

State Bar of South Dakota

*September 2023
Newsletter*

Estate Planning



Nuggets & Planning Tips CLE

Page 16

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

September 2023 *Newsletter* Issue 9

- 4 President's Corner
Heather Lammers Bogard
 - 6 Young Lawyers News
Kelsey Blair
 - 10 Dean's List: News From the Law School
Neil Fulton
 - 32 Why Documenting What You're Not Retained To Do Can Be Important Too
ALPS Risk Manager Mark Bassingthwaite
 - 36 Participating in South Dakota Free Legal Answers OR Can a Gen X Attorney
Successfully Provide "Virtual" Pro Bono Legal Advice?
Erika S. Olson
-

- 8 Fellows of the South Dakota Bar Foundation
- 12 A2J Superheroes
- 14 General Announcements
- 24 Public Sector Highlights
- 29 South Dakota Bar Foundation Grants Awarded 2023-2024
- 34 Sand Creek EAP Expanded Benefits
- 40 Memoriam
- 42 July Board of Bar Commission Meeting Minutes
- 46 Clio - Recognized By All 50 State Bar Associations
- 48 Recently adopted Supreme Court Rule 23-17
- 50 Career Center
- 73 Upcoming Events

PRESIDENT'S CORNER



Heather Lammers Bogard

A highlight of August was attending the ABA and National Council of Bar Presidents annual meeting in Denver. Julie Dvorak and I, along with many of the Bar staff, attended several informative seminars. Topics ranged from Artificial Intelligence to Diversity, Equity and Inclusion. If any member desires to know more specifically the topics or to review the materials, please contact me. Most enlightening to me was the seminar regarding AI. For those hesitant to consider AI, the repeated quote was, "AI will not replace lawyers, but lawyers who use AI will replace lawyers who don't." Of course, AI is merely a tool and not a replacement for our minds as lawyers. We were reminded that any AI product must be examined for accuracy and relevancy.

We had a very proud South Dakota moment at the ABA Young Lawyers Division Assembly, witnessing the passing of the gavel to Tamara Nash as the new President of the ABA Young Lawyers Division. Her speech to the assembly was uplifting and encouraging. She has terrific passion and will have a productive, meaningful year ahead. This was also the last ABA Annual Meeting with Dick Travis as the ABA SD delegate, as Sarah Theophilus will be taking his place. Dick is a legend, serving many years as our ABA delegate, and I thank him for his commitment. Sarah's move means there is an opening for the ABA State Bar Delegate position, which is advertised elsewhere in this Newsletter.

On the home front, I was honored to be invited by Dean Neil Fulton to speak to the first year class at USD Knudson School of Law during orientation. Dean Fulton has been truly amazing, attracting more students every year to our state's law school. I enjoyed being a part of the students' excitement (and, of course, noted some anxiety) starting their first year of law school. I took the

opportunity to remind them that acting with civility starts now, as they are the future of our profession.

Beth Overmoe and I also met with all of the chairs of the committees and sections of our Bar in August. The goals these chairs have planned for the next year is impressive, as is Beth's continued assistance to all the committees. Of note, the Nuts & Bolts CLE in Pierre scheduled for September 29, 2023 (the same day as the State-wide Swearing In ceremony), presented by the Young Lawyers Section of our Bar, will have a panel discussing civility. I am thrilled and encourage you all to attend.

To make sure I covered another section of our great State, I attended the Glacial Lakes Bar Social in Lake City at Roy Lake. The lawyers and judges in attendance could easily present a seminar on civility. There were many great war stories and even more laughs. I was thankful to attend and thank the Nielsens for their hospitality.

Last but certainly not least, September is National Suicide Prevention and Awareness Month. Unfortunately, most of us know someone who has been impacted directly or indirectly by suicide. If you or someone you know has thoughts of suicide, the national hotline number is 988. We also have available Lawyers Concerned for Lawyers, a confidential and independent resource for lawyers, law students, and our families. Call Becky Porter at 605.391.5191. You can also call Sand Creek Employee Assistance Program at their confidential crisis line: 1.888.243.5744. As we may be unaware of what others may be facing, please treat people with civility and compassion.

PRESS RELEASE
For Immediate Release

**South Dakota Young Lawyer Tamara Nash Elected to Serve the
American Bar Association Young Lawyers Division**

[SOUTH DAKOTA, 8/25/2023] — The legal community of South Dakota celebrates a significant milestone as Tamara Nash, a talented and dedicated young lawyer hailing from the state, has been elected to serve as Chair in the American Bar Association Young Lawyers Division (ABA YLD). This achievement marks a proud moment for both Tamara and the legal professionals of South Dakota.



Tamara Nash's commitment to the legal profession has earned her recognition within and beyond the state's borders. Her election to the leadership role in the ABA YLD highlights her dedication to advancing the legal field and promoting the interests of young lawyers across the nation.

As a South Dakota lawyer, Tamara has demonstrated exceptional capabilities, often going above and beyond. Tamara's election to the ABA YLD is a testament to her outstanding character, unwavering dedication to the legal profession, and remarkable potential to contribute positively to the legal landscape. South Dakota proudly celebrates Tamara's achievement as she embarks on this new and impactful journey within the national legal community.

Tamara's colleagues and mentors in South Dakota express their utmost confidence in her ability to make a meaningful difference and believe that her leadership will inspire and influence young lawyers and law students back home in South Dakota.

For media inquiries, please contact:
Paul Cremer
Executive Director, State Bar of South Dakota
(605) 224-7554



STATE BAR OF SOUTH DAKOTA
Younge Lawyers Section

Kelsey Blair
YLS President



September marks one of the busiest times of the year for the Young Lawyers Section. This month, we are hard at work putting on the Nuts & Bolts CLE and the Statewide Swearing-In Ceremony. Both events will be held in Pierre on September 29.

We are very excited to announce the line-up for the Nuts & Bolts CLE (please see the detailed schedule in this month's newsletter). Chelsea Wenzel, Rachelle Norberg, Rebecca Ronayne, and Stacia Jackson, along with Bar staff, have worked hard to put together a great group of presenters on a wide array of topics. There will be an overview of civil legal aid in South Dakota, a small-town spotlight that will discuss navigating the purchase and sale of a law practice and what it's really like to make the move to rural practice, tips for civil litigation, how to avoid the discipline process, and a panel discussion on civility in the practice of law. Please register and attend if you're able! You can register on the State Bar webpage.

The Statewide Swearing-In Ceremony will follow the Nuts & Bolts CLE. The Swearing-In Ceremony is a fantastic tradition and a great opportunity for new bar admittees to be sworn in by Chief Justice Jensen. The ceremony is held in the Rotunda of our beautiful State Capitol. There will be an opportunity for all who are being sworn in to have a professional picture taken with the Chief Justice. We would love to have a great showing from our current bar members to support these new attorneys as they embark on their careers in the law. There will also be a reception to follow at the

Missouri River Event Center; the reception is open to all bar members, law students, and family members, and friends. If you're able, please come and congratulate our newest admittees!

I also want to mention the South Dakota Law Review Symposium on Rural Lawyers being held at the University of South Dakota Knudson School of Law on September 21-22. There are several excellent presentations and panels planned. One of our YLS Board Members, Rachelle Norberg, will be speaking on the "10 Year History of South Dakota Project Rural Practice Panel". The First Circuit is also hosting their Young Lawyer mixer during the Symposium. The name may be deceiving, but Young Lawyer mixers are open to all attorneys and law students. I would encourage anyone who is able and interested to register and attend both the Symposium and the mixer. It will be a wonderful opportunity to learn and network with legal colleagues and law students.

I hope you all have a fun and eventful September and look forward to seeing many of you at these events!



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.**

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

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.

DEAN'S LIST : NEWS FROM THE LAW SCHOOL



The South Dakota Law Review symposium highlights the law school year. The symposium has a long-standing tradition of bringing together legal practitioners and scholars to discuss important legal issues with unique importance to South Dakota. This year is no exception.

On September 21st and 22nd, the South Dakota Law Review will hold its symposium assessing the ten-year anniversary of Project Rural Practice. PRP was and remains a cooperative initiative between the UJS, State Bar, and local governments to attract more attorneys to rural areas. Over time, it has drawn more than 30 lawyers to commit to five years of service in a rural community—more than 20 in their communities. The Symposium will explore PRP and many aspects of legal services delivery. However, the Symposium will not be the Law School's last word on the topic. Professor Hannah Haksgaard, who has become a nationally recognized scholar on rural legal services, is currently writing a book about Project Rural Practice and the experiences of its participants. So, the discussion of this important topic will continue.

All are welcome at the symposium. To share more details, I've invited Symposium Editors Taylor Bushelle and Trevor Case as guest columnists this month.

South Dakota Law Review's Rural Lawyer Symposium: Celebrating 10 Years of Project Rural Practice *September 21-22, Vermillion, South Dakota*

The South Dakota Law Review is proud to announce its Symposium on Rural Lawyers, marking the tenth anniversary of South Dakota's Project Rural Practice.

Taking place on September 21-22 in Vermillion, this symposium will provide a great opportunity to discuss the vital role of rural attorneys in our legal system, explore an array of topics that are central to rural practice, and hear from experts and practitioners engaged with rural practice. We will also have a celebration dinner on the evening of Thursday, September 21, to celebrate the tenth anniversary of Project Rural Practice and rural attorneys.

As we celebrate this milestone for Project Rural Practice, it is essential to reflect on the accomplishments and challenges that have shaped the legal landscape of rural America. This symposium will feature a comprehensive look back at PRP's formation, evolution, and impact on legal services in rural communities. Panelists will discuss the innovative strategies that have been employed to attract and retain talented legal professionals in small towns, fostering a more vibrant and equitable justice system for all.

The symposium boasts a diverse lineup of speakers, each bringing a unique perspective to the table. South Dakota State Supreme Court Chief Justice Jensen will deliver the keynote address. Panels will then discuss many aspects of rural practice, allowing attendees will hear about the challenges and opportunities of legal practice in rural areas. Throughout the symposium, discussions will offer insights into the daily lives of attorneys in the rural communities of South Dakota.

In an era of data-driven decision-making, understanding the statistical underpinnings of rural legal practice is crucial. The symposium will feature sessions that

present compelling data and research related to rural legal practice and rural communities. By examining trends and outcomes, attendees will gain a deeper understanding of the role rural attorneys play in shaping the social and economic fabric of their communities. Furthermore, legal experts will share strategies and discuss some of the challenges rural attorneys face to sustain their professional integrity while addressing the unique needs of rural clients and communities.

