickrey had each of the 1Ls introduce themselves to

the assembled faculty and new students. Dean Vickrey asked each of the new students to talk briefly about something they enjoyed in life such as a hobby. Brooks broke the tension in the courtroom by wryly stating that he 'enjoyed long walks on the beach'. Brooks was kind, caring, and generous, and incredibly intelligent. He was an active member of our trial team, and a great addition to each class he took."

In 2015, Brooks graduated from the University of Denver's Josef Korbel School of International Studies with a Master's Degree in Organizational Management, Global Health, and Political Theory. Most recently, he was a consultant through his business RBC Consulting, LLC. serving as a grant writer and advisor for non-profits. He worked on leading efforts to combat global poverty. This work resulted in a trip to Africa.

Brooks was committed to doing what he could to promote a healthy environment by riding his bicycle whenever he could – summer or winter.

Brooks had a passion for music, politics, traveling, good food, crafting beer, reading, and spending time with family and friends. Most recently, Brooks collaborated with Badger Clark Publishing Company and supervised the publication of two books, Clark Stories and Rattlesnake Summer. He was an esteemed member of the Badger Clark Poetry Club and a Badger Clark Foundation Board of Directors member.

Brooks was preceded in death by his grandparents, Burton and Jean Christenson, and Albert Bot, his uncles Jono Bot and David Christenson Sr., and his cousins Libby Fritsch and Thomas England. He is survived by his adoring parents, Bob and Kris Anne Christenson (Sioux Falls), his brother, Jono (Sioux Falls), and his sisters, Kaitlin (Denver, CO) and MarieClaire (Sioux Falls). As well as countless aunts, uncles, cousins, and many special friends.

In lieu of flowers, the family requests donations be made to the Badger Clark Foundation, 400 North Main Avenue, Sioux Falls, South Dakota or the charity of your choice that positively impacts the lives of others, which would be Brooks' wish.

If you have any photos or stories you would like to share with the family, we ask that you please e-mail them to [rememberingbrooks@gmail.com](mailto:rememberingbrooks@gmail.com). A hard-copy

book containing all that is shared will be made for the family, and the e-mail account will be given to them so that they have digital copies of all that is provided.



### Jeffrey Paul Maks

Jeffrey Paul Maks, 61, passed away Wednesday, June 16th, 2021 at Monument Health Hospital in Rapid City, SD after a courageous battle with cancer.

Jeff was born in Portland, OR to Stephen Wayne Maks and Mary Rosalind (Hartnett) Maks, the third of four children. Jeff grew up in Portland up until his senior year of high school when he moved to Sturgis, SD. Following his high school graduation, Jeff went on to earn his baccalaureate degree in political science from Creighton University in Omaha, NE before earning his juris doctorate in 1985 from the University of South Dakota in Vermillion, SD. Jeff spent the next 36 years practicing law with and alongside countless colleagues that grew so fond of Jeff, as he did of them.

During law school Jeff spent time in Rapid City interning at Lynn Jackson Law firm where he met the love of his life and soulmate, Dory. The two were instantly drawn to one another and quickly fell in love. In their almost 33 years of marriage, Jeff and Dory built an incredible life, home and family together. In 1991 they welcomed their first child, Christopher, into the world. Shortly after in 1995, they welcomed their second child, Courtney into their loving family.

Growing up in Oregon, Jeff always had a special place in his heart for the outdoors. It began with family trips to the coast or Bend, OR when he was young. When he moved to the Black Hills he consistently could be found camping, hiking, or biking the Mickelson Trail with his family. As his kids got older, Jeff put all of his energy into their athletics whether it was coaching baseball and basketball for both kids or, as they grew older being their number two fan in the stands (number one being their mother of course). His family was his world, and they will miss him deeply.

Just like his family, Jeff's friends were a central part of his life. From Water Buffalo camping trips to Jimmy Buffet parties to annual golf trips with law school buddies, Jeff was there for it all. He was so fiercely and deeply loved by so many that knew him. Jeff was caring, generous, selfless, loyal, determined and a loving dad, husband, brother, friend, colleague and so much more.

