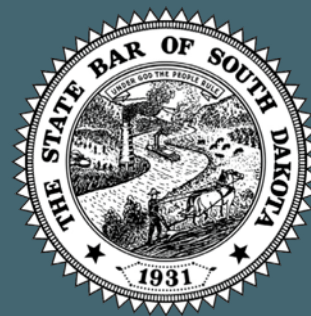


State Bar of South Dakota NEWSLETTER



November 2023



MEMBERSHIP FEES

ARE DUE BY DECEMBER 31, 2023

- 15 November Law for Lunch -
The Consequences of Fiduciary Breaches of Duty
- 17 December Law for Lunch -
Cyber Security Risks & Updates

FINALLY, LEGAL MALPRACTICE INSURANCE MADE EASY.

“Renewal process was quick and easy.”

— Jay R. Gellhaus, Gellhaus & Gellhaus, P.C., Aberdeen, SD

Proud to be endorsed by the State Bar of South Dakota!
Apply now and get back to what matters most.



www.alpsinsurance.com/sdlawyer



Reminder that inactive members who do not pay active dues for more than five calendar years lose the right to practice law in South Dakota, absent taking the Bar Examination, unless you meet one of the exceptions set forth in Article IV – 4.3 of the State Bar By-Laws.

Example 1: inactive members who have not paid active dues during the years 2020-2023 should pay active dues for the 2024 calendar year (due December 31, 2023). Your invoice for 2024 will reflect the active dues amount.

Example 2: inactive members who have not paid active dues during the years 2019-2023 have until December 31, 2023 to change from inactive to active status for the calendar year 2023.

If you are uncertain when you last paid active bar dues, call the State Bar office at 605-224-7554 Option 1 or email tracie.bradford@sdbar.net.

State Bar of South Dakota

November 2023 *Newsletter* Issue 11

4 President's Corner
Heather Lammers Bogard

** Young Lawyers News will return in the December Newsletter!
Kelsey Blair

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

36 How to Avoid Common Co-Counsel Relationship Missteps
ALPS Risk Manager Mark Bassingthwaite

8 Fellows of the South Dakota Bar Foundation

12 A2J Superheroes

14 General Announcements

16 Press Release: Anniversary of First Female Bar President

19 Application for Pro Bono Emeritus Status

22 Sexual Harassment Prevention Training

24 Are You in Compliance?

28 Board of Bar Commission August Meeting Minutes

30 Board of Bar Commission September Meeting Minutes

36 Public Notice: Reappointment of Incumbent Magistrate Judge

37 2023 John R. Justice Student Loan Repayment Program

41 Public Sector Highlights

49 Vacancy on Board of Pardons and Paroles

50 Career Center

59 Upcoming Events

PRESIDENT'S CORNER



Heather Lammers Bogard

November commemorates Native American Heritage Month, a time to acknowledge and celebrate the rich and diverse cultures, traditions, and contributions of Native American peoples throughout history. Native American Heritage Month serves as an important reminder of the profound impact indigenous communities have on the fabric of our nation. It is an opportunity for us to reflect on the resilience and strength displayed by Native Americans in the face of historical challenges and ongoing struggles. It is also a time to recognize the unique legal and social issues that affect indigenous communities and to recommit ourselves to promoting justice, equality and understanding.

The legal profession plays a vital role in advancing the rights and interests of Native Americans. We must strive to increase awareness and understanding of the legal and historical issues that continue to impact indigenous communities. By offering pro bono legal services, engaging in advocacy efforts, and supporting organizations working on behalf of Native Americans, we can contribute to positive change and help address the disparities that persist.

Education is another crucial aspect of our commitment to Native American heritage and justice. We must encourage schools, universities, and legal institutions to include comprehensive education on Native American history, culture and legal issues. By providing accurate and culturally sensitive information, we can foster greater understanding and combat harmful stereotypes and misconceptions.

To further advocate for Native American Heritage

Month, I asked Robin Zephier to provide his valuable input:

In commemoration of Native American Heritage Month, new SD Bar President Heather Lammers Bogard, a wonderful and kind human being, and a skilled and empathetic professional, has asked me to lend some humble words to the moment. I am a Native American human being, who happens to be a SD practicing attorney. I am a Lakota Mnincoju person, and a member of the Cheyenne River Sioux Tribe in SD. I have been practicing law since I graduated from USD Law School in the late 1980s. My brother Harley L. Zephier and I recently wrote a novel about our great grandfather's life story, "Warrior Is" (2017). In the life story of Mato Niyanpi (Saved By Bear), we did try our best to share the origins and nature of the Lakota/Dakota/Nakota people's relationship to the new white European society and culture, and specifically, their unfamiliar and somewhat unnatural concept of 'laws,' and how that related to the indigenous concept of the truth of all things. Many present day societies and citizens may not have or carry a full appreciation of the conflict and contrast that existed in the past several centuries on Turtle Island, North America (and within the now present United States), between the indigenous peoples and their civilizations and self-governance, with that of the encroaching foreign society, culture and legal systems. "The education of the Lakota began at birth. Education was all about truth and about the truthful way everything was

handled and done. The child was presented with truth from the beginning, from the very first time he or she was taught about some thing, some way, or some process. Children were told the truth about the matter and nothing more. Those that taught, taught the child the truth of things from the very beginning. This way, there was no question in the child's mind about what the truth was. The truth was the only way that the Lakota would live within. The Lakota child would know things to be no other way. They would not have to guess about the truth. They would not be presented with a false positive or with a distracting test seeking to discover whether or not they could pick out the truthful thing from among multiple untruths. There were no deceptions and no competitions. No one had a greater claim than anyone else to the truth." Warrior Is, p. 89. "Very few Lakota spoke the whites' language. Very few of the Lakota on the plains in the 1800s had any comprehension of the written word. Almost none of the Lakota during the nineteenth century on Turtle Island had ever seen written language or words. Hardly any Lakota understood English, the white word language, except for a scant few who had encountered European fur traders along the rivers farther east in the land of the Dakota. Literally, the Lakota communicated through speaking Lakota, through sign language, or through pictographs drawn on rocks or hides. Very few, if any, actually wrote 'words.' Very few, if any, understood what it meant to record what one spoke. No one ever really thought that the words they said to one another could be etched down on hide or paper or a piece of wood, in such a way that another, just by looking at an etched inanimate object, could know what had been said by mouth." Warrior Is, p. 197. "The ability to separate what is right from what is wrong has always been the torment of humankind. There are no clear marks or warnings for when you are near the barrier between the two, only the regret and guilt that follows when you make the wrong decision – choosing the wrong path over the right one – while at the fork in the road of life. Each of us cannot know totally which of the two roads to take at the fork, not unless we allow ourselves to know ourselves and have the ability to feel how our decision will affect not just us as

an individual, but also others, especially those who we love, care about, and have meaningful contact with. We cannot truly appreciate that impact upon others unless we have spent some time coming to know that our own actions do in fact impact others. If one does not know or accept that reality, that notion, then one is truly selfish and unappreciative of the concept that one has an impact on the society in which one lives and on the greater world. In order to discern between right and wrong, one must open up one's mind and spirit enough to allow the real truth to enter and then find a home in the conscience. To be able to do what is right, versus what is wrong, one must truly first know the difference." Warrior Is, p. 304.

Education is paramount to a civilized society. It is the key to understanding each other, and ourselves. It is the key to having and celebrating the gift of curiosity, the natural energy to wish to know what the truth is, and how the truth provides the signs along the Trail of Life, to become the human being one is striving to become, and to seek out and reach for the dreams and destiny of the one, to gain a better understanding of others, and, in turn, of ourselves. The Circle of Life is not complete without the gift of the presence of each one of us, within the Circle. The indigenous people celebrate and give thanks for the gift of that awareness and understanding, and are always willing and joyful to try to share and pass on that energy to those that wish to know and receive it. It would be a magical experience and beautiful thing, if peoples of all races, origins, beginnings, and settings, could share that energy. Education and an understanding of a truthful application and acceptance of the law and the law within society and life, and humanity, would greatly benefit us all.

Robin L. Zephier
Mnincoju Lakota
Sacred He Sapa (Black Hills) of SD
USD Class of 1986

Native American Heritage Month is a time for us to honor the invaluable contributions of Native American peoples and to commit ourselves to supporting their

pursuit of justice and equality. As legal professionals, we have a responsibility to advocate for change, promote cultural competency, and build bridges of understanding.

In conclusion, I want to recognize and thank those individuals, in addition to Robin Zephier, who have made a tremendous impact in South Dakota and beyond with the pursuit of justice and equality, particularly with respect to Native American Heritage in our legal profession:

- Eric Schulte and Stephanie Pochop, in their roles in State Bar leadership, starting in 2015, visiting tribal schools and communities to communicate with and perhaps inspire Native American students to consider a career in the law.
- The Indian Law Committee, particularly with Seth Pearman organizing a trip to Eagle Butte each year. Seth and others perform mock trials prepared by the Honorable Karen Schreier to 9th and 12th grade students, discussing being a lawyer and emphasizing that Native Americans are under-represented in the legal world. Those involved have also included Eric Schulte, Anthony Sutton, Henry Evans, Angel Runnels, Tre Gillaspie, Kirk Albertson, Reese Ganje, and others.
- Tamara Nash for her work in the Young Lawyer Section on Project Destination, a program that received national attention and grant funds. Through the years, YLS has visited many schools to engage Native American students in a conversation about the law and to encourage high school and college students to consider a legal career. Some of the schools visited Little Wound School, Red Cloud Indian School, Flandreau Indian School, St. Francis School, Pierre Indian Learning Center, Black Hills State University, SD School of Mines and Technology, and Sisseton-Wahpeton Tribal College.
- Dean Neil Fulton, his staff and students, for hosting the Dedication Ceremony for South Dakota Tribal Flags Installation at the USD Knudson School of Law in October. Nine newly installed flags were unveiled, each symbolizing

the unique heritage and culture of the Native American Tribes of South Dakota.

- Members of the Indian Law, Diversity and Inclusion, and Women in Law Committees for their support, along with Elizabeth Overmoe for her work securing a traveling exhibit, 100 Years After the Indian Citizenship Act: The Continuing Struggle to Guarantee Voting Rights to Native Americans, to be displayed at our Annual Meeting in June 2024.
- Jessica Larson, Chair of the CLE Committee, Elizabeth Overmoe, and others on the CLE Committee for their work ensuring we have an Indian Law CLE at the June 2024 convention.
- Professor Frank Pommersheim for excellent instruction of Indian Law at the USD Knudson School of Law for many years and Professor Ann Tweedy for taking over following Professor Pommersheim's retirement.
- Mary Smith, President of the American Bar Association. She is the first Native American woman to serve in this role.

Please forgive me if I failed to mention someone! Members of this Bar have accomplished a great deal, but there is more work to be done. Get involved and reach out to inspire the next generation of lawyers to continue the work that the above-referenced individuals have done.



****Thank You****

VETERANS

HONORING ALL WHO SERVED

Kirk Albertson
Trevor Archer
Joel Arends
Dylan Bakken
Ken Bertsch
Leslie Adam Bryson
Jason Campbell
Wade Druin
Jeremy Duff
Kristian Ellendorf
Harry Engberg
Gregg Engler
Eric Erickson
Craig Evenson
Dennis Evenson
Casey Fiderer
Bruce Ford
Dusty Ginsbach
Albert Taylor Hayes
Thomas Hensley
Travis Hindt

Edward Hruska III
Christian Jensen
Darrell Jesse
Amanda Kippley
Randy Kirkvold
Stacy Kooistra
Paul A. Lewis
Larry Long
Nathan Lukkes
Karla MacArthur Harris
Don McCarty
Bob Morris
Gordon Nielsen
Matt Olson
Hon. Patrick Pardy
Robert Pasqualucci
Kaleb Paulsen
Hon. Larry Piersol
Matthew Powers
Rick Ramstad

Jason Ravnsborg
Hon. Mark Salter
Tom Sannes
Austin Schaefer
Ashley Schartz
Gary Schumacher
Tracye Sherrill
Justice Glen Severson
Jim Seward
William Simms
Hon. Robert Spears
Phillip Stiles
Hon. Greg Stoltenburg
Hon. Eric Strawn
James Sword
John Taylor
William Taylor
Stuart Tiede
Gary Thimsen
Kellen Willert

*While we have made every effort to include all veterans in our list, there is a possibility that a name may have been inadvertently omitted. We sincerely apologize for any oversight and express our deep gratitude for your invaluable service. Your feedback is highly appreciated, and we encourage you to contact our office to ensure your recognition in the future.