A central aspect of the symposium is the opportunity to hear directly from rural attorneys themselves. These practitioners will share personal anecdotes, challenges, and achievements from their journey. Their firsthand accounts will offer great insight into the realities of rural legal practice and the profound difference that committed attorneys can make in the lives of their clients and neighbors. Lastly, the symposium will showcase scholarly contributions that shed light on the nuances and complexities of rural law practices.

The symposium has been approved for 9.5 hours of CLE credit in Nebraska, 9.5 hours of CLE credit in Iowa, and 5.75 hours of CLE credit in Minnesota. Each state has also approved 1 hour of Ethics CLE credit for our Rural Professional Responsibility Panel on Friday, September 22, from 8:15-9:15 a.m.

The South Dakota Law Review's Rural Attorney Symposium promises to be a great event that brings together legal professionals, scholars, and community members to celebrate the achievements of the past decade and envision a brighter future for rural practice and justice. Join us on September 21-22 in Vermillion, South Dakota, as we collectively contribute to the ongoing dialogue about the importance of rural attorneys and their critical role in ensuring access to justice for all.

While attendance is not limited to lawyers and law students, the Law Review would like to invite all members of the South Dakota Bar to this free event. We especially encourage those practicing in rural areas to attend. If you cannot attend in person, we will have a virtual option available on our website. For more information, the schedule of events, and to register for the symposium, please visit our website [here](#) or at the QR code provided. We look forward to seeing many of you at this year's symposium.



SAVE THE DATE

FALL OCI DATES:

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

The "Stay in South Dakota" Career Fair will be held in conjunction with the Law Review Symposium on Rural Lawyers. Please register for the Career Fair via this [link](#). Contact Teramie Hill at Teramie.Hill@usd.edu for more information on these events or to register for OCIs.





JUSTICE SQUAD

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

CALE FIERRO
LAURA HAUSER
EMILY MAURICE
KYLIE RIGGINS

Special Thanks to:

JOSEPH HOGUE
STEVE HUFF
MARWIN SMITH
JAMES TAYLOR

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



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

imgflip.com

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

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



UNIVERSITY OF
SOUTH DAKOTA

SOUTH DAKOTA LAW REVIEW SYMPOSIUM ON RURAL LAWYERS

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

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

Thursday, September 21st:

9:00 a.m. – 9:05 a.m.: Welcome

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

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

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

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

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

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

Friday, September 22nd:

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

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

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

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

1:00 p.m.: Rural Career Fair

*Register
Here*

ANNOUNCEMENTS

Evans, Haigh & Arndt, L.L.P.
is pleased to announce that

Tyler A. Bradley
joined the firm as an associate attorney
in August, 2023.

Evans, Haigh & Arndt, L.L.P.
225 E. 11th Street, Suite 201
P. O. Box 2790
Sioux Falls, SD 57101

Telephone: (605) 906-8915
Facsimile: (605) 275-9602

tbradley@ehalawyers.com

www.ehalawyers.com

Davenport, Evans, Hurwitz & Smith, LLP
is pleased to announce that

Alex J. Hoffman
&

Pedro N. Assis
have joined the firm as associate attorneys.

Davenport, Evans, Hurwitz & Smith, LLP
206 West 14th Street, → P.O. Box 1030
Sioux Falls, SD 57101-1030

Telephone: (605) 336-2880
Facsimile: (605) 335-3639

www.dehs.com

ahoffman@dehs.com
passis@dehs.com

ABA State Bar Delegate Vacancy

The South Dakota State Bar delegate position to the ABA House of Delegates, previously held by Sarah Sharp Theophilus, is now vacant. Any member of the State Bar of South Dakota who wishes to be considered for this position should submit their name and letter of interest to the State Bar of South Dakota via email at info@sdbar.net by September 29, 2023.

Watertown Area Barrister's Social

Schoenbeck Home | 419 54th Street S.W.
Watertown, South Dakota

Tuesday, September 5, 2023
5:00 p.m. – 8:00 p.m.

Special Guests:

Chief Justice Steven Jensen

Retired Chief Justice David Gilbertson

USD Law School Dean Neil Fulton



*Appetizers, wine,
beer, and soda
will be available
– if you prefer
something else,
you'll have to
bring it.*

Please RSVP by August 28th to:
lee@schoenbecklaw.com
joe@schoenbecklaw.com or
Schoenbeck & Erickson, PC: 605-886-0010

Estate Planning Nuggets and Planning Tips Fall 2023

Chair,
Joe Dylla

Presented by Martin M. Shenkman

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

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

September 8 2023
The Country Club of Sioux Falls



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

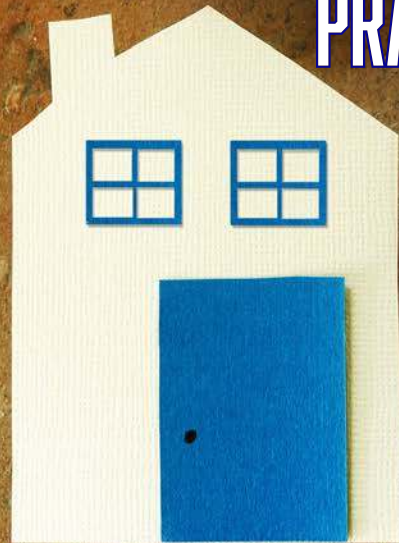
September

LAW FOR LUNCH

MEDICAID

**EXPANSION FOR LEGAL
PRACTITIONERS**

Register
HERE



Join us for a presentation on How Changes
to Medicaid Eligibility Affect Your Clients

Presenter:

Taneeza Islam

SEPTEMBER 19, 2023

12:30 PM - 1:30 PM (CDT)

ZOOM



VETERANS LEGAL EDUCATION GROUP

The University of South Dakota Knudson School of Law student organization Veterans Legal Education Group (VLEG) will be hosting its Fall Veterans drop-in legal clinic on Friday, September 15, 2023. We are requesting assistance from local attorneys to help with the clinic. Any portion of time that you are able to provide assistance is greatly appreciated. Please contact VLEG President, Connor Hickman at VLEG@usd.edu with any questions or to sign-up. VLEG hosts several clinics each year, providing critical services to veterans and their families. Previous clinics have provided services including trusts, wills, adoption matters, civil, and criminal matters. The VLEG clinic allows USD law students to participate in the intake process and then observe licensed attorneys as they meet with the veteran participant. The VLEG clinics are phenomenal opportunities to serve our veteran communities and also provide a tangible opportunities for law students to observe practicing attorneys and gain hands-on experience. If you are able to volunteer (or know of another attorney who can), we welcome your participation!

FREE DROP-IN LEGAL CLINIC



UNIVERSITY OF
SOUTH DAKOTA
KNUDSON SCHOOL OF LAW

JOIN THE UNIVERSITY OF SOUTH DAKOTA KNUDSON
SCHOOL OF LAW'S VETERANS LEGAL EDUCATION
GROUP (VLEG) FOR A FREE LEGAL CLINIC!



FRIDAY
SEPTEMBER 15, 2023
10:00AM-6:00PM

RUSHMORE VFW POST 1273
420 MAIN STREET
RAPID CITY, SD 57001

Legal professionals, along with law students, will be on site to address and support the Military community (and their families) with legal questions and needs!

**FREE FOR ALL SERVICE MEMBERS, THEIR FAMILIES, AND
VETERANS!**

**Please plan ahead to reserve a time slot as space and availability is
limited.**

To reserve an hour time slot, please contact the USD Knudson School of
Law Veteran's Legal Education Group at:

605-658-3547, vleg@usd.edu, or sign-up [here](#)

Event Contact:

USD Law Veterans Legal Education Group
605-658-3547 or VLEG@usd.edu



NUTS AND BOLTS

SEPTEMBER 29, 2023
9:00 AM - 1:45 PM
MISSOURI AVENUE EVENT CENTER
217 W MISSOURI AVENUE
PIERRE, SOUTH DAKOTA

#NUTSANDBOLTS

REGISTER
HERE

8:30AM- Registration Begins

9:00AM-9:05AM- Opening Remarks

9:05AM-9:35AM- Overview of Civil Legal Aid in South Dakota and How to Get Involved with Lea Wroblewski

9:35AM-10:50AM-Small Town Spotlights:

- Herb Sundahl and Amy Jo Janssen: Navigating the Purchase and Sale of a Law Practice
- Shane Penfield: Making the Move to Rural Practice—The Good, the Bad, and the Ugly

10:35AM-10:45AM- Break

11:00AM-11:35AM- Top 10 Tips for Civil Litigation with John Burke

11:35AM-12:20PM- The Discipline Process and Practical Tips to Avoiding It with John Burke

12:20PM-12:30PM- Lunch Served

12:30PM-1:30PM- Civility in the Practice of Law (Panel) with 7th Circuit Presiding Judge Craig Pfieffe, Pennington County State's Attorney Lara Roetzel, Director of the Pennington County Public Defender Eric Witcher

1:30PM-1:45PM- Closing Remarks and Surveys

Statewide Swearing-In Ceremony

September 29, 2023

3:00PM CST

CAPITOL ROTUNDA
PIERRE, SOUTH DAKOTA

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

Reception to follow at the Missouri Avenue Event Center

CORPORATE **TRANSPARENCY** ACT

and more...

October 20, 2023

8:30AM – 11:30AM

Minnehaha Country Club
Sioux Falls, SD

Learn Jury Selection From a Master!

with S. Rafe Forman

Rafe is married for 34 years with two daughters that he adores. He is a partner in Hutchison & Foreman PLLC and has over thirty-four years' experience practicing law: criminal defense, trial specialist, plaintiff's personal injury, malpractice, civil rights, employment, discrimination, wrongful death, excessive force. Thirty-one years teaching and educating experience. Law School Professor teaching Evidence, Voir Dire, Trial Advocacy, Trial Teams and Mastery of Advocacy. He holds an undergraduate degree from Texas A&M University and a law degree from Texas Tech University School of Law. Rafe is passionate about rectifying discrimination and has a few jury trials left in him yet. Parkinson's may be his condition but it's not his story.



 **October 13-14**

 **USD Knudson School of Law**

 **CLE credits available**

A reception at the USD Coyotes home football game at the Dakota Dome will follow Saturday's event.

Kickoff is at 1 PM.

Registration information to follow.

Contact law@usd.edu with questions.



2023 FALL FORUM

LAST CHANCE!