Jeff is survived by his wife, Dory, children Chris (Carlyn) of Rapid City, SD and Courtney (Aaron) of Rochester, MN. His older brothers Dan (Susie) of Portland, OR, Pat (Susie) of Columbus, OH, his little sister Stephanie (JT) of Omaha, NE, his brothers-in-law Keith (Kathy) of Aurora, CO, Dan (Evelyn) and his sister-in-law Mary (Scott) both of Lafayette, CO as well as numerous nieces, nephews and friends that felt more like family.

He was preceded in death by his parents Stephen and Mary Maks, his Aunt Margaret, Aunt Marlene and Uncle Dave.

A memorial has been established in Jeff's name to the South Dakota Game, Fish, & Parks Outdoor Campus - West, Youth Programs.



### Robert Weeks

May 30, 1940 - June 2, 2021

Robert ("Bob") Shawkey Weeks passed away on June 2, 2021, in Chapel Hill, North Carolina, surrounded by his family.

Born in Aberdeen, South Dakota on May 30, 1940 to the late Dr. I.D and Virginia (Shawkey) Weeks, Bob was raised in Vermillion, South Dakota, where his father was President of the University of South Dakota. Bob grew up loving horses and competed in equitation and three-gaited horse show classes throughout the United States, and became a National Champion in equitation.

Bob earned both his B.A. (1962) and J.D. (1969) degrees from the University of South Dakota. He served in the Army from 1962-1966 as a 1st Lieutenant in the 51st Battalion in Erlangen, Germany, and was

Airborne trained. He built his career as a banker and Trusts & Estates attorney in Minneapolis and Winona, Minnesota, and Sioux Falls, South Dakota.

Bob loved nature in all its landscapes and forms. He was an avid birder with an encyclopedic knowledge of bird species and their songs, and relished and kept careful track of his sighting of thousands of varieties. A voracious reader, Bob devoured biographies and military history, as well as four newspapers daily. He was an enthusiastic traveler and Antarctica was the only continent to elude him. Bob had homing pigeon instincts and could always find his way without a map, and decades later could recall the specific names of streets, restaurants, and other places of interest. Bob was also a lifelong athlete; in addition to decades of tennis, running, and walking, he completed eight marathons, multiple Birkebeiner 55-km cross-country ski races, and countless miles of canoeing, portaging, and camping in the Boundary Waters Canoe Area.

Bob leaves a family who adored and admired him, and will be forever grateful for his patience, gentleness, optimism, kindness, and loving nature: his devoted wife and teammate of 59 years, M.J., their son Sean Weeks (Liz) of Minot, ND and daughter Megan Weeks

of Boston, MA, and five granddaughters: Maggie and Emmie Weeks and Annie, Kate, and Alex Adams.

Remembrances in Bob's honor may be directed to The University of South Dakota USD Scholarship Fund <https://www.usdalumni.com/give-back/give-now/in-honor>

The National Audubon Society <https://action.audubon.org/donate/make-tribute-gift>



Scott C. Moses  
November 28, 1941 -  
December 5, 2020

Services will be held at  
11:00 am MST, Monday,  
July 26, 2021 at Bear

Butte Cemetery, in Sturgis, South Dakota.

Reception to follow at the Loud American in Sturgis.

**Attorney Health & Wellness Resources**

**CAN WE TALK?**

**IT'S Okay TO Ask FOR HELP**

**SANDCREEK EAP**  
IT'S FREE & CONFIDENTIAL  
AVAILABLE 24/7

**LAWYERS CONCERNED FOR LAWYERS**  
A CONFIDENTIAL &  
INDEPENDENT RESOURCE

# YOU ARE INVITED TO JOIN!

## Fellows of the South Dakota Bar Foundation

---

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

Full Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

I would like to contribute:

in Lump Sum    Annually    Semi-Annually    Quarterly    Monthly

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

### In Memoriam

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

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

Mail payment to:  
State Bar of South Dakota  
111 W Capitol Ave. #1  
Pierre, SD 57501

Or you can email this form to:

[tracie.bradford@sdbar.net](mailto: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.*



# EMPLOYEE ASSISTANCE PROGRAM

Financial worries, aging parents, job stress, health issues - Everyone faces challenges from time to time, with your EAP you don't have to face these things alone.