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

Hon. Richard H. Battey

Melissa Nicholson Breit

Chet Groseclose

Hon. John B. Jones

Jerome B. Lammers

Scott C. Moses

Charles L. Riter

William Spiry

Hon. Jack R. Von Wald

Gold Fellows - \$5,000

Renee H. Christensen

Richard A. Cutler

William F. Day, Jr.

P. Daniel Donohue

Dana J. Frohling

David J. King

Richard L. Kolker

Robert A. Martin

Timothy J. Rensch

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

Jeremiah J. Davis

Neil Fulton

Hon. Bobbi J. Rank

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

Lisa Hansen Marso

Bob Morris

Thomas J. Nicholson

Gary J. Pashby

Stephanie E. Pochop

Reed A. Rasmussen

Pamela R. Reiter

Robert C. Riter, Jr.

Eric C. Schulte

Jeffrey T. Sveen

Charles M. Thompson

Richard L. Travis

Thomas J. Welk

Terry G. Westergaard

Fellows - \$500 (per year)

Hon. John Bastian

Hon. John L. Brown

Mary Jane Cleary

Paul L. Cremer

Andrew L. Fergel

Tom E. Geu

Craig A. Kennedy

Denise Langley

Hon. Judith K. Meierhenry

Laura Clark Rowe

Robert C. Riter, Jr.

Thomas Eugene Simmons

Jason R.F. Sutton

Sarah L. Thorne

Rodrick L. Tobin

Barry R. Vickrey

Raising the Bar: Our Profession. Our Responsibility.

YOU ARE INVITED TO JOIN!

Fellows of the South Dakota Bar Foundation

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

Full Name _____

Address _____

City _____ State _____ Zip Code _____

I would like to contribute:

☐ in Lump Sum ☐ Annually ☐ Semi-Annually ☐ Quarterly ☐ Monthly

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

In Memoriam

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

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

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

Or you can email this form to:

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

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

Raising the Bar
Our Profession. Our Responsibility.



UNIVERSITY OF
SOUTH DAKOTA
KNUDSON SCHOOL OF LAW



DEAN'S LIST: NEWS FROM THE LAW SCHOOL



Neil Fulton
Dean, School of Law

As November arrives, our fall semester is close to wrapping up. Our classes end just before Thanksgiving. Students then come back after that break for a couple weeks of finals. And just like that, faster than any of us could have believed at Orientation in August, the first semester of this academic year is over.

As many of us remember, the first semester is particularly intense for 1Ls. There is a definite shock to the system as one adjusts to law school life. To share some perspective of what that has been like for the Class of 2026, I asked five members of the class to share some of their observations about their first semester.

Karli Viher

My name is Karli Viher, and I am a first-year law student at the University of South Dakota. I am originally from Rapid City, South Dakota, but moved away to obtain my degree in Justice Studies at Arizona State University. What drew me back to South Dakota for law school was the appeal of being referred to by my name and having an individual identity, as opposed to simply being a number. Attending a school like USD has many perks, but from the minute I stepped foot into the law school at USD, I knew that I mattered here.

Each day of law school can vary, and of course, some are better than others. It is no secret that law school can be difficult, but I am lucky to have found an incredible group of friends here. This is the first time in my life that I have been surrounded by friends who are all in the same program as me, and it is comforting to have a support system that truly knows what you are going

through because they are going through it too. I was nervous that law school would mean that your peers merely looked at you as competition, and though we all want to succeed individually, what makes USD so special is that we all also want to see our classmates succeed. This is yet another perk of being at a smaller, more tight-knit law school. I take great pride in saying that I am a student at the University of South Dakota Knudson School of Law, and I look forward to what is to come over the next few years.

Emma Lavin

I am Emma Lavin, a 1L student at the University of South Dakota. I live in Tea, SD, so I am one of the many commuting students in the 1L class. I have horses and live on a farm, so my day-to-day schedule looks a little different than most students in my law class. Most days I am up around 5 a.m. so that I have time to do chores around my farm and ride one of my horses before heading to Vermillion for my first class of the day. It has been an adjustment to settle into the routine of being a law student! The style of learning is different from what I was used to in undergrad, but the teachers are phenomenal at helping students make the adjustment and know what to expect. It has been so much fun to grow closer to the other 1L students! They say that the classes become “trauma-bonded” throughout the three years at law school. I can definitely see how everyone grows close and stays close even after entering the workforce. I genuinely enjoy what law school entails. It is a type of thinking and analyzing that is unique to the law profession. While the class material in itself is demanding, there is the additional aspect of mental

stamina that is also a new type of challenge. There is always more that we could be reading, researching, or memorizing. But it is a pretty great feeling when you do your reading, prepare, study, and show up to class ready for any cold call that might come your way. I am so grateful to be a student at the USD Knudson School of Law, and I am very excited to see where the next three years take me.

Mayson Sheldon

Hello, my name is Mayson Sheldon, and I am currently a 1L at the University of South Dakota Knudson School of Law. I chose USD because of the tight-knit community feel the school and the town of Vermillion has. During my visit, it was made clear to me that the faculty here are deeply invested in their student's legal education and success after law school. I was also one of the first students admitted through the Honors Admission partnership with Northern State University, where I was a varsity swimmer.

My typical day at USD Law consists of going to class, reading, and conversing with my study group. Law school is completely different than any other education I have ever experienced, which is challenging but also rewarding. I can already feel my reading and study habits evolving to be much more efficient and consistent. Something that I believe is unique to USD Law is how friendly everyone is. There is always someone willing to help, whether it be a classmate, professor, or librarian. That incredible support is something I have appreciated and enjoyed since I have been here. I am not sure what I would like to use my legal degree for yet, but I am looking forward to trying new classes and internships that will hopefully point me in the right direction.

Noah Yarian

I tried to deny the 1L horror stories and tell myself I'd be fine; after all, I managed Big 10 academics and athletics in undergrad. But two weeks in, the 1L reality hit! I'll admit I was back and forth about USD as a potential law school, but the truth is, I was hooked from my first visit to this beautiful state and campus. I would guess no matter what school I chose, the 1L experience would be similar ... swamped in torts, contracts, and civil procedure! What I've learned from my choice is what has made my experience exceptional. I never would have imagined I'd be able to walk into a professor's office without an appointment, that I would socialize with my professors at various networking and social events, or

that the Dean would recognize me and know my name the second day of orientation. I'm in an amazing class where we work hard together in study groups, build each other up, and push each other to succeed. I feel comfortable and confident reaching out for help from professors when those 1L horror stories become all too real, but also to my classmates who are in the same boat. In three years, when this experience is said and done, it won't be the late nights at the library or the endless cases I've read that I'll remember. It will be the family the Knudson School of Law has fostered.

Zane Rankin

Embarking on my 1L journey at the University of South Dakota Knudson School of Law has been an incredible experience. Each day, I get the opportunity to immerse myself in rigorous coursework and engage in challenging classroom discussions. The resources available to me are world-class. The extensive online databases and research materials are invaluable tools, and I have only started to tap into their full potential. I also have a private carrel in the law library, which provides a quiet working environment that I utilize between classes. As I progress at the Knudson School of Law, I am continually inspired by the prospect of contributing to the legal profession in South Dakota. I have been pleasantly surprised by the vast array of student organizations and guest speakers that have occurred throughout my first semester. The biggest challenge I have found is mastering the art of legal writing; however, the professors have provided unwavering support to make the process not only manageable but enjoyable. After graduation, I hope to utilize my legal education to make a difference in South Dakota. I am confident that I've found my home at the Knudson School of Law.





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.

**ANTHONY TEESDALE
ALVIN PAHLKE
PAUL EISENBRAUN
TRAVIS JONES
TY DALY**

Special Thanks to:

**ADAM ALTMAN
DENISE LANGLEY
JAMES TAYLOR
JOSEPH HOGUE
MARWIN SMITH
STEVE HUFF**

For Your Help on SDFLA!

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

A screenshot of the 'Free Legal Answers' website. The header shows 'South Dakota' and 'ABA'. The main banner features a blue sky background with many hands raised, and the text 'Free Legal Answers™'. Below the banner are two buttons: 'Get Started' (orange) and 'Sign In' (blue).

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

In honor of National Celebrate Pro Bono week, the State Bar of South Dakota, Access to Justice, and South Dakota Free Legal Answers would like to recognize the following attorney volunteers that participated in A2J and/or SDFLA during 2023. In 2023, over 100 South Dakota attorneys volunteered through A2J and/or SDFLA! Thank you for your dedication to Pro Bono & Low Bono service in South Dakota! You are our 2023 Legal Superheroes!

Aaron Davis
 Aaron Pilcher
 Abigail Monger
 Adam Altman
 Alex Halbach
 Alison Ramsdell
 Alvin Pahlke
 Amanda Engel
 Amy Bartling Jacobsen
 Amy Janssen
 Anthony Teesdale
 Ashley Brost
 Beau Barrett
 Beth Baloun
 Beth Roesler
 Bill Garry
 Brenda Ask
 Brian Utzman
 Cale Fierro
 Cassie Wendt
 Chris McClure
 Clair Gerry
 Clint Sargent
 Cody Miller
 Cole Morgan
 Cole Romey
 Craig Thompson
 Dan Pahlke
 Denise Langley
 Dennis Duncan
 Deric Denning
 Derrick Johnson
 Dick (Richard) Johnson
 Douglas Dailey

Dylan Miller
 Elizabeth Overmoe
 Emily Maurice
 Eric Schlimgen
 Eric Schulte
 Erika Olson
 Gavin Pochop
 George Johnson
 Gina Rogers
 Hollie Smith
 Hope Matchan
 James Taylor
 Jason Sutton
 Jeff Banks
 Jennifer Clites
 Jennifer Tomac
 Joel Arends
 John Knight
 Jordan Bordewyk
 Joseph Hogue
 Kaleb Paulsen
 Kellen Willert
 Kelly Sanderson
 Koln Fink
 Kyle Beauchamp
 Kyle Krause
 Kylie Riggins
 Laura Hauser
 Linda Lea Viken
 Lorie Melone
 Marilyn Trefz
 Marwin Smith
 Mary Burd
 Melissa Sommers

Michael McGill
 Morgan Erickson
 Nathan Chicoine
 Nichole Carper
 Nicole Phillips
 Paul Eisenbraun
 Rachel Hale
 Rachel Mairose
 Rachelle Norberg
 Rebecca Ronayne
 Rob Meadors
 Rob Ronayne
 Shane Vogt
 Sheila Woodward
 Shelly Munson
 Spencer Prosen
 Stan Anker
 Stanton Anker
 Stephanie Pochop
 Stephen Wesolick
 Steve Huff
 Terri Williams
 Thomas Blake
 Thomas Frankman
 Tim Bottum
 Tim Hogan
 Tom Frieberg
 Tom Keller
 Tom Sannes
 Travis Jones
 Ty Daly
 Tyler Haigh
 Tyler Sobczak



ANNOUNCEMENTS

Redstone Law Firm LLP
is pleased to announce that

Chelsea V. Schmidt

has joined the firm as an associate, effective
September 1, 2023.

Redstone Law Firm LLP
1300 W. 57th Street, Suite 101
Sioux Falls, SD 57108

Telephone: (605) 331-2975
Facsimile: (605) 331-6473

chelsea@redstonelawfirm.com

www.redstonelawfirm.com

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

John M. Noyes

has joined the firm as an associate attorney.

Bantz, Gosch & Cremer, L.L.C.
305 6th Avenue SE
PO Box 970
Aberdeen, SD 57402-0970

Telephone: (605) 225-2232

jnoyes@bantzlzlaw.com

www.bantzlzlaw.com

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

Collin D. Fischer

has joined the firm as an associate attorney.

Bantz, Gosch & Cremer, L.L.C.
305 6th Avenue SE
PO Box 970
Aberdeen, SD 57402-0970

Telephone: (605) 225-2232

cfischer@bantzlzlaw.com

www.bantzlzlaw.com

Goosmann Law Firm, PLC
is pleased to announce that

Kristopher A. Reed

has joined the firm as an attorney.