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

REGISTER TODAY!
sdtrustassociation.org

OCT 5 & 6 2023

SOUTH DAKOTA TRUST ASSOCIATION

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



SAVE THE DATE

2024 Annual Convention

June 12 - 14, 2024

Ramkota Hotel & Convention Center

Pierre, South Dakota

HIGHLIGHTS**SEPTEMBER 2023**2023-2024 OfficersJohn Richter
*President*Nolan Welker
*Vice President*Kinsley Groote
*Secretary/Treasurer*Megan Borchert
*Board*Carla Cushman
*Board*Lisa Marso
*Board*Dave Pfeifle
*Board***South Dakota Supreme Court Reception**

Last month our Highlights talked about the importance of the cross-pollination of ideas and collaboration. Building upon that, the Public Sector Section will be partnering with the S.D. Defense Lawyers to provide a reception for the S.D. Supreme Court during their fall term at the law school. Because over one hundred law students typically attend, this will provide a great opportunity to get some additional exposure for the Public Sector Section and strengthen our relationships with the Defense Lawyers and Judiciary. **If you are interested in attending, the event will be held October 4th at Valiant Vineyards in Vermillion, South Dakota.**

Public Sector Hall of Fame

The Public Sector Board approved the creation of a Public Sector Hall of Fame where the goal would be to recognize those attorneys who have served the Public Sector in South Dakota for 20 years or more; or made a significant legal impact that benefited the Public Sector. In other words, the goal would be to paint a picture of those who contributed to the fabric of the Public Sector Section and tell their story (not just one or two). We are still ironing out the details but are very excited about this project! Stay tuned!!

COLLABORATION
**Public Sector
Defense Lawyers
Judiciary
Law Students**
Active! Engaged! Leaders!

PUBLIC SERVANT SPOTLIGHT

The Public Sector
Section and
Administrative Law
Committee invite you
to join us on October
10, 2023 at 2:00 p.m.,
CT, via Zoom:

<https://us02web.zoom.us/j/87119312592?pwd=Uyt2WE1hU0lQcnNoTzU5M2dWWXlnUT09>



"Policy works best when you work it through with all the people who are going to be involved."

***SOUTH DAKOTA HOUSE
MAJORITY LEADER***

This Spotlight will feature South Dakota Representative Will Mortenson who has agreed to visit with us about what it's like to lead South Dakota's largest legislative body and the importance of public service – you don't want to miss this one!!

Will Mortenson



October 5-6, 2023 • Sioux Falls Convention Center

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

Conference Highlights

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

Breakout Sessions Include

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



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

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



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

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



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

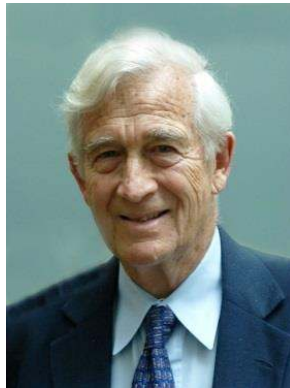
A presentation on how to identify your why and ways to protect it. We are in a world where people constantly judge and attack our purpose and it burns us out. Through humor and motivation, I share personal stories that will be relatable to you in your current position.

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

SDCCPM.com/Conference

MEDIATOR TRAINING

CALKINS ACADEMY OF DISPUTE RESOLUTION



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

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

Curriculum:

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

Case materials:

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

Faculty:

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

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

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

PRESS RELEASE

For Immediate Release: Aug. 7, 2023

Contact: Alisa Bousa, Public Information Officer | Alisa.Bousa@ujs.state.sd.us | 605.773.2031

South Dakota State Court Administrator Greg Sattizahn to Lead National Organization for State Court Administrators

PIERRE, S.D.— South Dakota State Court Administrator Greg Sattizahn was elected president of the Conference of State Court Administrators (COSCA). Sattizahn assumed the position's one-year term on Aug. 2, 2023, following the group's annual conference in New York City.

Sattizahn has served as state court administrator for the South Dakota Unified Judicial System (UJS) since 2013. He previously held positions with the UJS as the director of policy and legal services and legal and legislative counsel. Sattizahn also served as a law clerk and staff attorney for the South Dakota Supreme Court and was engaged in private law practice. He earned his undergraduate degree from Iowa State University and juris doctor from the University of South Dakota School of Law.

"The UJS is proud of the work Greg has done here in South Dakota the last 10 years as state court administrator," said South Dakota Supreme Court Chief Justice Steven R. Jensen. "His accomplishments in that position and his professionalism have earned him the respect of his colleagues across the country as evidenced by his election to lead COSCA. We are lucky to have him here in South Dakota."

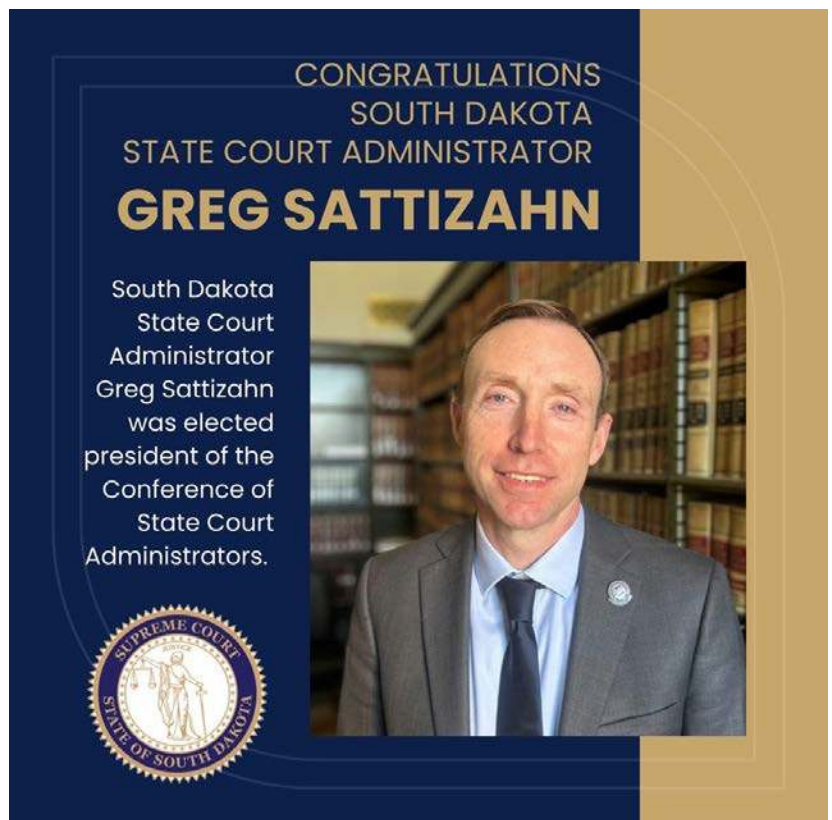
"State court administrators play an important role in keeping the courthouse doors open for business," said Mary C. McQueen, president of the National Center for State Courts. "We look forward to Greg's leadership as we work to expand access to justice in rural America."

COSCA is comprised of the chief executives of the court systems in each state, the District of Columbia and the U.S. territories. The conference exists to strengthen the judicial branch by improving the quality of state courts and increasing the public's trust and confidence in the justice system. It also works closely with the Conference of Chief Justices on issues of mutual interest.

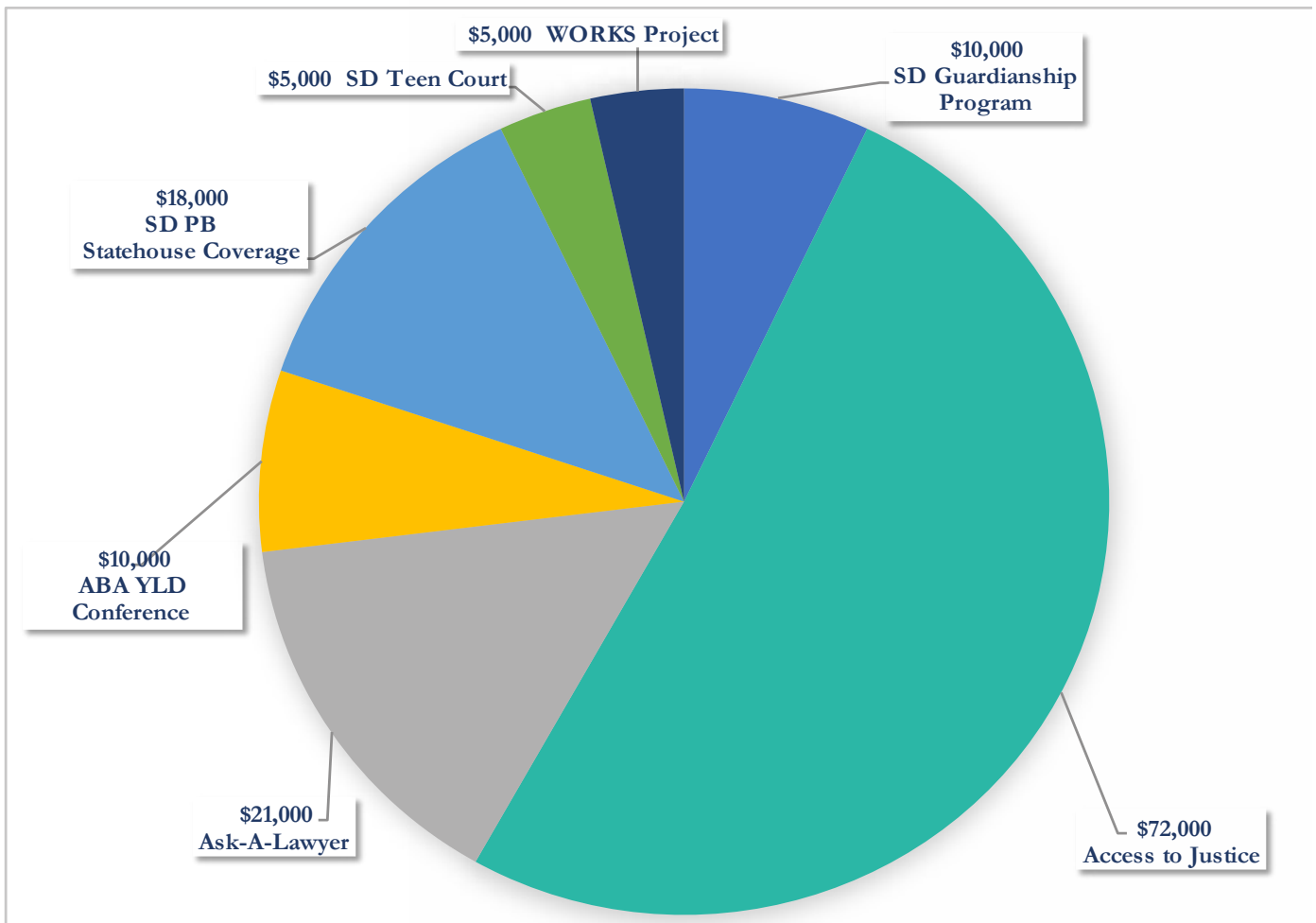
—30—

About South Dakota Courts: The Unified Judicial System (UJS) consists of the Supreme Court, Circuit Courts and State Court

Administrator's Office. The Supreme Court is the state's highest court and final decision maker on South Dakota law. The Circuit Courts are the state's trial courts where criminal proceedings and civil litigation are handled. The State Court Administrator's Office provides centralized administrative assistance and support services for the South Dakota judiciary. Learn more at <https://ujs.sd.gov>.