**This includes solutions such as:**

## ANYTIME, ANYWHERE

Reducing barriers to access through technology  
**INCLUDES: 24/7/365 Telephone Support, Mobile App with Chat Functionality, Video Counseling and Web Portal**

## PERSONAL ASSISTANT

Our Personal Assistant helps individuals with their "to do" list. It can be difficult to find extra time in the day to manage everyday tasks. We help lighten the load through researching the best options to benefit you and your loved ones.

**SERVICES INCLUDE: Entertainment & Dining, Travel & Tourism, Household Errands, Service Professionals**

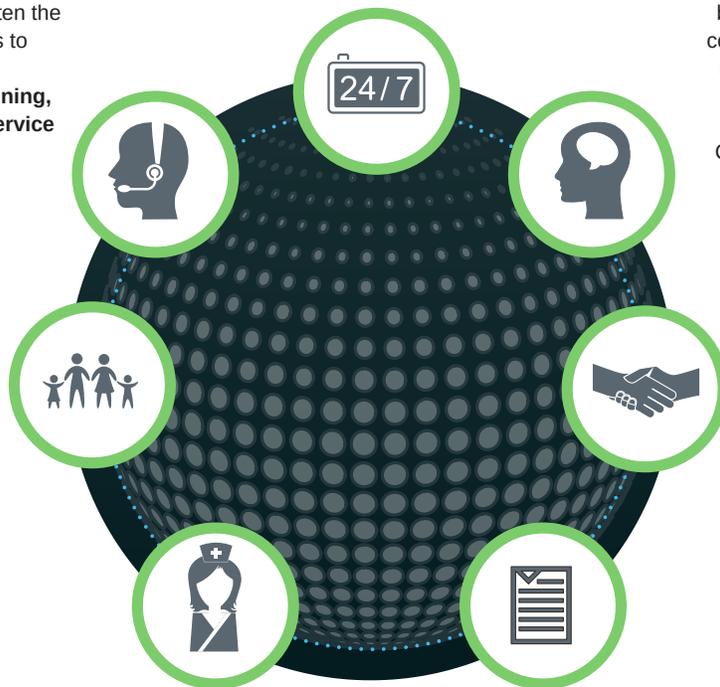
## MENTAL HEALTH COUNSELING

When overwhelmed with personal, work or life stressors, mental health counseling can be a lifesaver. Our licensed master's level counselors support you and your household members through difficult times providing confidential assistance 24/7.

**WE HELP WITH:** Family Conflict, Couples/Relationships, Substance Abuse, Anxiety, Depression

## COACHING

We help employees and their household members achieve their personal and professional goals by providing coaching that meets needs in many of life's domains. A coach works actively to help individuals assess their current situation then develop goals to meet their stated expectations. A coach is an accountability partner and helps individuals overcome obstacles to achieve goals. **COACHES HELP WITH:** Life Transitions, Work/Life Balance, Goal Setting, Improving Relationships, & More.



## WORK/LIFE RESOURCES

Navigating the practical challenges of life, while handling the demands of your job can be stressful. Work/Life resources and referral services are designed to provide knowledgeable consultation and customized guidance to assist with gaining resolution to everyday hurdles.

**RESOURCES INCLUDE:** Adoption, Elder/Adult Care, Parenting, Child Care, Special Needs Support, Wellness

## MEDICAL ADVOCACY

Medical Advocacy is a new approach to maneuvering through the healthcare system. It offers strategies to promote employee health, productivity, and well-being by serving patient populations throughout the entire lifespan and by addressing health problems in every category of disease classification and in all disease stages.

**WE HELP WITH:** Insurance Navigation, Doctor Referrals, Specialist Referrals, Care Transition, Discharge Planning, Adult Care Coach

## LEGAL/FINANCIAL RESOURCES

Legal and Financial resources and referrals are available to connect employees with experienced, vetted professionals in their topical area of legal and financial needs.