Goosmann Law Firm, PLC
2101 W 69th St Ste 200
Sioux Falls, SD 57108

Telephone: (605) 371-2000

www.GoosmannLaw.com

NOVEMBER LAW FOR LUNCH

with Pamela Reiter & Jason Sutton

THE CONSEQUENCES OF FIDUCIARY BREACHES OF DUTY

November 14, 2023
12:30 - 1:30 PM CST
Zoom

In this session, we will delve into the world of fiduciary litigation with South Dakota attorneys Pamela Reiter and Jason Sutton. Together, they will explore situations involving both intentional and unintentional breaches of fiduciary duty by a fiduciary. Fiduciary litigation involves complex legal disputes related to the duties and responsibilities of fiduciaries, such as trustees, executors, guardians, attorneys-in-fact, and financial advisors, in managing assets and affairs on behalf of others. Understanding the nuances of these cases is crucial for legal professionals seeking to provide effective representation and advice in this area of law. Pamela Reiter and Jason Sutton will bring their wealth of knowledge and practical insights to the virtual table. They will guide participants through recent cases decided by the South Dakota Supreme Court and discuss other cases that shed light on this developing area of the law. By examining real-world examples, attendees will gain an understanding of the evolving legal landscape and emerging trends in fiduciary litigation. This Law For Lunch CLE event promises to be an invaluable resource for attorneys, legal professionals, and anyone interested in fiduciary litigation. Whether you are seeking to enhance your expertise in this area or simply stay up-to-date with the latest developments, this session will provide the knowledge and insights you need. Register now to secure your spot and join us on November 14, 2023!



REGISTER HERE

SAVE THE DATE

FALL OCI DATES:

Nov 2-3 Round III

Housing has become a major barrier to students accepting positions outside of the Southeast South Dakota area. If you are willing to host an intern or recent graduate, please fill out this [form](#).

Email Teramie.Hill@usd.edu for questions concerning OCIs or hosting interns.



UNIVERSITY OF
SOUTH DAKOTA
KNUDSON SCHOOL OF LAW

FOR IMMEDIATE RELEASE

Celebrating 25 Years of Progress: State Bar of South Dakota Marks Anniversary of First Female Bar President

Pierre, South Dakota - The State Bar of South Dakota proudly commemorates a significant milestone in our history as we celebrate the 25th anniversary of our first female Bar President, Darla Pollman Rogers. This historic moment serves as a testament to our ongoing commitment to inclusivity, diversity, and the advancement of women in the legal profession.



Darla practices at Riter Rogers, LLP in Pierre, SD. In 1998, Darla made history by becoming the first woman to lead the State Bar of South Dakota. Key highlights from Darla's term as State Bar President include:

- Promoting unity within our State Bar, and fostering connections among members, regardless of practice areas or experience levels.
- Extensive statewide outreach to engage with attorneys and encourage active participation in our State Bar.
- Enhancing the public perception of our profession.
- Expressing gratitude for the privilege of South Dakota Bar membership.

Darla Pollman Rogers' presidency marked a turning point, inspiring and paving the way for women to excel in legal leadership roles. "Darla's journey reminds us that when we empower women in law, we empower society as a whole, and I am honored to follow in her footsteps as the current State Bar of South Dakota President," Heather Lammers Bogard said.

"I have sincerely enjoyed watching the growth in our profession over the last 25 years. It was an honor to serve as State Bar President and I appreciate all those who have served," Darla Pollman Rogers said.

About the State Bar of South Dakota:

The State Bar of South Dakota is a professional organization for lawyers in the state. As we reflect on this significant anniversary, the State Bar of South Dakota reaffirms its commitment to a more equitable and inclusive legal community. We invite you to join us in celebrating the remarkable journey of our first female Bar President and in shaping a brighter future for all legal professionals.

For media inquiries, please contact:

State Bar of South Dakota Executive Director, Paul Cremer
Paul.Cremer@sdbar.net



Cyber Security Risks & Updates

December 19, 2023
12:30 PM - 1:30 PM CST
Zoom



Special guest Tom Frieberg, Disciplinary Board Counsel, will join this webinar for a quick primer on trust accounting updates!



PLEASE NOTE:

The State Bar is providing expanded wellness member benefits through our EAP provider, Sand Creek.

These benefits are available to ALL State Bar members and their household family members, and to USD Law students and their household family members.

Please take advantage of these expanded wellness benefits.

Legal Barriers to Tribal Project Development

Thursday, November 9, 9:00 am to 10:30 am Pacific via Zoom

Register to Attend

This program is free to attend.

Check out BHBA membership options at www.bhba.org/membership.

Earn 1.5 CLE Hours in CA, CT, IL, VT, WA, and WY

You may be able to apply with your state bar for accreditation in states not listed.

Meet the Speakers



Ezra Rosser

Professor of Law
American University
Washington College of Law



Pilar Thomas

Partner
Quarles & Brady
Former Chief of Staff to
Pascua Yaqui Tribe



Rob Odawi Porter

Managing Principal
Capitol Hill Policy Group
Former President of the
Seneca Nation of Indians



Eric Henson

Adjunct Lecturer in
Public Policy
Harvard John F. Kennedy
School of Government
Member of the
Chickasaw Nation



Les Jacobowitz

Partner
ArentFox Schiff
(Moderator)

About the Program

This panel will focus on energy resource development by Native American Nations, with the primary goal of providing long-term benefits to the tribes:

Tribes

The ability of tribes to develop requires strong and consistent governance. However, tribes often have limited resources at their disposal to support the community, much less wider national needs.

Federal Government

Due to historical abuses, the Federal Government is integrally involved in the stewardship of tribal lands. We will explore how this has been both a help and a hindrance to tribal development.

Legal & Regulatory Concerns

Due to their nature, numerous legal issues arise in connection with tribal development. Such issues include, but are not limited to, sovereign immunity and state/tribal relations.

Development

Though many Native American Nations have significant potential natural resources in the development of renewable energy, such development has numerous roadblocks in addition to cost. Among the factors requiring an in-depth consideration are energy demand, transmission interconnectivity difficulties and possible conflicting private development partner priorities.

Co-Sponsored by



New York
County Lawyers
Association



STATE BAR OF MONTANA



School of Law
Native Nations Law
& Policy Center



NEW YORK STATE
BAR ASSOCIATION



Diversity in the
Profession Section



HARVARD Kennedy School
PROJECT ON INDIGENOUS
GOVERNANCE AND DEVELOPMENT



AMERICAN BAR ASSOCIATION
Civil Rights and Social
Justice Section



This program is presented by the **Litigation** section, chaired by **Rachael C. Kogen** and co-sponsored by the **Inclusion** section, chaired by **Anthony Ross**. Find out more at www.bhba.org.



Share on Facebook



Forward to a Colleague



Share on LinkedIn

CLE CREDIT: This activity has been approved for Minimum Continuing Legal Education credit in California, Connecticut, Illinois, Vermont, Washington, and Wyoming in the amount shown above. It is currently pending credit in New Jersey. The Beverly Hills Bar Association certifies that this activity conforms to the standard of approved education activities prescribed by the rules and regulations of each state's licensing authorities. You may be able to apply with your state bar for accreditation in states not listed.

Attention New York Attorneys! BHBA is located in a group B approved jurisdiction. New York's [Approved Jurisdiction Policy](#) applies to all BHBA CLE programs. Please make sure to keep a copy of your certificate and materials.

Contact the BHBA at help@bhba.org if you have any questions about program accreditation.

Copyright © 2023 Beverly Hills Bar Association. All rights reserved.

Beverly Hills Bar Association | 9420 Wilshire Boulevard, Suite B100, Beverly Hills, CA 90212-3169

Unsubscribe_online@bhba.org

[Update Profile](#) | [Constant Contact Data Notice](#)

Sent by newsletter@bhba.org

Application for Pro Bono Emeritus Status

I, _____, an active member of the State Bar of South Dakota, do hereby apply for Pro Bono Emeritus Status, for the year 2024.

I understand that if approved, rather than pay regular dues for the year 2024, I will only be required to tender the sum of \$125 (same as inactive dues) but I will be entitled to all the rights and privileges of an active member of the State Bar.

Further, I recognize that this status means that I will be requested from time to time to take a referral from East River Legal Services, Dakota Plains Legal Services, or Access to Justice, and I am willing to accept at least one referral in the year 2024.

Finally, I acknowledge that pursuant to the Pro Bono Emeritus Status, I have retired from the active practice of law and I cannot accept private clients, cases for friends or relatives (even if no fee is charged) and that my practice is limited to such referral cases as I accept from the Legal Services Programs, Access to Justice or a non-profit specifically approved by the State Bar. In the event that I decide to accept cases other than those referred to me and which I accept, that I will tender regular active dues and withdraw from the Pro Bono Emeritus Status Program.

Dated this _____ day of _____, 20____

Signature_____

Printed Name_____

Address_____

City, State, Zip Code_____

Phone_____ Email_____

SANE COURTROOM TESTIMONY: Instruction for SANEs, Prosecutors, and Advocates

Details: Class meets virtually and in-person

Virtual: Fridays, October: 13, 20, and 27
9:00am - 1:00pm CST

In-Person Mock-Courtroom Options:

Friday, November 3 | 9:00am to 4:00pm
in Pennington County

Friday, November 17 | 9:00am to 4:00pm
in Minnehaha County



Cost: Free

Travel reimbursement and hotel
may be available to SD MDT professionals.

Register:

<https://sdcpcm.com/event/sane-courtroom-training/>

SESSION ONE

Overview of Criminal Justice System,
SD Sexual Assault Laws, Forensic
Exams & Post Assault Care

SESSION TWO

Curriculum Vitae, Expert Witness
Testimony, Preparing for Trial,
Qualifying the Expert, Testimonial
Foundations

SESSION THREE

Direct Examination, Cross
Examination, Advanced Concepts in
Witness Testimony

IN-PERSON SESSION

Mock-Trial, In-Person Courtroom
Simulation

TRAINERS

Lara R. Roetzel
State's Attorney, Pennington County

Jennifer Canton
SANE Supervisor, Avera Health

Michael R. Moore
State's Attorney, Beadle County

Crystal Johnson
Deputy State's Attorney, Minnehaha
County

Tracey Decker
Attorney Consultant, SD Network
Against Family Violence and Sexual
Assault

Training Sponsors: Center for the Prevention of Child Maltreatment and
SD Network Against Family Violence and Sexual Assault.

"This project was supported by Grant No. 15JOVW-21-GG-00844-RURA awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/ exhibition are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice." The recipient also agrees to ensure that any subrecipient at any tier will comply with this condition.

Court



Improvement Program

Training



TRAUMA-INFORMED COURT SYSTEM

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

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

LEARNING MORE CAN KEEP KIDS SAFE

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

UPCOMING TRAININGS

- [Wed Oct 25: Understanding Psychosexual Assessments of Juvenile Offenders](#)
- [Thur Nov 30: Understanding Psychosexual Assessments of Adult Offenders](#)
- [Wed Dec 27: Child & Family Services Review & Data-Driven Processes](#)
- [Wed Jan 31: Family First Prevention Act Update](#)

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



ARE YOU IN COMPLIANCE?

If you have not completed the mandatory Sexual Harassment Prevention training, the deadline for completion is February 1, 2024. You can access the online training on the Member Hub or by clicking the link below. Once you have viewed the training video, confirm your participation to ensure compliance with SDCL 16-18-1.1.

16-18-1.1. Sexual harassment prevention training for attorneys. Each active member of the State Bar of South Dakota shall complete sexual harassment prevention training offered or approved by the State Bar of South Dakota within two years following admission to the practice of law or within two years after the enactment of this rule, and once every three years thereafter. Failure to complete such required training will result in the member being placed on inactive status and may be grounds for disciplinary action.

MANDATORY Sexual Harassment Prevention Training

[CLICK HERE](#)

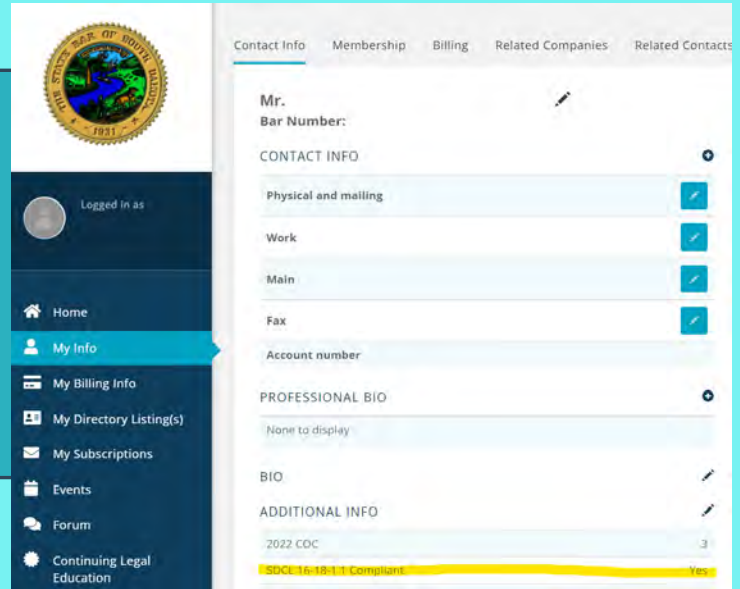
SEXUAL HARASSMENT PREVENTION TRAINING

SDCL 16-18-1.1

How do I know if I did it? If I didn't do it, how do I complete?