South Dakota Bar Foundation Grants Awarded – 2023/24



This fiscal year the Bar Foundation is supporting -

- [Access to Justice](#), the State Bar of South Dakota's Pro Bono Program - \$72,000
- [Young Lawyers Division Conference](#) – SD Bar Member Tamara Nash was elected Chair of the ABA Young Lawyers Division for the 2023-2024 bar year. The Bar Foundation awarded a grant to support programming and events at the YLD spring conference in Omaha from May 15-19, 2024- \$10,000
- [Ask-A-Lawyer Program](#) - \$21,000
- [South Dakota Public Broadcasting](#) - Statehouse Coverage - \$18,000
- [WORKS Project](#) - Divorce form assistance and mediation aid for income eligible participants (offers free assistance to self-represented individuals and couples statewide, who are filing for divorce using UJS Divorce Forms) - \$12,780
- [The South Dakota Guardianship Program](#) - provides guardianship and conservatorship services to adults in SD with disabilities who have no family members willing or able to care for them - \$10,000
- [South Dakota Teen Court](#) - \$5,000

The Bar Foundation also helps support the [Rural Attorney Recruitment Program](#).

LAW OFFICES OF
BENNETT MAIN GUBBRUD & WILLERT, P.C.
A PROFESSIONAL CORPORATION
618 STATE STREET
BELLE FOURCHE, SOUTH DAKOTA 57717
TEL (605) 892-2011
Email: bellelaw@bellelaw.com

MAX MAIN, Associate Emeritus*

DWIGHT A. GUBBRUD*

*LICENSED in SOUTH DAKOTA and WYOMING

Est. 1908

KELLEN B. WILLERT**

**LICENSED in SOUTH DAKOTA, WYOMING and COLORADO

July 31, 2023

VIA E-MAIL and U.S. MAIL

paul.cremer@sdbar.net

Paul Cremer
Executive Director and Secretary-Treasurer
State Bar of South Dakota
111 W. Capitol Avenue, #1
Pierre, SD 57501

RE: The Foundation for Natural Resources and Energy Law.

Dear Paul:

The Trustees Council of The Foundation for Natural Resources and Energy Law held its Annual Meeting in Salt Lake City, Utah, on July 20, 21, & 22, 2023. I attended the meeting as Trustee for the State Bar of South Dakota. Professor Sean Kammer attended the meeting as Trustee for the Knudsen School of Law.

During the past year, the Foundation presented 22 live programs, including three Short Courses, ten Webinars, six Special Institutes, and two Seminars, in addition to the Annual Institute. The Institutes, Short Courses, and Workshops were attended by over 2,400 people.

The Foundation's Scholarship Programs awarded over \$283,000 in scholarships last year. The RMMLF Scholarship Recipient Attendance Program pays travel, accommodation, and incidental expenses for law students to attend Foundation Institutes and Short Courses. Applications for this assistance can be made through the law school Trustee. Since 1980, the Foundation's Scholarship Committees have awarded over \$4.23 million in scholarships.

The following officers were elected to serve for the coming year:

President - Jolisa Melton Dobbs, Holland & Knight LLP, Dallas, TX;
Vice President - Michael J. Bourassa, Fasken, Toronto, ON;
Secretary - Jana L. Grauberger, Liskow & Lewis, Houston TX;
Treasurer - Kathleen C. Schroder, Davis Graham & Stubbs LLP,
Denver, CO

The Annual Meeting of the Trustees Council is held during the Foundation's Annual Institute.

This year, 34 papers/topics were presented to over 700 registrants at the Annual Institute. The 2024 Annual Meeting and Institute will be held in Santa Fe, New Mexico from July 18 to 20.

If anyone wants further information, please feel free to contact me. You can also learn more about the Foundation and its many programs and publications, by visiting www.fnrel.org. It was an honor to represent the State Bar on the Foundation's Trustees Council.

Sincerely,

BENNETT MAIN GUBBRUD & WILLERT, P.C.



Dwight A. Gubbrud

DAG/ak

cc: Alex Ritchie, Executive Director, RMMLF



Why Documenting
What You're Not
Retained to Do Can
Be Important Too

by: Mark Bassingthwaighe, Esq.

In my experience, too many lawyers appear to be quite comfortable running with an assumption that their client's understanding of what the scope of representation is aligns with theirs. This is one of the reasons why I suspect trying to convince lawyers to document scope of representation on all new matters is a never-ending task. Getting buy-in on documenting what one has been retained to do is hard enough. Now, I'm going to add to this advice a recommendation that lawyers should also be thinking about documenting what one has not been retained to do. It's an uphill battle, I know; but it's a battle worth fighting. Here's an example of why.

A nonprofit regularly reaches out to a plaintiff personal injury lawyer on behalf of clients of the nonprofit. After a family member was shot and killed by police, this nonprofit retained the lawyer for the purpose of gathering as much information about the shooting as she could, to include obtaining video footage of the shooting from the police department. The purpose was to provide the nonprofit's client with information that would help the client understand what led to the shooting. While the lawyer worked with the nonprofit's client, the nonprofit paid her fee. Documentation of

the lawyer's role was minimal, consisting primarily of a few emails with both the nonprofit and its client, none of which properly addressed the issue other than to say she would take care of gathering information.

What the lawyer found out was pretty much what she expected. The fatal shooting appeared to be justified. Of course, this process wasn't something she could take care of in a few short weeks. So, while a significant amount of information had been obtained and shared with the nonprofit's client, more than a year into this effort she was still trying to obtain some additional video footage. This is when things went off the rails. While reaching out to ask about the additional video footage, the nonprofit's client also wanted to know what the recent running of the statute of limitations meant for her case. Of course, in the lawyer's mind she never agreed to pursue this claim. She viewed her role to be limited to information gathering. Unfortunately, the nonprofit's client appeared to see it differently.

After that call, the lawyer's immediate concern was how her reputation might be damaged when the nonprofit's client complains to the nonprofit. Her fear was future referrals from the nonprofit might dry up.

In my mind, I was concerned about the possibility of a grievance and/or a malpractice claim being filed.

This situation didn't need to play out the way it did. The amount of time it would have taken to document and make sure both the nonprofit and its client had a clear understanding that the scope of representation was limited to the gathering of information and explicitly didn't include taking on the responsibility of filing a claim would have been minimal.

I do understand the hassle factor here; and I will readily admit that many times running with assumptions about the scope of representation work out just fine. All I can say is this. Are you prepared to deal with the consequences when running with such an assumption proves to be the wrong call? This story isn't a one off. The failure to properly document scope misstep is one malpractice insurers regularly must address. With every new matter, take the time to clarify and document that you and your client have a mutual understanding of what your scope of representation is, and when called for, what it isn't. Five minutes really can prevent a serious headache down the road.



Authored by:
Mark Bassingthwaighe,
ALPS Risk Manager

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



Upcoming EVENTS

**SEPT
08**
2023 Fall - Estate Planning
Nuggets & planning Tips

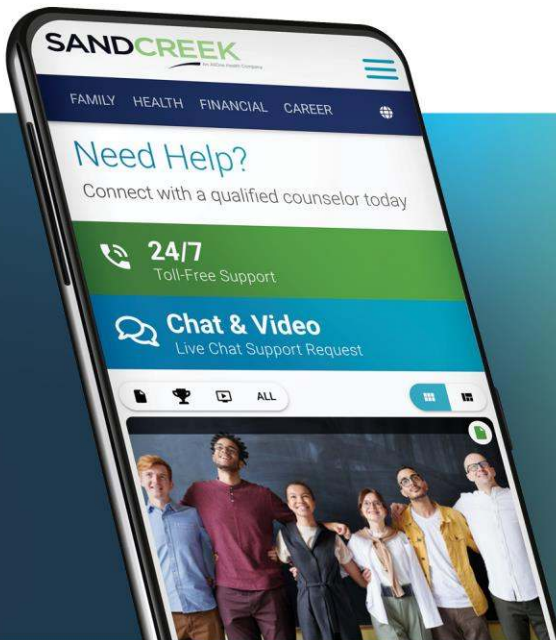
**SEPT
15**
VLEG Veterans Legal Clinic

**SEPT
19**
September Law for Lunch
Medicaid Eligibility Issues

**SEPT
21**
Rural Lawyer Symposium

**SEPT
29**
Nuts & Bolts CLE

**SEPT
29**
Statewide Swearing-In
Ceremony



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 child care and elder care referrals, legal and financial consultation, personal assistant referrals and medical advocacy consultation.