**RESOURCES INCLUDE:** Divorce/Custody, Bankruptcy, Budgeting, Estate Planning/Wills, Personal Injury/Malpractice, Major Life Event Planning

## **PRIVATE, CONFIDENTIAL, & AT NO COST TO YOU** FOR YOU AND YOUR HOUSEHOLD MEMBERS

Your participation with your EAP is voluntary and strictly confidential. We do not report back to your employer about the things you discuss in private counseling conversations.

# MY LIFE EXPERT

## Feeling Connected & Supported 24/7/365

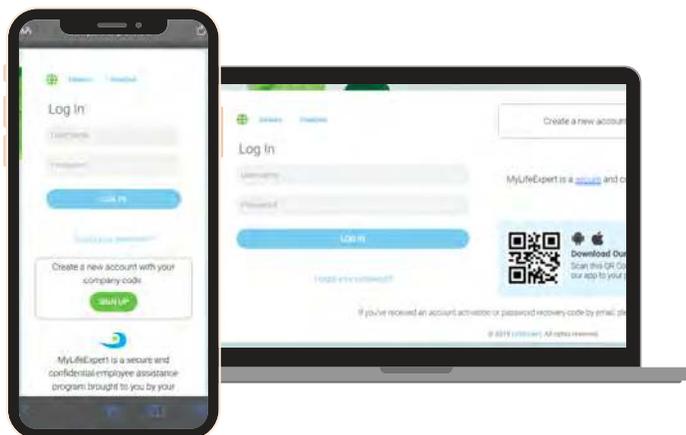
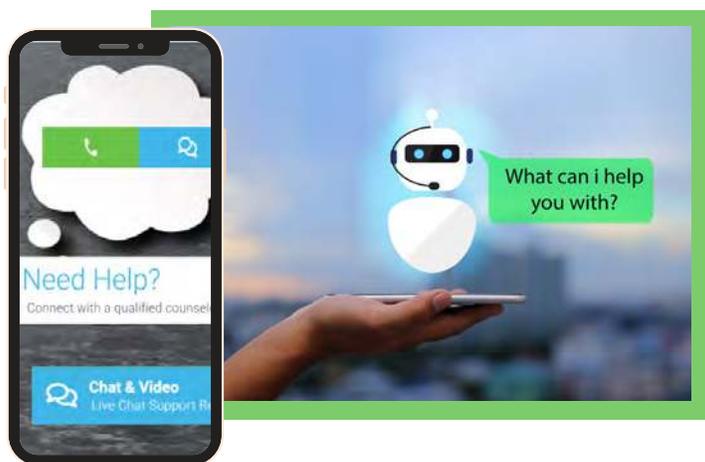
To access this portal you can call our toll-free number or download the app to the home screen of your mobile device without even visiting an app store, by simply visiting [mylifeexpert.com](http://mylifeexpert.com) or scanning the QR code at the bottom of this page.

### TO LOGIN:

- Click "create a new account with your company code"
- Insert your company code
- Follow instructions included in the activation e-mail
- Play, learn, and discover!

### TELEPHONE, CHAT, & VIDEO ACCESS

Our professionally trained consultants are available 24/7/365 days-a-year to help you instantly with a multitude of issues including mental health and Work/Life balance.



### WORK & LIFE RESOURCES:

Life Expert provides access to thousands of up-to-date topic-related articles, videos and worksheets. Some topics include: Financial & Legal, Family, Education, Health, Wellness, Career, Military, everyday living and much more.



### HEALTH & LIFESTYLE ASSESSMENTS:

Surveys are provided to you with a quick assessment on financial, health and addiction issues. These surveys are designed to deliver targeted resources and information to meet your needs. You can save these assessments and recommendations to your profile for future use.



### INTERACTIVE CHECKLISTS:

Life Expert provides you with interactive tools to help with issues such as family, health, and other life situations. You can save these checklists to your personal profile for future use.