AREN'T SURE IF YOU COMPLETED TRAINING?

Login to the Member Hub and click the "My Info" link. If the SDCL 16-18-1.1 Compliant line says "Yes" you are in compliance! If the line is blank, please go to the next step. If you completed the training and the status is not correct, email nicole.ogan@sdbar.net.



*Haven't logged into your State Bar account?
Contact info@sdbar.net, or kylee.alfrey@sdbar.net
and request the login instructions email. You'll then
be sent a link to set up your username and
password.

16-18-1.1

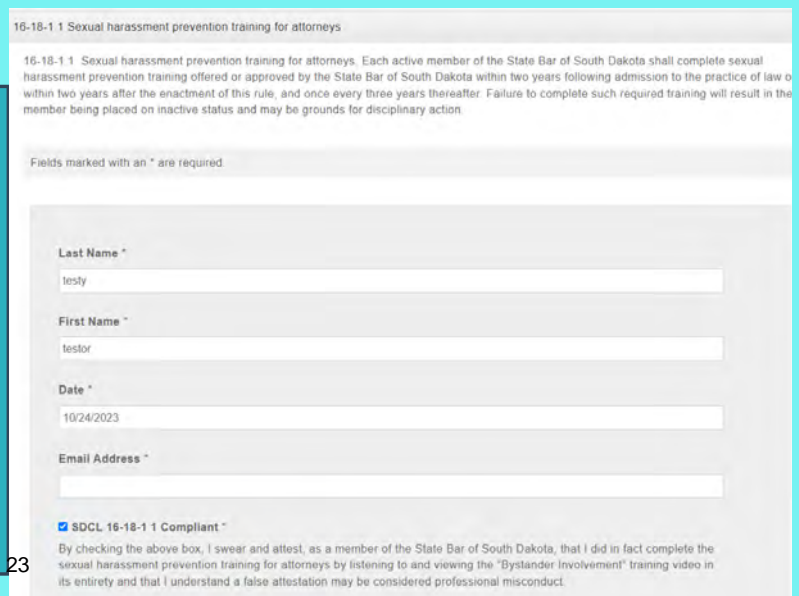
Sexual harassment
prevention
training for
attorneys.

COMPLETE THE TRAINING - IT IS REQUIRED!

Login to the Member Hub and click the large green 16-18-1.1 button in the middle of the page, or scroll down on the left-hand navigation and click the "Member Compliance" link. Watch the video.

CONFIRM PARTICIPATION

You **MUST** complete the participation form and swear and attest to your attendance for compliance to be recorded. Click the "Confirm Participation" button to the right of the video, complete the form, and submit. If you do not receive a confirmation thank you page, the submission DID NOT go through. You should also receive a confirmation email.



16-18-1.1 Sexual harassment prevention training for attorneys

16-18-1.1 Sexual harassment prevention training for attorneys. Each active member of the State Bar of South Dakota shall complete sexual harassment prevention training offered or approved by the State Bar of South Dakota within two years following admission to the practice of law or within two years after the enactment of this rule, and once every three years thereafter. Failure to complete such required training will result in the member being placed on inactive status and may be grounds for disciplinary action.

Fields marked with an * are required.

Last Name *
testy

First Name *
testor

Date *
10/24/2023

Email Address *

☒ SDCL 16-18-1.1 Compliant *

By checking the above box, I swear and attest, as a member of the State Bar of South Dakota, that I did in fact complete the sexual harassment prevention training for attorneys by listening to and viewing the "Bystander Involvement" training video in its entirety and that I understand a false attestation may be considered professional misconduct.

Are you in compliance! ?

SUPREME COURT RULES REQUIRE: MEMBERSHIP DUES,
CERTIFICATE OF COMPLIANCE, SEXUAL HARASSMENT PREVENTION TRAINING

ALL MEMBERS: Pay by December 31, 2023

2024 MEMBERSHIP DUES



Invoices mailed November 1, 2023

Invoices emailed November 3, 2023

Payments due December 31, 2023

STATE BAR OF SOUTH DAKOTA BY-LAWS - ARTICLE IV - MEMBERS

4.1. Membership. A Member is any person who qualifies for Active or Inactive membership as stated below, pays the requisite Membership Fee unless exempt, and complies with these Bylaws, State Bar rules, and Supreme Court rules. State Bar membership report on compliance for the previous year in its entirety. Membership is mandatory for every person actively practicing law in South Dakota. State Bar membership is permissive for all other qualified persons.

[View Membership Dues FAQ](#) | [View Full By-laws](#)

ALL MEMBERS: Due January 1, 2024

CERTIFICATE OF COMPLIANCE



Report on compliance for the previous year in its entirety.

SDCL 16-18-20.2

The provisions of this rule apply to all members of the State Bar of South Dakota concerning trust funds received or disbursed by them in the course of their professional practice of law within the State of South Dakota for the reporting year (2023).

In addition, all lawyers are required to disclose the absence of professional liability insurance as required pursuant to Rule 1.4(c) and must sign the additional verification and certification of disclosure as reflected at the end of the Certificate of Compliance and Insurance Disclosure form.

[View SDCL 16-18](#) | [View Rules of Professional Conduct](#) | [View Specific Exceptions](#)

Are you in compliance! ?

SUPREME COURT RULES REQUIRE: MEMBERSHIP DUES,
CERTIFICATE OF COMPLIANCE, SEXUAL HARASSMENT PREVENTION TRAINING

ALL MEMBERS: Complete by February 1, 2024

SEXUAL HARASSMENT PREVENTION TRAINING



Complete training and report compliance by February 1, 2024.

SDCL 16-18-1.1

Each active member of the State Bar of South Dakota shall complete sexual harassment prevention training offered or approved by the State Bar of South Dakota within two years following admission to the practice of law or within two years after the enactment of this rule, and once every three years thereafter. Failure to complete such required training will result in the member being placed on inactive status and may be grounds for disciplinary action.

[View SDCL 16-18](#) | [Login to View Training and Confirm Attendance](#)

ALL MEMBERS: Interest on Lawyers Trust Accounts (IOLTA)

RULE 1.15 SAFEKEEPING PROPERTY



This rule applies to all members who hold client funds.

SOUTH DAKOTA RULES OF PROFESSIONAL CONDUCT 1.15

Exemptions: Nonresident attorneys licensed to practice in South Dakota who comply with applicable IOLTA requirements in the state wherein they maintain their office are exempt from paragraph (3). Attorneys who have applied for and are granted an exemption through the Supreme Court each year. Paragraph (7).

[View SDCL 16-18](#) | [Download IOLTA Forms & Documents](#)

ATTENTION!

2024 Member Fees
are due by
December 31, 2023



If you paying by check, please include your invoice and, if needed, any updates to your contact information. You also have the option to pay online by logging into the member hub and selecting "My Billing Info."

www.statebarofsouthdakota.com

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>

- 30+ years of weather/forecasting experience

- Consulting, reports, depositions, & testimony

- **Specialties:** forensic meteorology, weather & forecasting, radar, satellite, severe storms, hail, rainfall & flooding, fog, winter weather, heavy snow, icing, slips & falls, fire weather, high winds, lightning verification, applied climate & meteorology, and agriculture weather



<https://npweather.com> | nrnplnsweather@gmail.com

UPCOMING LIVE WEBINARS

Discover a whole new approach to well-being.

*Free to all Bar Members and
their household family members!*



Competent Leadership

November 8, 2023
1:30 pm EST - 2:30 pm EST
[Register for this Webinar](#)



Healing through Gratitude

November 16, 2023
12:00 pm EST - 12:45 pm EST
[Register for this Webinar](#)



Resilient Relationships

December 12, 2023
12:00 pm EST - 12:45 pm EST
[Register for this Webinar](#)

SANDCREEK EAP
An AllOne Health Company

OATH OF ATTORNEY



I DO SOLEMNLY SWEAR, OR AFFIRM, THAT:

**I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES AND THE
CONSTITUTION OF THE STATE OF SOUTH DAKOTA;**

**I WILL MAINTAIN THE RESPECT DUE TO COURTS OF JUSTICE AND
JUDICIAL OFFICERS;**

**I WILL NOT COUNSEL OR MAINTAIN ANY SUIT OR PROCEEDING WHICH
SHALL APPEAR TO ME TO BE UNJUST, NOR ANY DEFENSE EXCEPT
SUCH AS I BELIEVE TO BE HONESTLY DEBATABLE UNDER THE LAW OF
THE LAND;**

**I WILL EMPLOY FOR THE PURPOSE OF MAINTAINING THE CAUSES
CONFIDED TO ME SUCH MEANS ONLY AS ARE CONSISTENT WITH
TRUTH AND HONOR, AND WILL NEVER SEEK TO MISLEAD THE JUDGE
OR JURY BY ANY ARTIFICE OR FALSE STATEMENT OF FACT OR LAW;**

**I WILL MAINTAIN THE CONFIDENCE AND PRESERVE INVIOLEATE THE
SECRETS OF MY CLIENT, AND WILL ACCEPT NO COMPENSATION IN
CONNECTION WITH A CLIENT'S BUSINESS EXCEPT FROM THAT CLIENT
OR WITH THE CLIENT'S KNOWLEDGE OR APPROVAL;**

**I WILL ABSTAIN FROM ALL OFFENSIVE PERSONALITY, AND ADVANCE
NO FACT PREJUDICIAL TO THE HONOR OR REPUTATION OF A PARTY
OR WITNESS, UNLESS REQUIRED BY THE JUSTICE OF THE CAUSE WITH
WHICH I AM CHARGED;**

**I WILL NEVER REJECT, FROM ANY CONSIDERATION PERSONAL TO
MYSELF, THE CAUSE OF THE DEFENSELESS OR OPPRESSED, OR DELAY
ANY PERSON'S CAUSE FOR LUCRE OR MALICE.**

BOARD OF BAR COMMISSIONERS

Minutes, August 16, 2023

Via Zoom

President Heather Lammers Bogard called the meeting to order at 9:00 AM CDT on August 16, 2023. Present for all or part of the meeting were President Heather Lammers Bogard, President Elect Julie Dvorak, Commissioners Tyler Matson, Carrie Srstka, David Strait, Kim Kinney, Jerry McCabe, Justin Bell, Erika Olson, Nick Moser, Amber Mulder, Rory King, and Steve Blair. Also, present at the meeting were Executive Director/Secretary-Treasurer Paul Cremer, Assistant Executive Director Nicole Ogan, Lawyer's Assistance Program Director Becky Porter, Communications Director Tracie Bradford, and Strategic Plan Coordinator Elizabeth Overmoe.

Approve minutes of July 14, 2023, Meeting: Commissioner Julie Dvorak moved to approve the minutes of the July 14, 2023, Bar Commission meeting. Commissioner Justin Bell seconded the motion. Motion carried.

Memorialize Email Vote on July 31, 2023, to Approve Support of ABA Resolution 400 Involving Loan Forgiveness for Rural Participants: President Lammers Bogard noted that the Bar Commission reviewed a revised ABA House of Delegates resolution which was received via email on July 27, 2023. The resolution (Resolution 400) was drafted by representatives of the American Bar Association and California Lawyers Association, and it states in general that the ABA encourages federal, state, local, territorial, and tribal governments, as well as law schools, to establish and fully fund a Rural Practice Loan Forgiveness ("RPLF") program. The Bar Commission voted via email to support the resolution.

Civility: President Lammers Bogard discussed civility efforts in other states, and she requested the Commissioners to form a committee to examine civility proposals for South Dakota. Commissioners Rory King and Tyler Matson volunteered to serve with President Lammers Bogard and President Elect Dvorak on the committee.