Explore Thousands of Self-Care Articles & Resources

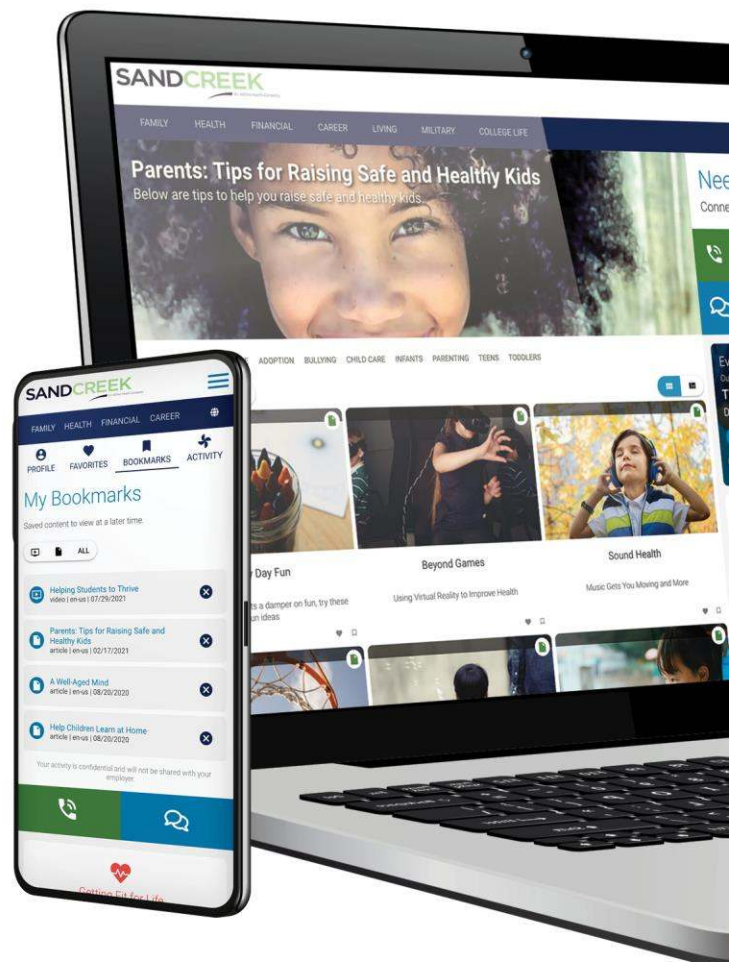
Health and lifestyle assessments, interactive checklists, soft skills courses, podcasts, resource locators, exclusive discounts, and expansive articles on whole health and well-being.

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, elder care, 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

Participating in
South Dakota Free
Legal Answers

X X X X

OR

Can a Gen X Attorney
Successfully Provide
“Virtual” Pro Bono
Legal Advice?

A TEST IN TWO
OR MORE PARTS.

BY: ERIKA S.
OLSON

Part 2.

I know I have left you hanging. On pins and needles, probably. Can she do it? For those of you who missed Part 1 of this column (or have simply forgotten because I have been so delinquent in writing this follow up), I finally signed up for sd.freelegalanswers.org, which is South Dakota's online virtual legal advice clinic and website hosted by the American Bar Association. (See the [May Newsletter](#) if you missed it.)

The answer is a bit of a letdown. Yep. I did. I provided virtual legal advice. And it was pretty easy. Once your registration has been approved, you just log in to the website and review the list of outstanding questions. You can review the parties involved to determine if you have a conflict (see May Newsletter for analysis of conflicts in this context) and select a question/matter to answer. You can see how long questions have been waiting. Once you select a question to answer, you can draft and send the answer within the platform. Using the platform for the communication does allow for follow-up questions and answers, but also limits the scope of the representation which is intended for this service. Once you have provided an answer, the website sends you a follow-up email several days later to confirm if the matter can be closed. I selected a question, did a bit of research, and drafted a reply which was sent through the website.

Over the past year of serving on the Bar Commission, I have learned more about the legal needs of the people of South Dakota which are going unmet. Our legal services programs just completed a comprehensive legal needs assessment which I encourage you all to take a look at. ([Statewide Needs Assessment | SD Law Help](#).) I also know firsthand about the stress that attorneys feel to meet their pro bono obligations while also earning a reasonable income and having some balance in their lives. The questions on the website reflect the needs of the people of South Dakota and the website provides a platform for South Dakota attorneys to provide legal services on their own schedule and with a limited scope representation, which is sometimes difficult with in-person representation. There are a lot of family law questions, but there are also a lot of questions about housing issues and others that are just unique.

The South Dakota Free Legal Answers website certainly does not take the place of the in-person pro bono services which we all provide, but I think it is a tool that we can use to help “close the gap” a little bit. I challenge you each to sign up and start by answering just one. If this Gen-Xer can do it, you can too.

You Asked, We Answered.

State Bar of South Dakota Association Healthcare Plan Now Available

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

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

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

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

Office Location	Agency	Contact
West River	Black Hills Insurance Agency & Carver Insurance	Dan Maguire, Everett Strong & Lisa Knutson

Questions on Eligibility, Rates, and Services?

Please contact the agency listed above based on your office location within the state for questions related to the Association Healthcare Plan.

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

EMPLOYER & INDIVIDUAL BENEFIT SOLUTIONS

Health | Life | Disability | Dental
Cancer/Critical Illness/Accident
Vision | Medicare Short Term Medical

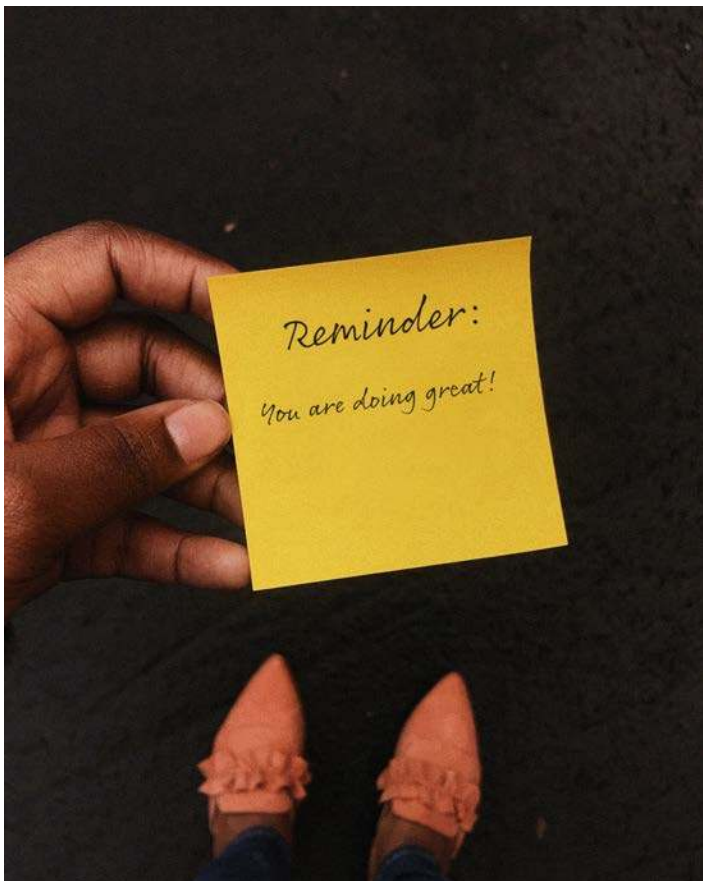
The Professionals at Midwest Employee Benefits have been carefully selected because of their industry leading experience, and offer their clients industry leading knowledge and expertise.



*Customized Insurance Plans To
Meet Your Every Need*



877-833-5433 | www.midwestemployeebenefits.com
5000 S. MacArthur Lane, Suite 103 MacArthur Square, Sioux Falls



DeRouchey Agricultural & Legal Consulting, LLC

Roger DeRouchey
700 Broad Street Alexandria, SD 57311
605-770-8080
derouchey.agconsulting@triotel.net

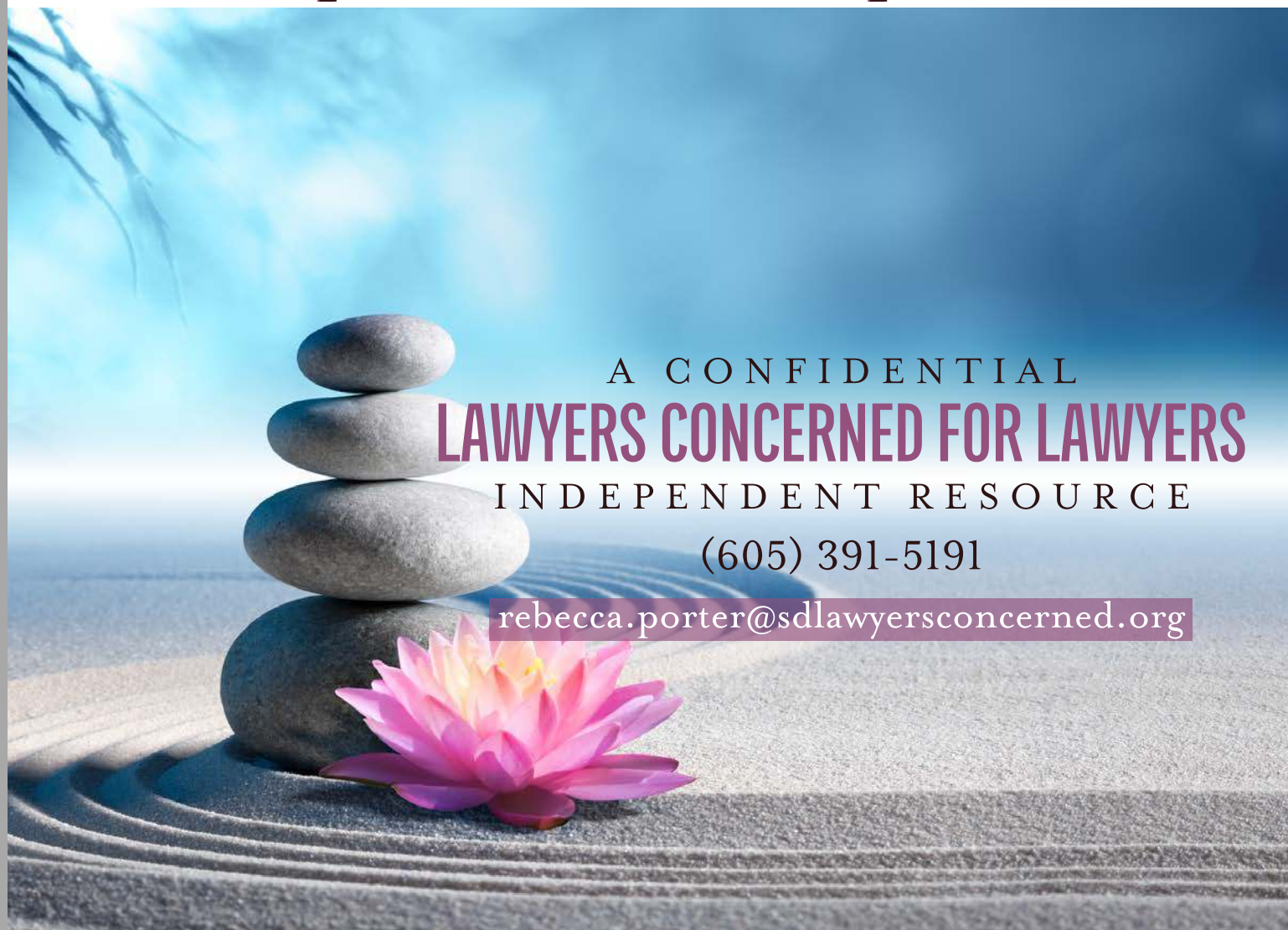


- 34 years Farm Business Instructor at Mitchell Tech
- 4 years of Ag Lending
- 9 years Research, Deposition, Testifying
- Expert witness on agricultural issues

www.deroucheyagriculturallegalconsulting.com

Attorney Health & Wellness Resources

It's okay to ask for help



A CONFIDENTIAL
LAWYERS CONCERNED FOR LAWYERS

INDEPENDENT RESOURCE

(605) 391-5191

rebecca.porter@sdlawyersconcerned.org

FREE & CONFIDENTIAL

SANDCREEK EAP™

 An AllOne Health Company

1 - 8 8 8 - 2 4 3 - 5 7 4 4

AVAILABLE 24 / 7

In Memoriam



Gene N. Lebrun
July 4, 1939 -
July 23, 2023

Gene Lebrun was born in Langdon, North Dakota on July 4th, 1939 to Jules and Marie Lebrun. He grew up working on his father's farm, along with two brothers and four sisters. He spent many hours driving farm vehicles and never lost his love of driving.