Download The App at: [MyLifeExpert.com](http://MyLifeExpert.com)

Company Code: sbsd1

Toll-Free: 1-888-243-5744



**SANDCREEK** EAP  
An AllOne Health Company

# LAWPAY<sup>®</sup>

AN AFFINIPAY SOLUTION



State Bar of South Dakota

Member  
Benefit  
Provider

“I love LawPay! I’m not sure why I waited so long to get it set up.”

– Law Firm in Ohio

Trusted by more than 150,000 professionals, LawPay is a simple, secure solution that allows you to easily accept credit and eCheck payments online, in person, or through your favorite practice management tools.



22% increase in cash flow with online payments



Vetted and approved by all 50 state bars, 70+ local and specialty bars, the ABA, and the ALA



62% of bills sent online are paid in 24 hours



**PAYMENT  
RECEIVED**



YOUR FIRM LOGO HERE

---

**Trust Payment  
IOLTA Deposit**

New Case Reference

\*\*\*\* \* 9995      \*\*\*

**TOTAL: \$1,500.00**

**VISA**       POWERED BY LAWPAY

eCheck     **PAY ATTORNEY**

Get started at  
**lawpay.com/sbsd**  
**866-251-9220**

Data based on an average of firm accounts receivables increases using online billing solutions.

LawPay is a registered agent of Wells Fargo Bank N.A., Concord, CA and Synovus Bank, Columbus, GA.

# Career Center

STATE BAR OF SOUTH DAKOTA CLASSIFIEDS

Email your employment announcement to [tracie.bradford@sdbar.net](mailto:tracie.bradford@sdbar.net) by July 26th to have it included in the August Newsletter. Please be sure to include a closing date. To see more jobs listings, visit [www.statebarofsouthdakota.com](http://www.statebarofsouthdakota.com)



## **South Dakota Division of Banking Trust or Bank Examiner (1 open position for each role)**

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: paid training, both on-the-job and offsite formal classroom training; salary increases for successful work performance and completion of training; development of comprehensive financial industry knowledge, along with leadership and communication skills; and opportunities for industry certifications and internal promotions.

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

The ideal candidate will have: a bachelor's degree in banking, finance, accounting, or a related field with an advanced degree preferred; knowledge of accounting and auditing principles and procedures, the organization of banks and other financial institutions,

banking work environments, fiduciary principles, consumer protection statutes and regulations, state and federal banking regulations; effective use of Microsoft Office products and management information systems; the skill to communicate concisely and effectively with co-workers, financial institution personnel, and examiners from other agencies; and the ability to gather, interpret, report, and use financial information.

Please visit the South Dakota Career Space website to apply: <https://sodakprod-lm01.cloud.infor.com:1443/lmg/hr/xmlhttp/shorturl.do?key=DR3>. Include your resume, letter of interest, writing sample, and post-secondary transcripts.

Job ID: 15977

Agency: Department of Labor & Regulation - Division of Banking

Salary: \$47,400 annually

Pay Grade: GZ-H

Closing Date: Open Until Filled

This position is exempt from the Civil Service Act.

## **Assistant U.S. Attorney - District of SD**

The U.S. Attorney's Office for the District of South Dakota is seeking an experienced attorney to fill one Assistant United States Attorney (AUSA) position in the Appellate Division. This opening offers a unique and challenging experience for a highly motivated attorney. Working in the Appellate Division, The AUSA will represent the United States in cases on appeal before the U.S. Court of Appeals for the Eighth Circuit. They will handle all aspects of appeals from criminal cases prosecuted in the District, including writing appellate briefs and presenting oral arguments

on a variety of complex and novel issues involving the Constitution, statutory construction, evidentiary disputes, and procedural matters. Appellate AUSAs also review briefs for their fellow AUSAs and participate in moot courts. In addition to defending criminal convictions from appellate challenge, Appellate AUSAs bring affirmative appeals to the Eighth Circuit from adverse district court decisions.

The position may be located in Sioux Falls, Pierre, or Rapid City.