National Association of Bar Executives (NABE) meeting in Denver update: Cremer discussed the NABE conference in Denver, including a session regarding data breaches involving bar associations. Other topics discussed at the conference included lobbying restrictions, AI, etc.

National Conference of Bar Presidents (NCBP) meeting in Denver update: President Lammers Bogard and President Elect Dvorak attended the NCBP conference, and they described AI presentations. The Bar Commission discussed the interest of members in receiving more information and education regarding AI.

Lammers Bogard noted that Tamara Nash was installed as the Chair of the Young Lawyers Division of the ABA, a first for the South Dakota Bar. Lammers Bogard also commended

Nash for giving a well-received speech at her installation ceremony. The Bar Commission congratulated Nash.

The Bar Commission also congratulated and thanked Dick Travis for his service as ABA State Delegate, a post he has held for more than a decade. Travis served as State Delegate for the final time at the Denver ABA meeting. The Bar Commission also congratulated and thanked Sarah Sharp Theophilus for assuming the role as ABA State Delegate.

President Elect Dvorak shared information received at the conference, including various handouts. Lammers Bogard and Dvorak observed that our Bar has generally avoided some issues occurring in other states.

Congressional Funding of Federal Defenders: The Commissioners briefly discussed proposed budget cuts to federal public defender services.

Ombuds Update: The State Bar received responses to an RFP, and Bar staff is discussing the responses with ombuds services providers.

State Bar Liability Insurance Update: The State Bar is working with insurance providers to maintain business insurance coverage.

President's appointment of Commissioners to Finance and Audit: Commissioner Nick Moser agreed to serve on the Finance and Audit committee along with Commissioners Bell and Strait.

President's Comments: President Lammers Bogard discussed her visit to the USD Law School orientation, and her discussion with students included the topic of civility. She thanked Dean Fulton and the students for the opportunity. Lammers Bogard also met with Chief Justice Steven Jensen and they discussed priorities.

Miscellaneous:

The Rural Practice Symposium will be held Sept. 21-22 in Vermillion.
The statewide swearing-in ceremony will be held September 29 in Pierre.

Adjourn: President Lammers Bogard adjourned the meeting at 9:36 AM CDT.

Respectfully submitted,
Paul Cremer
Executive Director/Secretary-Treasurer

BOARD OF BAR COMMISSIONERS

Minutes, September 29, 2023
South Dakota Bankers Association Conference Room
Pierre, SD

President Heather Lammers Bogard called the meeting to order at 10:00AM CDT on September 29, 2023. Present for all or part of the meeting were President Heather Lammers Bogard, Commissioners Tyler Matson, David Strait, Jerry McCabe, Justin Bell, Erika Olson, Nick Moser, John Richter, and Steve Blair. Present via Zoom were President Elect Julie Dvorak, Commissioners Rory King, Amber Mulder, Kimberly Kinney, and Hon. Francly Foral. Non-board members present were Rod Tobin and Dick Casey, and (via Zoom) Pamela Reiter and Jennifer Williams. Also present at the meeting were Executive Director/Secretary-Treasurer Paul Cremer, Assistant Executive Director Nicole Ogan, Lawyers Assistance Program Director Becky Porter, Administrative Assistant Kylee Alfrey, Access to Justice Inc. Coordinator Denise Langley, and Strategic Plan Coordinator Elizabeth Overmoe (via Zoom).

Approve minutes of August 16, 2023, Meeting: Commissioner Matson moved to approve the amended minutes of the August 16, 2023, Bar Commission meeting. Commissioner Blair seconded the motion. Motion carried.

Strategic Planning Committee Proposed Resolution: Dick Casey and Rod Tobin presented information about demographic trends showing fewer available workers and fewer students obtaining higher education, and the effect these trends will have on the legal profession and the justice system. The State Bar Strategic Planning Committee has been working on solutions for over a year. Casey formed a Strategic Planning subcommittee along with Tobin, Pamela Reiter, and Jennifer Williams, and they created a Mission Statement and a Job Description for a Law-Related Pathways Program to lead efforts to recruit and retain justice system professionals. Casey presented a draft Resolution to memorialize State Bar support of these efforts. Commissioner Olson recommended amending the proposed Mission Statement to include efforts to attract non-traditional students and efforts to retain professionals in the justice system. Commissioner Blair made a motion to approve the draft Resolution with the amended Mission Statement and Job Description, and to allow President Lammers Bogard to appoint a committee. Commissioner Moser seconded the motion. Motion carried. [The Resolution, Mission Statement, and Job Description are attached to these minutes.]

Civility Creed Draft: President Heather Lammers Bogard updated the Commissioners on efforts to draft a Civility Creed. President Bogard has obtained feedback from various stakeholders and work is continuing.

Financial Report: Nicole Ogan provided information to the Commission about the current financial report, including the previously approved purchase of Certificates of Deposit.

Access to Justice Report: Access to Justice Inc. Coordinator Denise Langley provided the following information to the Commission.

- Langley booked the Hillsview Golf Course in Pierre for morning and afternoon tee times on June 13, 2024, for the A2J Golf Tournament at the annual meeting/convention.
- A2J recently secured an additional \$15,000 in Judicare funding per the July CEAC grant application process.
- A2J also received an extra \$10,000 in CEAC funding to produce a Spanish version of the current Guardian/Conservatorship training video. Any additional funds remaining after creation of the video will be transferred to Judicare funding per the grant request.
- A2J is working with ERLS to assist with a Bankruptcy Training that ERLS would like to host soon.
- A2J, ERLS, and DPLS are updating legal services program information cards that will be provided to the Clerk's offices in South Dakota as jointly recommended per the recent statewide legal needs assessment. The SD Free Legal Answers (SDFLA) website has been updated to include auto-responses for certain types of questions.
- A2J will be participating in the National Celebrate Pro Bono week next month and looking at additional recognition/thank-you options for attorneys volunteering through A2J or SDFLA.
- A2J will be participating again in the South Dakota Gives/Day of Giving activities this year.
- A2J Coordinator Denise Langley will be joining a special Legal Server training group that will focus on improving skills for using the Legal Server case management system including back-end access, report creations, etc. Participation in the group is free and will provide additional education regarding the legal server system.
- Langley discussed the potential to hire a part-time or full-time A2J staff member in the next few years. Adding an additional A2J staff member was included as part of the A2J recommendations per the statewide legal needs assessment.

Lawyers Assistance Program Report: Becky Porter, Lawyers Assistance Program Director, discussed the number of LCL referral calls received over the past 2 months; continuing efforts to provide information about the expanded Sand Creek therapy services; positive responses received from members who have used those services; training assistance for the Judges Helping Judges peer-to-peer support group; a presentation at USD Knudson School of Law orientation on August 3, 2023, and planned future presentations at the law school; a presentation at the States Attorneys' training session; and her plan to attend the upcoming ABA Annual Conference for Lawyer Assistance Programs in Springfield, Massachusetts, in early October, 2023.

Strategic Plan Report: Strategic Plan Coordinator Beth Overmoe provided information to the Commission regarding the strategic planning report, noting the dates of the retreat in May 2024 had to be adjusted due to a conflict on the State Bar calendar. The new dates for the strategic planning retreat are May 30-31, 2024. The remainder of the report focused on

the work of several committees and sections since the last meeting. President Bogard, Executive Director Cremer, and Overmoe met with committee and section leadership on August 17 in Rapid City and August 18 in Sioux Falls. President Bogard was able to share her initiatives and priorities for the year and also hear from committee and section leadership on their respective plans. Overall, the Committees and Sections are actively engaged in various legal issues, legislative matters, and professional development initiatives, demonstrating a commitment to serving the legal community and advancing the practice of law in South Dakota.

CLE Schedule Report: Strategic Plan Coordinator Beth Overmoe provided information to the Commission regarding the CLE committee minutes from their September meeting that were included in the Bar Commission materials. The minutes outline the CLE programming, including the monthly Law for Lunch webinars, scheduled through June 2024. CLE program chairs for the annual convention are scheduled to meet in early October to finalize details for their specific programming and to determine if another CLE program should be scheduled opposite the Public Sector CLE program on Thursday afternoon. Many committees and sections provided CLE proposals this year which greatly supported the CLE committee in selecting program topics.

Annual Meeting Awards: Executive Director Cremer notified the Bar Commission that staff is working with stakeholders on State Bar awards that are presented at the annual meeting. Staff is also considering an awards luncheon to be held early Wednesday afternoon of the Bar convention.

Keller Policy: Cremer noted that Bar staff continues to monitor cases in other states involving Keller. The Bar worked on draft documents in the last few years to update the Keller policy, and a committee will be formed to continue that work.

President's Comments: President Lammers Bogard thanked high quality candidates for responding to the September Newsletter notice and for applying to fill the open ABA State Bar Delegate position.

Bar Commissioner Input, Ideas, Concerns: The Bar Commission thanked the South Dakota Bankers Association for allowing us to use their conference room for the meeting. The Bar Commission also thanked the Young Lawyers Section for organizing and hosting the Nuts and Bolts CLE program and activities associated with the Statewide Swearing-In Ceremony on September 29 in Pierre.

Miscellaneous: Executive Director Cremer thanked USD Knudson School of Law for hosting the well-received Rural Practice Symposium on September 21-22, 2023, and he thanked numerous State Bar members for supporting rural practice initiatives. Cremer also provided information about the upcoming legislative session.

Adjourn: President Lammers Bogard adjourned the meeting at 11:55 AM CDT.

Respectfully submitted,
Paul Cremer
Executive Director/Secretary-Treasurer

Law-Related Pathways Program Mission Statement

In response to the nationwide high school population decline, the Law-Related Pathways Program develops and implements programs that encourage students in middle school, high school, and college, and others, including those from diverse socioeconomic, racial, cultural, and ethnic backgrounds, to pursue and remain in law-related occupations in South Dakota; and identifies and engages stakeholders that benefit from and support the Program.

Law-Related Pathways Program Coordinator Initial Job Description

The Law-Related Pathways Coordinator will coordinate efforts to fulfill the mission of the Program including, but not limited to, doing the following:

- explore existing programs that are engaged in similar pathway endeavors, and identify and replicate those programs' systems, processes, and techniques that may benefit the Program;
- evaluate and employ existing resources that may benefit the Program;
- identify stakeholders that may benefit from law-related occupations or that may benefit from students pursuing such occupations;
- develop positive relationships with key members of each stakeholder to implement the Program more effectively and efficiently;
- develop messaging, marketing, and talking points for use by those engaged in encouraging students and others to pursue law-related pathways;
- develop compelling messages for those stakeholders with resources to maximize funding available for Program;
- recruit and coordinate representatives of the various law-related occupations to make age-appropriate presentations to students in middle school, high school, and college, and others, to encourage their pursuit of law-related occupations;
- identify resources available to students to offset education costs necessary to pursue law-related occupations and convey that information to students as part of the Program messaging;
- develop connections to link students pursuing law-related pathways with potential law-related employers;
- keep detailed records of all the above activities and develop criteria and methods to identify and evaluate successes and failures to continually improve the Program; and
- provide periodic reports to those individuals, committees, or entities specified by the State Bar of South Dakota.

WHEREAS, the Strategic Planning Committee of the State Bar of South Dakota has developed the attached Mission Statement of the Law-Related Pathways Program (“the Pathways Program”) and the attached Job Description of the Pathways Program Coordinator; NOW THEREFORE

BE IT RESOLVED that the State Bar of South Dakota hereby supports establishing and maintaining a Law-Related Pathways Program, in coordination with the South Dakota Unified Judicial System, the University of South Dakota Knudson School of Law, and other stakeholders, in the manner deemed appropriate from time to time by the Board of Bar Commissioners.

Dated this 29th day of September, 2023.

Executive Secretary, State Bar of South Dakota

PUBLIC NOTICE

REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE

The current appointment of Magistrate Judge Eric Johnson is due to expire on March 28, 2024. Magistrate Judge Eric Johnson 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 Eric Johnson 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 December 29, 2023.

2023 John R. Justice Student Loan Repayment Program

The John R. Justice (JRJ) Grant Program provides student loan repayment assistance for local, state and federal public defenders and local and state prosecutors who commit to extended service in those roles. All Applications and a Service Agreement along with a recent loan statement must be received or postmarked on or before **January 31, 2024**. A recent monthly statement from the borrowing agency is preferred over the generic "Loan Details" print out option as the monthly statement contains the pertinent information needed.