First grade was in a one-room country school. In Gene's second grade, the Lebrun children transferred to St. Alphonsus School in Langdon, where Gene graduated from high school in 1957. In high school he was active in the Student Council (President), the school yearbook (co-editor) Future Farmers of America (Reporter), varsity basketball, and other activities.

Gene attended St. John's University in Collegeville, Minnesota, graduating with a BA degree in political science and a minor in history in 1961. While at St. John's he joined the Young Democrats becoming President during the 1960 -1961 school year.

After graduating from St. John's in 1961 Gene went to work for the Social Security Administration in Sioux City, Iowa. He returned to North Dakota to assist in the fall harvest before beginning law school at the University of North Dakota.

Gene graduated with a J.D. degree from the UND School of Law in 1964. While in law school Gene wrote for the Law Review and represented UND in the First Appellate Moot Court Competition and the National Law Students Annual Meeting in San Francisco.

Gene and Pat Olson were married in 1963 in Langdon, North Dakota and moved to Rapid City, South Dakota in 1964, where their two sons Mike (in 1967) and Ken (in 1969) were born.

Gene joined the law firm of Whiting, Lynn, Jackson &

Shultz, now Lynn, Jackson, Shultz & Lebrun, P.C., where he practiced law until his retirement.

Gene spent his forty-eight years in the general practice of law primarily engaged in representing business clients and advising on intellectual property matters, educational law and utility law. He was a member of the American Bar Association, the American Board of Trial Advocates, the Fellows of the American Bar Foundation, the American Law Institute, and the National Conference of Commissioners on Uniform State Laws.

Gene was elected to the South Dakota House of Representatives in the fall of 1970. After being re-elected in 1972, he was elected Speaker of the House, one of the youngest Speakers in the country. The 1973-1974 Sessions had an equal number of Democrats and Republicans in the State House with Representative (now Judge) Larry Piersol as the Democratic Leader and Representative Joe Barnett as the Republican Leader. Cooperation, coordination, and negotiated compromises were the order of the day.

Major legislation passed when Gene was Speaker included the creation of the South Dakota Investment Council, the South Dakota Environmental Protection Act, and the Unified Judicial System. The legislature also passed the Equal Rights Amendment which was rescinded in 1979. Transparency reforms that are still celebrated today were also enacted during Gene's tenure. In 1976 Governor Richard Kneip appointed Gene to the Uniform Laws Commission (ULC), a renowned national organization dedicated to promoting uniformity among state laws. He remained a South Dakota Commissioner until his death. He was passionately involved in the ULC, serving as Chair of the Executive Committee (1995-1997) and President (1997-1999).

Senator Tom Daschle, Majority Leader of the U.S. Senate, appointed Gene to the Advisory Commission on Electronic Commerce as part of the Internet Tax Freedom Act in 1998. He also was a member of the South Dakota Streamlined Sales Tax Task Force and spoke around the country and internationally about internet transaction taxation.

Gene was a member of the South Dakota School of Mines & Technology Foundation since 1971 and Chairman of the Board of Directors from 1985 to 1989. He served on

the Mount Rushmore Society Board of Directors from 2006 to 2019, and as President from 2009 to 2011. He was on the Westhills Village Retirement Community Board of Directors from 1979 to 2014 and chairman of the Board from 1993 to 1994. He was a member and president of the Westhills Village Foundation board. He was inducted into the South Dakota Hall of Fame in 2012.

A consistent theme to Gene's life was his commitment to honorable and ethical public service and his determination to be an engaged and active citizen at the local, state and national level. He was a great role model to his sons, daughters-in-law, and grandchildren, and we are all better for what he accomplished and the example he set.

Gene had a lifelong love of learning, and was a voracious reader. Given his interest in leadership and government and politics, he enjoyed political biographies. He set out to read at least one biography of each U.S. president, amassing an impressive library along the way and sharing his insights with family and friends. He followed the news and current events avidly. Gene had strong opinions, but was always interested in hearing what others had to say. His persuasive skills were impressive, but he never went into a discussion with a closed mind. In the course of his work and public service endeavors, Gene traveled extensively around South Dakota and the United States. He was a million-mile flyer on United, but really loved a long drive in a good car. He and Pat also enjoyed the opportunity to travel extensively in Asia, North Africa, and Europe.

Gene will be remembered fondly by his wife of 60 years Pat, his sons: Mike, wife Beth and their adult children, Kate, Nick, and Anna; and Ken, wife Laurie and their adult children, Sylvan and Max; siblings Dr. Richard Lebrun; Jan Kaylor; Carol (Jerry) Casey; Yvette (Dave) Krech; and Yvonne (Jerry) Lorenz.

Gene was preceded in death by his parents Jules and Marie Lebrun and brother Robert Lebrun.

Memorials in Gene's name can be made to the organizations that were important to him: First Congregational Church, the Mount Rushmore Society, the SDSM&T Foundation, the Uniform Laws Foundation, and the Westhills Village Foundation.




Laura A. Hofer, J.D.
TRUST OFFICER

605.800.1992
Laura.Hofer@CorundumGroup.com

Jim Riswold, CTFA
PRESIDENT

605.332.5248
Jim.Riswold@CorundumGroup.com

Consider a partner you can trust. Call 605.800.1992 or visit:
CORUNDUMGROUP.COM/TRUST-STEWARDSHIP

 Building a Legacy Together

CORUNDUM
TRUST COMPANY

BOARD OF BAR COMMISSIONERS

Minutes, July 14, 2023

Cadillac Jack's

Deadwood, SD

President Heather Lammers Bogard welcomed attendees to the meeting and Commissioners and staff introduced themselves. President Lammers Bogard called the meeting to order at 8:53 AM MDT on July 14, 2023. Present for all or part of the meeting were President Lammers Bogard, President Elect Julie Dvorak, Commissioners Tyler Matson, David Strait, Jerry McCabe, Erika Olson, Amber Mulder, Judge Franci Foral, Steve Blair, and John Richter. Commissioners Justin Bell and Rory King appeared via Zoom. Also, present at the meeting were Executive Director/Secretary-Treasurer Paul Cremer, Assistant Executive Director Nicole Ogan, Lawyer's Assistance Program Director Becky Porter, and Communications Director Tracie Bradford. Strategic Plan Coordinator Elizabeth Overmoe and Access to Justice Inc. Coordinator Denise Langley appeared via Zoom.

Approve minutes of May 17, 2023, June 19, 2023, and June 23, 2023, Meetings:

Commissioner Matson moved to approve the minutes of the May 17, 2023, June 19, 2023, and June 23, 2023, Bar Commission meetings. Commissioner Foral seconded the motion. Motion carried.

Email Vote on June 14, 2023, to Approve 990's: President Lammers Bogard noted that motions were made and votes were cast via email on June 13 and June 14, 2023, regarding the approval and filing of IRS form 990's as follows: Director Olson made a motion that the Directors of the Access to Justice, Inc. board approve the filing of the 990 for that organization. Director Bell seconded the motion. Motion carried. Director Olson made a motion that the Directors of the S.D. Continuing Legal Education Inc. board approve the filing of the 990 for that organization. Director Bell seconded the motion. Motion carried. Commissioner Olson made a motion that the Commissioners of the State Bar of South Dakota approve the filing of the 990 for that organization. Commissioner Bell seconded the motion. Motion carried.

Email Vote on June 5, 2023, to Approve Support of the ABA Resolution Involving Loan Forgiveness for Rural Participants: President Lammers Bogard noted that the Bar Commission reviewed an ABA House of Delegates resolution which was received via email on May 30, 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.

2023 Annual Meeting Report and Approval of Annual Meeting Minutes: President Elect Dvorak moved to approve the minutes of the June 23, 2023, Annual Business Meeting. Commissioner Blair seconded the motion. Motion carried.

Young Lawyers Section Report: Kelsey Blair, President of the YLS, thanked YLS Past President Anthony Sutton and current members for their service, and she informed the Commission that YLS is planning to host several programs, including the Nuts and Bolts CLE in conjunction with the statewide swearing in ceremony on September 29, 2023, in Pierre. YLS also drafted a strategic plan to list core values including Dedication to Public Service; Promoting Leadership; An Inclusive Profession; and Member Focus and Support.

Lawyer's Assistance Program Report: LAP Director Becky Porter provided information to the Commission regarding the number of calls for assistance and services provided to members. Porter also recognized and thanked Lawyers Concerned for Lawyers members, and other volunteers, who provide peer to peer assistance to fellow members. Porter also noted that members can request assistance for issues involving health issues, such as neurological issues, that can affect behavioral health issues. Porter also recognized and thanked the presenters at the June 21, 2023, Wellbeing CLE. Approximately 400 Bar members attended the CLE and they provided very positive feedback. The Commissioners discussed a proposal from EAP provider Sand Creek to provide additional services to members. Commissioner Foral made a motion to accept the offer from Sand Creek to provide additional services to members, and President Elect Dvorak seconded the motion. Motion carried. The Commissioners requested Bar staff to provide information to members about the new services that will be available from Sand Creek.