This full vacancy announcement and other attorney vacancy announcements can be found at: <https://www.justice.gov/legal-careers>

More information about the U.S. Attorney's Office, South Dakota can be found at: <http://www.justice.gov/usao/sd/>.

Applicants must possess a J.D. degree, be an active member of the bar (any U.S. jurisdiction) and have at least one year of post-JD legal or other relevant experience. Be a U.S. citizen or National. In addition, applicant must also be a member, or be eligible to become a member, of the federal district court bar. If the successful candidate is not a member of the South Dakota Bar, he or she must become a member of the South Dakota Bar within twelve months. Applicants must demonstrate superior analytical ability; strong research, writing and courtroom skills; exercise fair and sound judgment; follow all Department of Justice and United States Attorney's Office policies; exhibit the ability to work collaboratively in a supportive and professional manner with other attorneys, support staff, and law enforcement agencies; superior analytical and communications skills; handle matters in court persuasively and justly on behalf of the United States of America; and be devoted to excellence.

Assistant United States Attorneys pay is administratively determined based, in part, on the number of years of professional experience. The range of basic pay is \$55,756 to \$145,836, plus a locality payment of 15.95%. Relocation expenses will not be authorized. All initial attorney appointments to the Department of Justice are made on a 14 month (temporary) basis pending favorable adjudication of a background investigation. Provide cover letter, resume, writing sample (not

to exceed 20 pages), and list of three professional references with contact information. All documents should be submitted electronically in one continuous .pdf attachment and include the announcement number (21-SD-APP-004) in the subject line of your email. Email address for application package: [USASD.applications@usdoj.gov](mailto:USASD.applications@usdoj.gov).

Applications must be received by Friday, July 16, 2021.

### **Associate Attorney - Aberdeen**

Bantz, Gosch & Cremer, LLC is seeking an associate attorney, with primary work consisting of general and specialized practice depending on the attorney's experience. Bantz, Gosch & Cremer provides mentorship in all practice areas to facilitate the associate's professional growth. Strong academic background and communication skills required. Compensation depends on experience. The firm offers an excellent benefit plan. Inquiries will be kept confidential. Please send a cover letter and resume describing experience to Bantz, Gosch & Cremer, LLC, PO Box 970, Aberdeen, SD 57402-970 or email to [attorneys@bantzlaw.com](mailto:attorneys@bantzlaw.com).

### **Dakota Homestead Title Insurance Company – Corporate Counsel and Vice President - Sioux Falls**

Dakota Homestead is looking for an attorney passionate about real estate. Dakota Homestead is South Dakota's only title insurance underwriter, has multiple issuing agents located throughout South Dakota, and insures the title to all kinds of South Dakota real estate, including residential, commercial, and agricultural, for the benefit of owners and lenders.

At our office in Sioux Falls, you will receive training and support from our experienced staff of real estate and title insurance industry leaders. Primary responsibilities include assisting with title insurance underwriting, overseeing regulatory filings, investigating and resolving title insurance claims, and other business needs associated with a busy real estate transaction focused organization.

Prior experience and interest in the legal areas of real property and title, mortgages and liens, estates and trusts, and other related practice areas are a plus. Accounting education and/or accounting experience,

especially with QuickBooks, are also a plus. Benefits include paid health insurance, retirement, PTO and others. Competitive pay based upon experience. Whether you are a recent law school graduate or an experienced attorney, if you are interested in working with a team of real property experts, contact Eric Hanson at [Eric@dakotahomestead.com](mailto:Eric@dakotahomestead.com) – all inquiries will remain confidential.

### **General Counsel for the SD Department of Education - Pierre**

Agency: Department of Education - Division of the Secretary

Salary: \$82,000 - \$91,000 annually, depending on experience

Closing Date: Open Until Filled

For more information on the Department of Education, please visit <http://doe.sd.gov/>.

The South Dakota Department of Education is seeking a full-time attorney to provide legal services to department staff and associated boards and commissions. This position reports directly to the Secretary of Education and is supported by one deputy attorney and a legal assistant.