[2023 John R. Justice Grant Program Application](#)
[2023 John R. Justice Grant Service Agreements](#)

Eligibility: For the purposes of the JRJ Program, the following beneficiaries shall be considered eligible:

Prosecutor: full-time employee of a state or unit of local government (including tribal government) who is continually licensed to practice law and prosecutes criminal or juvenile delinquency cases at the state or local government level (including supervision, education, or training of other persons prosecuting such cases); prosecutors who are employees of the federal government are not eligible. Elected state's attorneys are not eligible.

Public defender: an attorney who is continually licensed to practice law and is a full-time employee of a state or unit of local government (including tribal government) who provides legal representation to indigent persons in criminal or juvenile delinquency cases, including supervision, education, or training of other persons providing such representation.

A full-time employee of a nonprofit organization operating under a contract with a state or unit of local government who devotes substantially all of the employee's full-time employment to provide legal representation to indigent persons in criminal or juvenile delinquency cases including supervision, education, or training of other personnel providing such representations.

A full-time federal defender attorney in a defender organization pursuant to subsection (g) of section 3006A of Title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

Application and a service agreement with original signatures must be submitted to the address below by January 31, 2024. A recent loan STATEMENT must be included that provides the following: (1) account number; (2) your name on the account; and (3) bank payment mailing address.

Lynell Erickson
Office of Attorney General
1302 E Hwy 14 Suite 1
Pierre SD 57501

The 2024-2026 Non-Capital Diversity Fellowship Program application period is open!

The application period will close on December 11, 2023.

Non-Capital Fellows will be selected by April 2024 and begin September 2024.

Learn more and apply at: diversityfellowship.fd.org

About the Diversity Fellowship Program

The Fellowship Program will seek to enhance the quality of representation provided under the Criminal Justice Act (CJA) by creating a pipeline of diverse attorneys qualified to join Federal Defender Organizations or CJA panels.

Diversity among CJA counsel supports the cultural competency necessary to meet the needs of a diverse clientele and can lead to better case outcomes by fostering greater trust on the part of CJA clients.

The Non-Capital Fellowship Program will place 12 fellows in Federal Defender host offices across the country for two years, during which fellows will gain federal criminal defense training and experience to allow them to represent clients in non-capital CJA cases. Fellows will matriculate as a class. Each class will have a number of opportunities for joint training, mentorship, and other group activities. Fellows will receive a salary and benefits. The salary range for non-capital fellows will be the Judiciary Salary Plan (JSP) 11/1, 12/1, or 13/1, depending on experience, which is comparable to the federal General Schedule (GS) pay scale. The salary will also reflect locality adjustments.



Thurgood Marshall Federal Judiciary Building, Washington, DC



About Federal Defender Organizations

Skilled collaboration, strategic litigation, compassionate representation, and unique approaches to the issues affecting our clients are among the values we aim to foster in federal defenders and CJA panel attorneys. Because no single

person can do this work alone, you will work with experienced lawyers, mitigation specialists, paralegals, investigators, and administrative support staff.

About Defender Services:

<https://www.uscourts.gov/services-forms/defender-services>

Hear from assistant federal defenders about their work:

<https://youtu.be/TL5mP4RvU0A>

Applicants

The Diversity Fellowship Program is open to 3L and 4L students graduating this school year (2023-2024) and recent law school graduates. A successful Fellow must be a talented advocate and legal writer, possess research skills, be team oriented, and be committed to public defense or related public interest law work.

Diversifying the federal defense bar

Enhancing the quality of federal public defense representation

12 non-capital fellowship placements for 2-year terms

Partnering with Federal Defender host offices across the U. S.

Training a new generation of federal defenders

JSP 11/1 – 13/1 salary range, commensurate with experience

For information, please contact:

Dawn Scott, Program Manager
Diversity Fellowship Program
Defender Services Office
Administrative Office of the
U. S. Courts

202-502-3349
Dawn_Scott@ao.uscourts.gov



How to Avoid Common Co-Counsel Relationship Missteps

*By Mark Bassingthwaite
Alps, Risk Manager*

Co-counsel relationships are sometimes formed “on the fly,” meaning no thorough discussion as to who will be responsible for what ever occurs. This can be disastrous if both attorneys assume the other will meet a critical deadline and then neither actually files suit. Oops! It can get even messier if one of those two attorneys happens to be uninsured. Heaven forbid if the one who is uninsured is an out-of-state attorney who got you involved solely to act as local counsel. And here you thought you were just along for the ride with your assumed duties limited to serving as the mail drop. This is just one example of the hazards that can arise in co-counsel relationships.

Here’s another example. Local counsel had worked with an out-of-state firm on a number of matters over the years and the work done by this out-of-state firm was consistently stellar. As a result, local counsel became less and less vigilant in staying on top of any active matter being handled by the out-of-state firm, eventually getting to the point where he just signed documents or appeared with out-of-state counsel when necessary. Eventually one of these matters ended up going to trial and when the judge entered the courtroom, he unexpectedly informed the out-of-state attorney that certain documents were not in order. As a result, the out-of-state attorney was not going to be able to try the case. The judge then turned to local counsel and said, “you’re up.” Due to his total dependence on the efforts of the out-of-state firm, local counsel was completely

unprepared; but with no other options available to him he had to step up and try the case. It was apparent to everyone in the courtroom, including the client, just what had happened. While the local attorney reported that this experience was the most horrific experience of his career, he was able to acknowledge that his own assumptions helped create that nightmare.

Perhaps there was a time when, out of professional courtesy, we could assume that everything would be fine and that our professional colleagues were all competent. Sadly, those days are long gone. Consider that in an ABA report released in 2020, 51.9% of all malpractice claims during the period of 2016-2019 were the result of a substantive legal error.* Running with assumptions about the competency or reliability of any attorney you are about to co-counsel with can lead to serious malpractice and ethical trouble should something go terribly wrong. Understand you and your co-counsel share joint responsibility and are splitting the fee on the joint matter. You both owe undivided loyalty to your mutual client. This means your client will look to hold you both accountable for anything that goes wrong. With this in mind, here are a few practice pointers that can significantly reduce your exposure to such hazards if taken to heart.

- When considering entering into a co-counsel relationship with an attorney about whom little is known, investigate the attorney before

committing to the relationship. At a minimum, confirm the lawyer is admitted to practice in the jurisdiction and conduct an Internet search of the attorney's name. You might also ask for recommendations or references, conduct a background check, interview the attorney, and/or contact area judges or attorneys who practice in the same field in order to ask about prospective co-counsel's qualifications and reliability.

- Have a formal written co-counsel agreement that documents the roles and responsibilities of each attorney. This agreement should address issues such as who will do what, how disagreements will be resolved, who gets paid what and when, who will hold client funds, who will bill the client, how expenses will be paid, who discusses expense decisions with the client, how monies will be split if the client only partially pays, etc. How the negotiation over this agreement proceeds may even help you determine if the two of you will be able to work well together as co-counsel.
- Consider also documenting your roles and responsibilities with all joint clients if for no other reason than to avoid having assumptions in play; and written documentation of roles should always be given to a client if one of you is going to have a very limited role in the matter.
- Commit to tracking all critical deadline dates on all co-counsel matters regardless of your level of involvement and follow up with your co-counsel to either confirm you will meet your specific deadline or to make certain your co-counsel will meet hers. This is particularly important on those matters where your involvement is going to be limited to nothing more than your serving as a local contact who will eventually receive some type of referral fee. Again, remember that as co-counsel you are jointly responsible and liable for

the client's matter. There really isn't any halfway here. If the lead co-counsel misses a deadline, you've got a problem. This is why attorneys who decide to exit a co-counsel relationship, exit completely to include forfeiting any referral fee. Responsibility and liability do come with the money.

- Finally, make certain your prospective co-counsel is adequately insured and don't just accept a verbal assurance. I have had attorneys tell me they will say they are insured to get work when in fact they are practicing without any coverage. Financial pressures in competitive markets can result in certain attorneys being forced to take financial risks. This means you should ask for written verification of coverage. A simple swap of a copy of the declaration pages to each other's malpractice policy would suffice. If you find it hard to have this conversation, place the responsibility on your malpractice carrier. A request framed as "my malpractice carrier has advised I always obtain written verification of coverage prior to entering into any co-counsel relationship" may help.

*Profile of Legal Malpractice Claims 2016-2019, ABA Standing Committee on Lawyer's Professional Liability 2020



Authored by: Mark Bassingthwaighte, ALPS Risk Manager

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

ISSUE

5

\$25.99 U.S.

PUBLIC SECTOR SECTION

HIGHLIGHTS

NOVEMBER 2023

2023-2024 Officers

John Richter
President

Nolan Welker
Vice President

Kinsley Groote
Secretary/Treasurer

Megan Borchert
Board

Carla Cushman
Board

Lisa Marso
Board

Dave Pfeifle
Board

Servant Leadership!

Although you may not have positional authority in your current role, there is always an opportunity to develop your leadership skills by focusing on initiative, self-awareness, and how you treat others. In other words, you can always lead by example! Another avenue for leadership development is by becoming involved in community and Bar activities – these provide a low-risk environment where you can learn from and interact with a lot of different people that you may not normally come in contact with! Good luck future leaders!!

Content Creators – submit your ideas below!

As we've mentioned before, the Administrative Law Committee and Public Sector Section are committed to continuing to provide opportunities that will benefit bar members and strengthen our relationship with the law school. To take things to the next level, we need your input (subject matter, speakers, etc.).

We want to hear your ideas!!

6 QUESTION SURVEY

SUBMIT YOUR IDEAS HERE!!



HAPPY THANKSGIVING!!

Active! Engaged! Leaders!

SUPREME COURT RECEPTION!!



South Dakota Supreme Court Reception!

The Public Sector Section partnered with the S.D. Defense Lawyers to provide a reception for the S.D. Supreme Court on October 4th in Vermillion. From all accounts, it went very well and there were approximately 120 in attendance. A thank you needs to go out to the S.D. Defense Lawyers and all of those who made this event possible!!

Pictured: Matt Murphy, Chief Justice Jensen, Sarah Sharp Theophilus



Relationship Building!!

PUBLIC SECTOR ENTHUSIASM AT USD!!

This past month, Megan Borchert, Phil Carlson, Morgan Erickson, Julie Johnson, John Richter, and Sarah Sharp Theophilus had an opportunity to work together on two presentations for the law school. The first presentation provided an administrative hearing experience for Professor Garry's administrative law class. The second presentation focused on opportunities in administrative law. Both presentations were well attended, the students were extremely engaged, and I think that we were able to achieve our goals of promoting the Public Sector Section and strengthening our bonds with the law school!! In addition to those in attendance, a special thanks needs to go out to USD Director of Career Services **Teramie Hill** and **Professor Garry** for their assistance in making this opportunity possible!!



OCTOBER 25, 2023

Collaboration! Innovation! Opportunities!

Until next month...

Attorney Health & Wellness Resources

It's okay to ask for help



A CONFIDENTIAL LAWYERS CONCERNED FOR LAWYERS

INDEPENDENT RESOURCE
(605) 391-5191

rebecca.porter@sdlawyersconcerned.org

FREE & CONFIDENTIAL

- SD Bar Members & household family members
- USD Law Students & their household family members

SANDCREEK EAP™

An AllOne Health Company

1 - 888 - 243 - 5744

AVAILABLE 24 / 7



Introducing Your Member Portal

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

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

Request a Mental Health Session

Request counseling by submitting an online form or live chat. Choose from in-person or virtual counseling options to meet your needs.

Request Referrals & Resources

Submit a request for family care and lifestyle support including childcare and eldercare referrals, legal and financial consultation, personal assistant referrals and medical advocacy consultation.