Financial Report: Nicole Ogan provided information to the Commission about three budget supplements to the 2022-2023 budget. President Elect Dvorak moved to approve the supplements as presented, and Commissioner Blair seconded the motion. Motion carried. Ogan and the Finance and Audit Committee (Commissioners Bell and Strait) discussed changes recommended by the Committee and implemented by Bar staff to make budget line items more understandable.

FY 2023-2024 Budget Approval: Following the financial report, the Commission went into Executive Session at 10:20 AM to discuss salary matters. The Executive session ended at 11:00 AM and the meeting reconvened. Ogan and Cremer presented the proposed FY 2023-2024 budget for the State Bar of South Dakota. Commissioner Matson made a motion to approve the budget as presented. Commissioner Mulder seconded the motion. Motion carried. Commissioner Blair abstained from the vote.

Meeting Schedule for Fiscal Year 2023-2024: The Commission discussed Bar Commission dates for upcoming months.

Management Contract between SBSB and SD Bar Foundation: The Commission reviewed the proposed management contract between the State Bar and the South Dakota Bar Foundation. Ogan noted that this is very similar to previous contracts approved by the Bar Commission. President Elect Dvorak made a motion to approve the contract, and Commissioner Blair seconded the motion. Motion carried.

Civility/State Bar Survey: Strategic Plan Coordinator Beth Overmoe presented information about a membership survey regarding civility that had been conducted in April. President Lammers Bogard highlighted efforts in other states to promote civility, and Bar Commissioners expressed interest in maintaining a focus on civility efforts.

Ombuds Update: Cremer informed the Commissioners that staff are reviewing responses to the State Bar ombuds RFP, and staff will provide more information at the August Bar Commission meeting.

Member Benefits: Cremer informed the Commissioners that CLIO recently provided a draft contract for their consideration. CLIO provides law practice management services. Commissioner Matson made a motion to accept the proposed contract as presented. President Elect Dvorak seconded the motion. Motion carried. CLIO will now be an approved partner of the State Bar, and members will be entitled to discounts on CLIO services.

Strategic Plan Update: Strategic Plan Coordinator Beth Overmoe provided information to the Commission regarding the Strategic Planning Committee Retreat held on May 12, 2023. Overmoe noted that the Strategic Planning Committee had focused on 3 topics at their May 12 retreat: 1) the Statewide Legal Needs Assessment, which was completed to assist with efforts involving access to legal resources. Overmoe noted that the State Bar will continue to foster collaboration between A2J, East River Legal Services, and Dakota Plains Legal Services; 2) Civility and Public Outreach; and 3) continued efforts to promote careers related to the legal system and efforts to recruit young people to the profession of law.

President's Appointment of Commissioners to Finance and Audit Committee: President Lammers Bogard thanked current and past members of the Bar Commission Finance and Audit Committee and the Commission will finalize committee membership at a later meeting.

Jackrabbit Bar Conference Recap: President Lammers Bogard discussed the Jackrabbit Bar Conference, which was held in Laramie, WY on June 1-3, 2023. She noted that other states continue to look to the State Bar of South Dakota as a leader and the numerous South Dakota attendees collaborated with colleagues from similar State Bar organizations. The “Jackrabbit Bar” is a regional affiliation and conference that welcomes leadership and members from the following State Bar associations: Idaho, Montana, Nevada, New Mexico, North Dakota, South Dakota, Utah and Wyoming. The Jackrabbit Bar is not affiliated with South Dakota State University.

President’s Comments: President Lammers Bogard thanked attendees and noted that she had been receiving positive feedback about the State Bar Annual Convention held in June. Commissioners also noted hearing positive feedback.

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

Respectfully submitted,
Paul Cremer
Executive Director/Secretary-Treasurer

PLEASE NOTE:

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

These benefits are described on pages 34 & 35 of this Newsletter.

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.



Clio is the First Legal Practice Management Solution to be Recognized by All 50 State Bar Associations in the United States



This milestone solidifies Clio's position as the leading legal technology vendor for legal professionals across the United States

VANCOUVER, CANADA, August 29, 2023 --PRNewswire-- [Clio](#), the leading legal technology company and developer of the world's first comprehensive legal operating system, celebrates a significant milestone during its 15th anniversary, with recognition from all 50 state bar associations in the United States. This achievement underscores Clio's commitment to ethical and professional standards and deep understanding of the legal industry and its regulations.

State bar associations in the United States regulate the legal profession within a specific state or jurisdiction and provide support, resources, and guidelines for practicing lawyers and legal professionals. While recognition varies by state, it includes a range of programs including training, education, approved listings, software discounts, and acknowledgement or endorsement of Clio as a valuable tool or resource for legal professionals.

"Our unwavering commitment to the legal industry fuels our drive to revolutionize its future," said Jack Newton, CEO and Founder of Clio. "Receiving the unanimous support of all 50 state bar associations is a validation that, together with the wider community, we're on a path to transform the legal experience for all."

As the first-to-market cloud solution for law firms, Clio is partnered with and recommended by over 90 bar associations, law societies, and private legal groups globally—50 of which are state bars. The company has helped set the standard for innovation and best practices for products in the legal technology marketplace.

The latest bar to recognize Clio is the State Bar of South Dakota.

"We recognize the outstanding contributions of Clio in the legal industry," said Paul Cremer, Executive Director, President of the State Bar of South Dakota. "Their unwavering dedication to enhancing the legal profession through innovation, efficiency, and accessibility aligns with our mission to uphold the highest standards of service and ethics in the practice of law."

"For fifteen years, Clio has collaborated closely with bar associations offering advanced and dependable legal technology solutions and peace of mind," said Nefra MacDonald, Senior Manager of Strategic Engagement at Clio. "This milestone underscores our deep commitment to legal professionals nationwide to deliver the tools

that empower them to streamline processes, grow their firms, and ultimately make legal services more accessible for everyone.”

Along with product innovation to support legal professionals, Clio continues to invest in impactful programs that drive progress and transformation of the legal sector at large. The [Clio Cloud Conference](#) is the legal industry’s leading conference, which attracts thousands of attendees worldwide each year, including professionals from underserved communities through the Clio Cloud Access Grant. The company also produces the [Legal Trends Report](#), a marquee annual industry publication, providing key insights to inform legal professionals of trends shaping the sector.

"Together with the legal community, we are poised to redefine how legal services are delivered across the industry," said Joshua Lenon, Lawyer in Residence at Clio. "This acknowledgment is a recognition of our dedication to innovation and best practices in the legal industry where reputation and trust are crucial to success. We will continue to push the boundaries of what is possible in legaltech.”

Clio is also investing in the legal industry's future and making justice more accessible. Each year, through the [Clio Academic Access Program](#), Clio donates over \$25 million in free Clio software to legal clinics, paralegal programs, nonprofits, and law schools worldwide, including 17 of the top 20 law schools in the United States.

To learn more about Clio and its recognition by all state bar associations, visit clio.com/partnerships/bar-associations.

###

About Clio

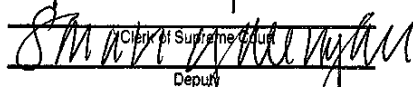
[Clio](#) is transforming the legal experience for all by creating the world’s leading cloud-based technologies for law firms—to keep lawyers and their clients better connected throughout the legal process. Firms of all sizes and practice areas use Clio products—[Clio Manage](#), [Clio Grow](#), and [Lawyaw](#)—to manage firm operations, streamline billing and payments, automate legal documents, and improve client experiences. Following its US\$250M Series D funding led by TCV and JMI Equity and its US\$110M Series E investment led by T. Rowe Price Associates, Inc. and OMERS Growth Equity, Clio made history by becoming the first legal practice management unicorn in the world in 2021 and became a centaur in 2022 after reaching US\$100M in ARR. Learn more at clio.com.

Media Contact:

Pamela Smith, Senior Manager, Corporate Communications
1-800-347-8314
pamela.smith@clio.com

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

day of Sept, 2023.


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

IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

* * * *

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

SEP -1 2023


Shirley A. Jameson-Fergel
Clerk

IN THE MATTER OF THE AMENDMENT)
OF SDCL 16-16-13)

CORRECTED
RULE 23-17

A hearing was held on August 31, 2023, at Pierre,
South Dakota, relating to the amendment of SDCL 16-16-13 and
the Court having considered the proposed amendment and being
fully advised in the premises, now, therefore, it is

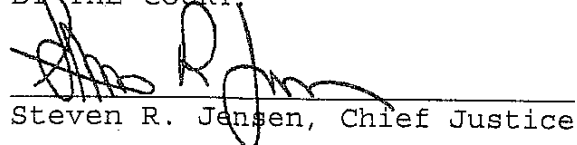
ORDERED that SDCL 16-16-13 be and it is hereby
amended to read in its entirety as follows:

SDCL 16-16-13. Fees payable with application for
admission--Disposition of fees.
An applicant for an admission on examination shall pay a fee of
four hundred fifty dollars. An applicant for admission without
examination shall pay a fee of six hundred fifty dollars. An
applicant shall also pay the National Conference of Bar Examiners
the applicable fee for preparation of an initial or supplemental
character report. If an applicant fails to appear for the
examination, the fee paid shall only be applied to one of the
next two scheduled combined Multistate Essay Examination
Examinations, which includes include an Indian Law question and
Multistate Performance Test, and/or to the Multistate Bar
Examination Examinations. The applicant shall inform the
Secretary in writing as to which of the next two scheduled
examinations the fee should be applied. The fees thus paid to
the Secretary shall be retained in a special fund and shall be
paid out by the state court administrator when authorized by the
Secretary for the compensation and necessary expenses of the
Board of Bar Examiners.


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

DATED at Pierre, South Dakota, this 1st day of
September, 2023.

BY THE COURT:


Steven R. Jensen, Chief Justice

ATTEST:


Clerk of the Supreme Court
(SEAL)

PUBLIC NOTICE

REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE

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

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

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

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

Comments must be received by September 21, 2023.

Career Center

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 General– Pine Ridge

OGLALA SIOUX TRIBE

VACANCY ANNOUNCEMENT

POSITION: ATTORNEY GENERAL

SALARY: NEGOTIABLE

OPENING DATE: July 11, 2023

CLOSING DATE: UNTIL FILLED

PROGRAM: OGLALA SIOUX TRIBE

LOCATION: PINE RIDGE, SO. DAK.