Responsibilities include:

- represent the department as a Special Assistant Attorney General in administrative proceedings and litigation in State and federal court;
- provide legal advice and representation to the Secretary, Deputy Secretary, Division Directors of the department, the South Dakota Board of Education Standards, teacher and administrator ethics commissions, and the State Library Board;
- coordinate investigations regarding teacher and administrator ethics issues;
- provide legal advice and counsel to department staff regarding interpretation and application of State and federal laws related to education, schools, public finance, and public agencies;
- lead legislative efforts by drafting bills, advocating for department policies, and testifying before legislative committees;
- draft administrative rules and coordinate the department's rules process;
- respond to legal inquiries from school districts and the public;

- review contracts, joint powers agreements, and related documents;
- monitor legislation, litigation, and court decisions related to the department's responsibilities;
- serve as a member of the department's leadership team; and
- other duties as assigned.

Minimal travel required.

This position is exempt from the Civil Service Act. Licenses and Certifications:

Graduate of an accredited law school. Licensed to practice law in South Dakota or ability to become licensed within one year of employment if licensed in another state. Have 8 or more years of related legal experience. Proven supervisory and leadership experience.

The Ideal Candidate Will Have:

- excellent written and verbal communication skills;
- prior experience in education law and policy (examples: special education, FERPA, nutrition regulations, finance, educator certification, etc.);
- the ability to thoughtfully evaluate multiple inputs and consider the impacts of decisions for complex topics;
- decisive decision-making skills;
- the ability to simplify complex legal matters for staff and stakeholders and the ability to clearly explain education objectives to legal experts;
- proactive insights and solutions for department leaders;
- the ability to build confidence and credibility with stakeholders;
- the ability to organize and prioritize tasks;
- the ability to analyze complex technical issues, facts, evidence and precedents to arrive at a logical interpretation;
- the ability to develop and maintain strong relationships with diverse groups;
- the ability to manage external resources and contracts; and
- a strong work ethic, interpersonal skills, and a positive attitude.

Additional Requirements: Please attach a resume and cover letter.

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 offers paid employee health insurance plus ten paid holidays, generous vacation leave accrual, and medical, dental, vision, and other benefits. For more information please visit <https://bhr.sd.gov/job-seekers/work-for-state-government/index.html>. This position is a member of Class A retirement under SDRS.

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

South Dakota Bureau of Human Resources

500 East Capitol

Pierre, SD 57501-5070

Telephone: 605.773.3148 Fax: 605.773.4344

“An Equal Opportunity Employer”

### **Law Office Administrative Assistant - Sioux Falls**

Midsized Sioux Falls law firm has immediate opening for an administrative assistant. Areas of practice are litigation, business, creditor rights/bankruptcy, real estate, guardianships/conservatorships, and adoptions. Prefer candidate who has experience and proficiency with Microsoft Word, dictation and electronic court filings. Competitive salary, consistent with experience. Excellent benefits. Submit confidential inquiries/resumes to Cadwell Sanford Deibert & Garry, LLP, Attn: James Simko, 200 E. 10th Street, Suite 200, Sioux Falls, SD 57104 or E-Mail to [Job@cadlaw.com](mailto:Job@cadlaw.com).



**JULY  
2021**

# **UPCOMING EVENTS**

**JULY 15 | TRIAL TECHNIQUES/INTENSE REVIEW OF OBJECTIONS CLE | LAW FOR LUNCH WEBINAR**

**JULY 22-23 | BAR COMMISSION MEETING | PIERRE**

**JULY 27-28 | BAR EXAM | PIERRE**

**AUGUST 19 | TRIAL TECHNIQUES /LAW AND USE OF EXHIBITS | LAW FOR LUNCH WEBINAR**

**SEPTEMBER 17 | ESTATE PLANNING CLE | LOCATION TBD, SIOUX FALLS**

**OCTOBER 22 | NUTS AND BOLTS CLE | PIERRE**

**OCTOBER 22 | STATEWIDE SWEARING IN CEREMONY | CAPITOL ROTUNDA, PIERRE**