Explore Thousands of Self-Care Articles & Resources

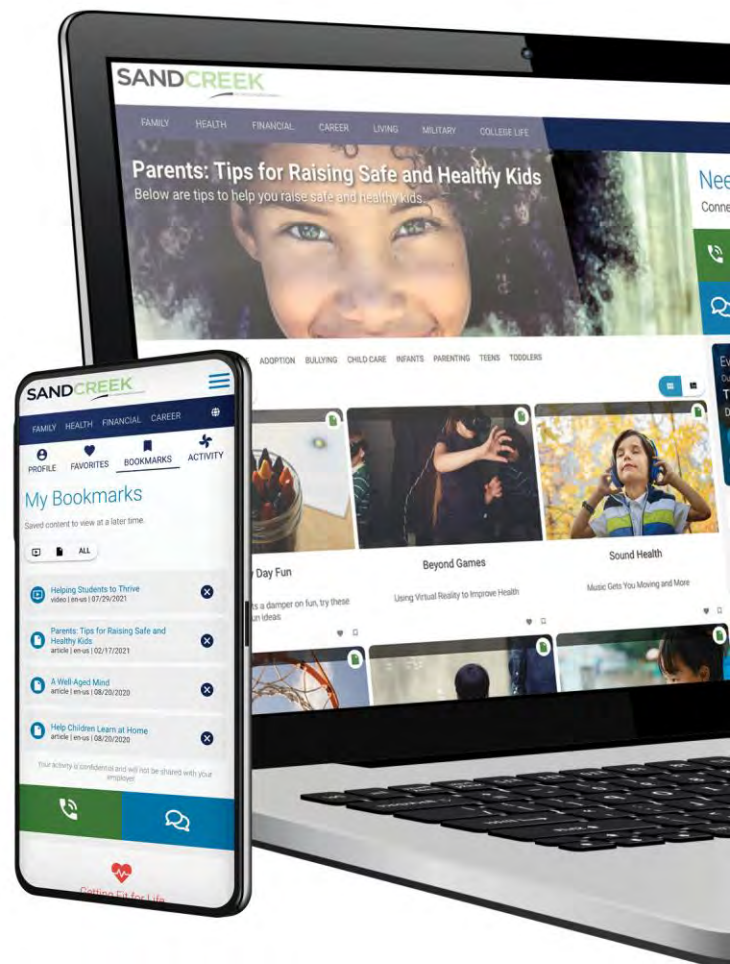
Health and lifestyle assessments, interactive checklists, soft skills courses, podcasts, resource locators, exclusive discounts, and expansive articles on whole health and well-being.

Visit Your Online Financial Center

Featuring worksheets, calculators, and a wide range of financial resources and tools to help reach personal goals and build financial wellness.

Getting Started Is Easy

1. Visit www.sandcreekeap.com and click on "Log In to the Member Portal"
2. Register to create a new account using your company code: SDHELP
3. A confirmation email will be sent to complete the process



Contact Sand Creek EAP
Call: 888-243-5744
 Visit: www.sandcreekeap.com
 Code: SDHELP

SANDCREEK EAP™
 An AllOne Health Company

Life comes with challenges. Your Assistance Program is here to help.

Your Assistance Program can help you reduce stress, improve mental health, and make life easier by connecting you to the right information, resources, and referrals.

All services are free, confidential, and available to you and your family members. This includes access to short-term counseling and the wide range of services listed below:

Mental Health Sessions

Manage stress, anxiety, and depression, resolve conflict, improve relationships, and address any personal issues. Choose from in-person sessions, video counseling, or telephonic counseling.

Life Coaching

Reach personal and professional goals, manage life transitions, overcome obstacles, strengthen relationships, and build balance.

Financial Consultation

Build financial wellness related to budgeting, buying a home, paying off debt, managing taxes, preventing identity theft, and saving for retirement or tuition.

Legal Consultation

Get help with personal legal matters including estate planning, wills, real estate, bankruptcy, divorce, custody, and more.

Work-Life Resources and Referrals

Obtain information and referrals when seeking childcare, adoption, special needs support, eldercare, housing, transportation, education, and pet care.

Personal Assistant

Save time with referrals for travel and entertainment, seeking professional services, cleaning services, home food delivery, and managing everyday tasks.

Medical Advocacy

Get help navigating insurance, obtaining doctor referrals, securing medical equipment, and planning for transitional care and discharge.

Member Portal

Access your benefits 24/7/365 through your member portal with online requests and chat options. Explore thousands of self-help tools and resources including articles, assessments, podcasts, and resource locators.



Contact Sand Creek EAP
Call: 888-243-5744
Visit: www.sandcreekeap.com
Code: SDHELP

SANDCREEK EAP™
An AllOne Health Company

DeRouchey Agricultural & Legal Consulting, LLC

Roger DeRouchey
700 Broad Street Alexandria, SD 57311
605-770-8080
derouchey.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

SAVE
THE
DATE

2024 Annual Convention
June 12 - 14, 2024
Ramkota Hotel & Convention Center
Pierre, South Dakota

CHECK IT OUT

THE SOUTH DAKOTA NETWORK

**LISTEN
LIVE**

SD.NET

App users can listen
to Statehouse
Legislative coverage

Funded in part by the South Dakota Bar Foundation

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 Mehlhoff	Mark Mehlhoff
Sioux Falls Area	Midwest Employee Benefits	Dawn Knutson
Sioux Falls & Brookings Area	McGreevy & Associates	John Lawler
Pierre, Mitchell & Sioux 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.



Supreme Court
STATE OF SOUTH DAKOTA

Steven R. Jensen
CHIEF JUSTICE

October 26, 2023

Re: Vacancy on Board of Pardons and Paroles

The Court has accepted the resignation of Mr. Charles Schroyer as a member of the Board of Pardons and Paroles, effective January 15, 2024.

Accordingly, we take this opportunity to announce that any attorney interested in serving as a member of the Board of Pardons and Paroles is invited to indicate that interest by advising the Court no later than December 1, 2023.

Letters and resumes should be directed to:

Chief Justice Steven R. Jensen
Supreme Court of South Dakota
500 East Capitol Avenue
Pierre, South Dakota 57501

The Court takes this opportunity to publicly express its appreciation to Mr. Charles Schroyer for his dedication and service as a member of the Board of Pardons and Paroles.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Steven R. Jensen", is written over a faint, circular embossed seal.

Steven R. Jensen
Chief Justice

Career Center

STATE BAR OF SOUTH DAKOTA CLASSIFIEDS

Email your employment announcement to tracie.bradford@sdbar.net by 26th of each month to have it included in the next newsletter. Please be sure to include a closing date. To see more jobs listings, visit www.statebarofsouthdakota.com



Attorney – Rapid City

The law firm of Thomas Braun Bernard & Burke, LLP in Rapid City is seeking a lateral attorney with at least 4 years' private practice experience in the areas of estate planning and/or business transactional work. The ideal candidate will possess strong communications skills, be attentive to detail, and be self-motivated. Compensation will be commensurate with education and experience. Benefits include 401(k), health insurance, professional dues and memberships, CLE tuition, and various other incidentals. Confidential inquiries, including a cover letter and resume should be mailed to John W. Burke, Thomas Braun Bernard & Burke, LLP, 4200 Beach Drive – Suite 1, Rapid City, SD 57702, or e-mailed to jburke@tb3law.com.

Full-Time Deputy State's Attorney – Codington County

The Codington County State's Attorney's Office is inviting applicants for the position of Deputy State's Attorney. The position will be responsible for the prosecution of abuse and neglect cases, juvenile cases, and assisting with the prosecution of adult felony and misdemeanor cases occurring in Codington County, South Dakota. Duties include charging determinations, bond arguments, preliminary and grand jury hearings, drafting and arguing motions, court/jury trials, witness preparation, and briefing the court on relevant case law. Additional duties include assisting the Codington County Drug Court and DUI Court, when necessary.

Qualifications:

Applicants must possess a Juris Doctorate degree from an accredited law school and be licensed to practice

in South Dakota or willing and qualified to sit for the next available South Dakota bar examination. Working knowledge of civil and criminal law and methods and practices of pleadings; court procedures and rules of evidence; principles, methods, materials and practices utilized in legal research; and general law and established precedents.

Salary: Starting wage \$6,455.40 per month depending on experience. Codington County also offers a comprehensive benefits package including vacation leave, sick leave and paid holidays; health, dental and life insurance and inclusion in the South Dakota Retirement System (SDRS).

Please submit resume to: Rebecca Morlock Reeves, Codington County State's Attorney, 14 1st Ave. SE, Watertown, SD 57201

Opening and Closing dates: August 1, 2023 – October 13, 2023, or until filled.

Litigation Legal Assistant/Paralegal – Yankton

Marlow, Woodward & Huff, Prof. LLC is seeking a legal assistant/paralegal.

Duties include:

- Case file management.
- Communications with clients, witnesses, experts and others.
- Drafting legal correspondence.
- Drafting standard pleadings.
- Performing electronic filings in state, federal and appellate courts.
- Assisting with responding to interrogatories

and production of documents.

- Managing deadlines and scheduling.
- Ordering medical records/bills.
- Assisting with trial preparations and trials.

Benefits:

- Salary depending on experience, plus bonuses.
- SEP Plan.
- Paid time off.

Education:

- Bachelor's or Paralegal Certification/Degree (preferred) but not required.

Please send cover letter, resume and references to deb@mwhlawyers.com

Attorney – Pierre

Seeking a professional, dedicated attorney to represent the South Dakota Public Utilities Commission in proceedings before the commission and in dealing with the regulated utility industry.

This position pays \$100,000 or more annually depending on qualifications or relevant experience. This position works in an office in South Dakota's Capitol building in Pierre, interacting with other attorneys, professional staff and utility representatives.

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

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

Please email your resume, cover letter and contact information for three career-related references to PUC@state.sd.us by Nov. 30, 2023.

Full-Time Attorney – Sioux Falls

Help Others Plan for the Future

Feeling stuck in a rut? Looking for a change? Ready to take your career to the next level? Woods, Fuller, Shultz & Smith P.C. is looking for a full-time attorney interested in helping individuals, families, and businesses preserve their wealth, minimize taxes, and plan for the future. We are seeking someone for our Sioux Falls office who excels at relationship building and problem solving. In this position, you will have the opportunity to form rewarding, lifelong bonds with clients who will trust you to listen, understand concerns, and develop a plan to address their needs and accomplish their goals. Prior estate planning experience is great, but not required. If you have 2-5 years of client or project management, we can teach you the ins and outs of estate planning. If this sounds like you, we invite you to learn more.

The Estate Planning and Trust Law practice group at Woods Fuller has a long history of guiding clients through estate, gift, and tax planning, as well as trust and estate administration. Woods Fuller is a full-service law firm established in 1887. We have offices in Sioux Falls, SD, Sioux Center and Sheldon, Iowa, and Worthington, Minnesota. We proudly offer legal services rooted in the integrity and dedication that launched the firm 135 years ago.

Interested in learning more? Please direct questions or send resumes to Stephanie.Keizer@WoodsFuller.com.

Assistant County Administrator– Canton

SALARY: \$30.23 - \$33.34 Hourly

LOCATION: 104 N. Main St. Canton, SD

JOB TYPE: Full-Time

JOB NUMBER: 23-24

DEPARTMENT: Commission Office

OPENING DATE: 08/08/2023

General Information

Support the Commission Administrative Officer by managing and implementing County projects that assist the Commission, department heads, and outside agencies in accordance with regulations and established budgets. Organize and facilitate County boards and committees; establish and lead an effective public and media relations program; and monitor legislative and administrative trends to prepare Lincoln County for future planning and development..

Examples of Duties Include

- Perform a variety of complex support duties requiring discretion and considerable independence of action. Compose correspondence, reports, forms, official documents, and other items in an accurate and timely manner. Screen incoming correspondence and direct it to the appropriate office or handle routine matters personally. Monitor work status of office projects and tasks. Determine necessary action in situations arising during the absence of the Commission Administrative Officer. Manage contacts with various officials in public service and the private sector and handle confidential matters. Develop, organize, and maintain filing and other information management systems for accurate and effective data recording, storage, retrieval, and use.
- Assist in the preparation of ordinances, resolutions, briefing memorandums, and other actions for the weekly County Commission agenda. Coordinate with department heads, outside agencies, and other persons to gather appropriate material for review and formal action by County Commission.
- Prepare the agenda, public packet, commissioner share file, and all necessary documents for weekly commission meetings. Distribute and post agenda. Prepare commission room for Commission meeting. Coordinate Commission Chair signatures on required documents. Serve as a resource to the Commissioners on agenda items.
- Monitor legislative and administrative trends and provide updates to Commissioners, department heads, and staff.
- Assist in managing an effective public and media relations program to communicate County policy and information to the community, local businesses, and outside government agencies via press releases and social media.
- Facilitate project management to ensure projects are completed timely and in accordance with guidelines. Collaborate and communicate effectively with project stakeholders and outside vendors. Assist in the development of proposals, project requirements, progress reports, documentation, and presentations. Develop and revise project management plans and budgets,

analyze project options and obstacles, and make recommendations for resolving complex issues.

- Support the Commission Administrative Officer in analyzing policy and County initiatives to resolve administrative and fiscal issues. Conduct cost comparison studies to provide the Commission with information for decision-making processes.
- Assist in the review and preparation of County contracts for goods and services; monitor annual contract renewals and updates; and advise the Commission on the potential impact of contract provisions and recommendations.
- Assist the Commission Administrative Officer with researching federal, State and local grant opportunities for the county as well as collect data and information necessary to prepare grant applications.
- Act in the absence of the Commission Administrative Officer by representing the commission office at meetings and providing direction to staff as needed. Coordinate and collaborate with department heads; local, state, and federal agencies; and the public.
- Manage the Commission Administrative Officer calendar as well as handle administrative projects or tasks as needed.

Preferred Qualifications

Five years of increasingly responsible experience in public administration, project management, or a closely related field. Master's degree in public administration, business administration, or a closely related field. Knowledge of project management, research methods, and analytics; and financial statements and budget summaries. Knowledge of principles and practices of public administration, state laws and regulations, and departments and functions of county government. Knowledge of applicable state bid laws, county policy, and preparation, review, and writing of contract documents

Agency: Lincoln County (SD)

Address: 104 N. Main St. Canton, South Dakota, 57013

Phone: 605-764-6609

Website: <https://www.governmentjobs.com/careers/lincolncountysd>

Deputy/Senior Deputy State's Attorney – Sioux Falls

The Minnehaha County State's Attorney's Office is accepting applications for a Deputy/Senior Deputy State's Attorney to join our team of prosecutors. Minnehaha County prosecutors are an integral part of the criminal justice system closely collaborating with law enforcement, probation, parole, juvenile justice centers, and numerous community agencies. With a high-volume caseload, our office provides an intriguing challenge for attorneys who want to make a difference in their community by helping victims of crime and ensuring due process for the accused. Even our new attorneys experience the excitement of a job regularly engaged in hands-on courtroom trial work.

The hiring range is \$3,325.60 - \$3,761.60/biweekly with full earning potential up to \$4,581.60/biweekly. Minnehaha County offers a competitive benefits package including health, dental, vision, and life insurance, a generous paid time off program, extended sick leave, retirement, and an employee assistance program. For a full list of qualifications and to apply visit: [http:// jobs.minnehahacounty.gov](http://jobs.minnehahacounty.gov). Review of applications begins on November 2, 2023. EO/AA Employer. Contact HR with questions at 605-367-4337.

Deputy Public Defender – Rapid City

Position Objective:

Zealous representation of defense of indigent clients in Magistrate and Circuit Court criminal cases, appeals, and certain civil matters.

Essential Functions:

- Represent clients at all phases of the criminal justice system including initial appearances, arraignments motions hearing and trials.

This job specification should not be construed to imply that these requirements are the exclusive duties of the position. Incumbents may be required to follow any other instructions, and to perform any other related duties, as may be required.

Experience and/or Education Required:

- Professional degree (Juris Doctor) Graduation from a college of law and attainment of JD or LLB.
- 0 - 5 years of experience

- Admitted or eligible to be admitted to the South Dakota Bar Association

Working Environment:

- Most work is performed indoors in an office where noise and interruptions often occur.
- Overtime hours may be required to meet project deadlines.

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.
- Upper body strength is a requisite to lift/move a maximum of 20 lbs. unassisted; and lift/move a maximum of 50 lbs. with assistance.
- The ability to talk and hear via the telephone and through face-to-face communication is needed.

Attorney – Sioux Falls

Thompson Law, PLLC is seeking to hire an attorney who wishes to practice in the areas of estate planning, trust administration, and business law. Although experience in transactional law is preferred, training and mentorship will be provided. Both new attorneys and those with experience will be considered. Thompson Law provides a strong benefit package and competitive compensation. We pride ourselves on a flexible, family-oriented, and non-hierarchical workplace. Please send your resume and cover letter to joan@cathompsonlaw.com.

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/lmg/hr/xmlhttp/shorturl.do?key=MJ2>

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

Deputy Director

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for the Deputy Director position.

RESPONSIBILITIES: The Deputy Director assists the Executive Director in ensuring the smooth operation of Dakota Plains Legal Services. He/she will have primary responsibility for fundraising, overseeing the Human Relations functions of DPLS, staff development and training and oversight of the annual performance evaluation system. Other duties may be assigned as program needs require.

QUALIFICATIONS:

1. Admitted to practice law in the courts of at least one state and, if not already admitted to practice law by the Supreme Court of South Dakota, eligible for and applying for (1) admission to the State Bar of South Dakota without taking the South Dakota Bar Examination, per SDCL 16-16-12.1; or (2) permission to take the next scheduled South Dakota Bar Examination.
2. At least one year of experience in the practice of poverty law or Native American law with trial experience in state and federal courts or two years of experience in the general practice of law. Appellate experience preferred but not required.
3. Demonstrated interest in poverty law and sensitivity to the legal needs of low income Native American and other low-income clients
4. Strong writing skills are essential.
5. Familiarity with budgets or willing to learn.
6. Strong computer skills and a working knowledge of Word, Excel and other commonly used software.
7. Ability to work collaboratively with board and staff members.

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

CLOSING DATE: Open until filled.

APPLICATION INFORMATION: Please submit a letter of interest and resume to: Thomas S. Mortland,

Executive Director, Dakota Plains Legal Services, PO Box 489, 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 – Sioux Falls

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our Sioux Falls, South Dakota, office. The Sioux Falls office serves only Native American clients in the counties of Aurora, Beadle, Bon Homme, Brookings, Brown, Charles Mix, Clay, Codington, Day, Davison, Deuel, Douglas, Edmonds, Faulk, Hamlin, Hand, Hanson, Hutchinson, Jerauld, Kingsbury, Lake, Lincoln, Marshall, McCook, McPherson, Miner, Minnehaha, Moody, Sanborn, Spink, Turner, Union, and Yankton, South Dakota, along with the Flandreau Reservation and the Yankton 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. Staff work a 4-day work week, and 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 489, 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 – 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. Staff work a 4-day work week, and 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.

Staff Attorney – Sisseton

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 Sisseton, South Dakota office. The Sisseton office serves the counties of Grant and Roberts, along with the Sisseton Wahpeton Tribal Courts.

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. Staff work a 4-day work week, and 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 489, 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.

Attorney– Pierre

Agency: Department of Revenue - Legal Division

Location: Statewide

Salary: \$74,165.76 - \$115,796.51

Pay Grade: L1 - L3

Closing Date: Open Until Filled

This is a Full-Time 40 Hour Weekly position with the Department of Revenue. For more information on the Department of Revenue, please visit <https://dor.sd.gov/>.

Why the Department of Revenue

Innovation–We are always looking for new ways to push forward and evolve.

Professional growth–We provide new challenges for you to tackle and provide valuable trainings.

Career development–Investing in our employees' development through our onboarding, mentoring, and leadership programs.

Fit–We promote a flexible work/life balance while you do what you do best every day.

Collaboration–You have the ability to work with all divisions within the department as a member of the Legal team.

Giving back to the community–We offer opportunities to support local organizations throughout the year.

Collaboration–You have the ability to work with all divisions within the department as a member of the Legal team.

Giving back to the community–We offer opportunities to support local organizations throughout the year.

Who we want

- an attorney interested in practicing within a broad range of legal areas including, but not limited to: taxation, Indian law, motor vehicles, alcoholic beverages, tobacco, lottery, and gaming;
- a dedicated individual willing to develop the comprehensive knowledge of the Department's functions, represent the Department with strong leadership skills, and provide legal advice on a wide range of highly visible and sensitive issues;
- a highly motivated and experienced attorney with a passion for service and desire to make a difference.

What you will do

- represent the Department in administrative proceedings and state and federal court;
- prepare briefs and participate in oral arguments;

- provide legal services to all divisions with the Department;
- draft administrative rules and assist with the rule promulgation process;
- provide legal advice to the Secretary, Deputy Secretary, and Division Directors of the Department;
- draft and review contracts and requests for proposals;
- assist with reviewing, drafting, and presenting legislation;
- collaborate with other State agencies and departments.

What you need

- J.D. from an accredited law school;
- license to practice law in South Dakota or the ability to become licensed quickly;
- experience in presenting cases in administrative proceedings and state and federal court;
- knowledge of litigation practice and strategies;
- excellent written and verbal communication skills;
- ability to analyze complex technical issues, facts, evidence, and precedents to arrive at a logical interpretation;
- ability to develop and maintain strong relationships with diverse groups;
- prior experience or interest in tax law and/or Indian law, preferred.

Equally as important will be a strong work ethic and interpersonal skills, discretion, confidentiality, and a positive attitude!

If you enjoy a fast pace, working with a fun group, and are comfortable both implementing and accepting changes, you're going to enjoy this position!

Job Position Location: Pierre, preferred, but will consider other DOR office locations for experienced candidate.

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/lmg/hr/xmlhttp/shorturl.do?key=NUH>

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"

Full-Time Attorney – Cheyenne, WY

Natural Resources, Property Rights Litigation and Estate Planning law firm is seeking a full-time attorney. Candidates must have excellent legal research and writing skills with memos, briefs and opinion letters in areas related to Federal and State Natural Resource Law and Private Property rights. Participation and review of contracts and Surface Use Negotiation on behalf of private property owners related to pipelines, transmission lines, and other types of energy development. Estate Planning research primarily relating to ranch properties. Please send cover letter of interest, resume, law school transcript, writing sample and references to Budd-Falen Law Offices, LLC., PO Box 346, Cheyenne, WY 82003 or email to karen@buddfalen.com. Questions may be directed to Karen Budd-Falen, (307) 632-5105. Starting date negotiable. Salary based on experience.

Attorney – Pipestone, MN

Full-time attorney position with the Pipestone County Attorney's Office and O'Neill, O'Neill & Barduson law firm. This is a dual government-private practice position; the attorney will be employed by both the Pipestone County Attorney's Office and O'Neill, O'Neill & Barduson.

As Assistant Pipestone County Attorney, duties will include prosecution of adult criminal cases and juvenile delinquency cases, handling child protection cases, civil commitments, and child support matters. As an associate attorney with the law firm, the attorney will be practicing in the areas of estate planning and real estate, with potential to expand to other non-litigation civil practice. This is a unique opportunity to gain government courtroom experience while simultaneously gaining valuable private practice experience with potential rapid advancement.

County benefits include health, dental, and vision coverage, Public Employee Retirement (PERA), life insurance, elective long-term and short-term care, and Health Savings Account Contribution. O'Neill, O'Neill & Barduson benefits include sick leave, paid time off, and enrollment in a profit-sharing program. This position is eligible for Public Service Loan Forgiveness. Minimum beginning annual salary of \$75,000 or more depending on experience.

We are looking for someone who wants to live in Southwest Minnesota, just 50 miles from Sioux Falls, SD. Email resume and references to office@ooblawfirm.com.

HIRING?

*Find out how you can post
your open positions here!*

Email: tracie.bradford@sdbar.net

UPCOMING EVENTS

NOVEMBER 1, 2023

BAR COMMISSION MEETING

Zoom

NOVEMBER 14, 2023

NOVEMBER LAW FOR LUNCH - THE CONSEQUENCES OF FIDUCIARY BREACHES OF DUTY

Zoom

DECEMBER 19, 2023

DECEMBER LAW FOR LUNCH - CYBERSECURITY

Zoom

JANUARY 3, 2024

BAR COMMISSION MEETING

Zoom

JANUARY 4 - 5, 2024

DISCIPLINARY BOARD MEETING

Pierre

JANUARY 16, 2024

JANUARY LAW FOR LUNCH - TAX UPDATE

Zoom

FEBRUARY 20, 2024

FEBRUARY LAW FOR LUNCH - ORGANIZATION

Zoom

MARCH 19, 2024

MARCH LAW FOR LUNCH - INDIAN LAW

Zoom

LAWPAY[®]

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 50,000 law firms, 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

YOUR FIRM LOGO HERE

Trust Payment
IOLTA Deposit

New Case Reference

**** * 9995

TOTAL: \$1,500.00

VISA



POWERED BY
LAWPAY

eCheck

DISCOVER

PAY ATTORNEY

**PAYMENT
RECEIVED**



Get started at
lawpay.com/sbsd
866-730-4140

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

LawPay is a registered agent of Synovus Bank, Columbus,
GA., and Fifth Third Bank, N.A., Cincinnati, OH.