ATTORNEY GENERAL'S OFFICE

General Description of Duties:

The Attorney General is the Chief Prosecutor of the Oglala Sioux Tribe. The Attorney General shall be directly responsible to the Oglala Sioux Tribal Council. The Attorney General may be dismissed upon ninety (90) days written notice by the Oglala Sioux Tribal Council. The Attorney General is responsible for providing administrative, management, and technical expertise in performing all administrative and programmatic functions of the OST Attorney General's Office. The Attorney General will supervise a support staff of eight (8) persons, including four (4) Tribal Prosecutors and four (4) Clerks, in the day-to-day operations of the office. The Attorney General shall be responsible for their work performance, time and attendance, approval and disapproval of leave, performance evaluations, and disciplinary actions, if necessary. The Attorney General will review training needs of staff and ensure that those needs are met to improve job performance. The election for the Attorney General will be made by the Oglala Sioux Tribal Council.

Specific Duties:

The Attorney General shall:

1. Be the Law Enforcement Official for the Oglala Sioux Tribe.
2. Prosecute and represent the Oglala Sioux Tribe in all major criminal and civil cases filed by the OST Attorney General's Office, including cases that involve public officials.
3. Be responsible for the day-to-day operations of the OST Attorney General's Office, including the supervision of all civil or criminal cases filed by the OST Attorney General's Office before the OST Tribal Court.
4. Assist the OST Legal Department and committees of the Oglala Sioux Tribal Council on revisions to the OST Law and Order Code and Court Rules.
5. Assist the OST Legal Department in legal disputes with the Federal Government, State Government, and other entities or individuals.
6. Advise OST Law Enforcement Officers on all legal matters.
7. Be authorized to issue directives to the OST Chief of Police to conduct criminal investigations.
8. Issue directives regarding law-enforcement procedures to the OST Chief of Police, when necessary, to protect the Civil Rights of Oglala Sioux Tribal members.
9. At all times, respect and uphold the integrity and independence of the OST Tribal Court, and the OST Constitution and By-Laws.
10. The OST Law and Order Committee and Attorney General shall request a report from the United States Attorney's Office containing aggregate data on the cases in which the United States Attorney's Office has declined prosecution and the reason for the federal declinations. Upon the request of the OST Law and Order Committee,

the Attorney General shall provide a report containing aggregate data on the number of prosecutions brought by the Oglala Sioux Tribe in cases in which the United States Attorney's Office has declined prosecution.

11. The Attorney General and the prosecutors working under the Attorney General shall have prosecutorial discretion.

Requirements and Qualifications:

The Attorney General must:

1. Have knowledge of the Oglala Sioux Tribal Code, South Dakota and other State Codes, Federal Laws, Indian Child Welfare Act, and various opinions and decisions that may affect the OST Tribal Court.
2. Exercise good judgment in the analysis of evidence, documents, and other information available.
3. Have a Juris Doctorate Degree.
4. Have the ability to maintain a friendly, courteous, and professional attitude toward the staff, supervisor, and the general public.
5. Have the ability to work under pressure while maintaining a high degree of accuracy.
6. Have knowledge of the OST Tribal Accounting System, Property System, Personnel System, Financial System, and Policies and Procedures of Contract Management.
7. Have no prior felony conviction within the last three (3) years.
8. Have no misdemeanor type offense within the past year.
9. Have the ability to establish priorities and to ensure that all program tasks are accomplished in a timely and accurate manner.
10. Have the ability to adjust staff assignments to meet office objectives.
11. Have the ability to communicate with other departments and agencies on prosecutorial procedures to better coordinate services.
12. Have the ability to keep abreast of new laws and procedures in order to adapt them to the OST Attorney General's Office.
13. Be an Attorney-At-Law licensed to practice in, and of good standing with, the Federal Courts and the Courts of the State of South Dakota or other States.
14. Have no less than two (2) years' experience as a practicing attorney.
15. Apply for admission to practice in the Oglala Sioux Tribal Court within thirty (30) days after assuming office, if not already admitted to practice in the Oglala Sioux Tribal Court. (As a government official, the

Attorney General shall be exempt from payment of any fee for admission to practice in the OST Tribal Court.)

16. Have no conflicts of interest with the Oglala Sioux Tribe, meaning the Attorney General must not have represented a person or entity in a lawsuit against the Oglala Sioux Tribe or its departments, programs, agencies, or entities prior to service as the Attorney General.

17. Not be listed on the Sex Offender Registry.

18. Not be listed as suspended or debarred on the System for Award Management (SAM) official website (<https://sam.gov>).

19. Not submit false or inaccurate information on the application for employment.

How to Apply:

OST Human Resource Department P.O. Box 439, Pine Ridge, South Dakota 57770 or email the OST Human Resource Director Michelle Poor Bear @ MichellePB@oglala.org. Attach all pertinent documentation, i.e., copy of official college transcripts and/or college degree (diploma), copy of law school transcript or degree (diploma), certificate of Indian Blood if claiming Indian Preference and DD214 if claiming Veteran's Preference.

Notice:

Applicants tentatively selected for position with the Oglala Sioux Tribe will be required to submit to a complete background check, including: Federal F.B.I. Records Check; State Repository Criminal Records Check; Tribal Records Check (or local records checks for out-of-area applicants); Employment Records and Reference Check; Education Verification Check; Personal Reference Check; Federal Suspension and Debarment Check; and Sex Offender Registry Check. Appointment to the position will be contingent on verification of the applicant's qualification and eligibility for the position based on the results of the background check.

Registry Check. Appointment to the position will be contingent on verification of the applicant's qualification and eligibility for the position based on the results of the background check.

In accordance with OST Ordinance 18-22, background checks will be done on individuals applying for positions with the Oglala Sioux Tribe.

Associate Justice– Pine Ridge

Oglala Sioux Tribe

To: Interested Candidates for Oglala Sioux Nation (OSN) Supreme Court

Two (2) Associate Justice Positions and One (1) Alternate Justice Position

Two (2) Associate Justice and one (1) Alternate Justice positions are being advertised for the OSN Supreme Court to fill the remaining 2024 term of office per recommendation by the OST Law & Order Committee of The Oglala Sioux Tribe.

The announcement is valid until filled. The Office of the OST Human Resource Department will receive all required documentation listed below, and the appointment(s) will be made by the Oglala Sioux Tribal Council.

REQUIREMENTS AND QUALIFICATIONS:

1. All Justices of the Supreme Court must have a Juris Doctorate from an A.B.A. accredited law school and must be licensed to practice law in any state or federal jurisdiction.
2. Justices of the Supreme Court shall be appointed to the Supreme Court by the Tribal Council and shall serve a six (6) year term.
3. Must complete a Background Investigation with the OST Human Resource Department.

PLEASE SUBMIT:

- A. Letter of Intent
- B. Resume'
- C. Copy of Law Degree from an accredited law school
- D. Copy of active law license from any state or federal jurisdiction
- E. Three (3) references

SUBMIT DOCUMENTS TO:

OST Human Resource Department P.O. Box 439, Pine Ridge, South Dakota 57770 or email the OST Human Resource Director Michelle Poor Bear @ MichellePB@ogmlala.org. Attach all pertinent documentation, i.e., copy of official college transcripts and/or college degree (diploma), copy of law school transcript or degree (diploma), certificate of Indian Blood if claiming Indian Preference and DD214 if claiming Veteran's Preference.

Associate Attorney– Sioux Falls

Davenport, Evans, Hurwitz & Smith, LLP is seeking an associate attorney to work in its litigation section. Ideal candidates will have strong analytical, research, and writing skills, and the ability to communicate effectively with clients, opposing counsel, and judges. Candidates should be competitively ranked in their law school class or have relevant experience as a litigation attorney and have a desire to live in Sioux Falls, South Dakota. Candidates must be admitted to, or eligible to sit for admission to, the South Dakota Bar. Interested candidates may direct a resume, unofficial transcript, and cover letter to Chair of Recruitment, Tiffany Miller, at tmiller@dehs.com or to her attention at Davenport, Evans, Hurwitz & Smith, LLP, 206 West 14th Street, Sioux Falls, SD 57104. All inquiries will be kept confidential. Learn more about Davenport Evans at www.dehs.com.

Deputy Public Defender– Deadwood

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

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

Applications will be reviewed until position is filled with a start date dependent upon availability. Salary will be a range of \$66,394.64-\$79,054.82 annually (DOE). Lawrence County offers health, dental and life insurance, paid vacation and sick leave and retirement benefits and is an equal opportunity employer. Please contact the Lawrence County Public Defender's Office for more information at (605) 578-3000.

A resume with references and writing sample should

be submitted to: Amber L. Richey, Director, Lawrence County Public Defender Office, 90 Sherman Street, Deadwood, SD 57732 or arichey@lawrence.sd.us.

Deputy State's Attorney– Pierre

Full-time permanent position now open for a Deputy State's Attorney in the Hughes County Office of the State's Attorney in Pierre, South Dakota.

The Hughes County State's Attorney's Office is looking for a criminal attorney to handle lower-level felony and juvenile cases, present those cases for legal proceedings, perform legal research, and prepare, draft and file legal documents and correspondence. Additional responsibilities include but are not limited to: covering other felony and misdemeanor hearings when required, advising local law enforcement agencies, dealing with juvenile justice issues, providing information to victims and witnesses and helping to fulfill the statutory responsibilities of the office.

Applicants must be able to: manage a large case volume and respond quickly and effectively to changing circumstances; speak and write effectively; establish and maintain effective working relationships with coworkers, other agencies, and the public; maintain professional appearance and demeanor.

Minimum Qualifications: Applicants must possess a J.D. and be an active member in good standing of the State Bar of South Dakota or be admitted within one year of hiring.

Preferred Qualifications: Three or more years' experience in criminal law is highly preferred but willing to train the right applicant.

Hughes County offers a comprehensive benefits package for employees including health and dental insurance, participation in the SD Retirement System, and paid time off. Salary range is \$71,029. To \$86,491 and is determined in part based on years of professional experience.

Please send a resume and cover letter to Casey Jo Deibert, Hughes County State's Attorney, 104 E. Capitol, Pierre, SD 57501. Resumes and cover letters will also be accepted via email at casey.deibert@co.hughes.sd.us.

Posting to remain open until the position is filled. All inquiries are confidential. Hughes County is an Equal Opportunity Employer.

Deputy State's Attorney– Watertown

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.

OFFICE OF ATTORNEY GENERAL CIVIL LITIGATION POSITION

DETAILS: The Office of Attorney General seeks an attorney for a position with the Civil Litigation Division, to handle prisoner and § 1983 litigation primarily in federal court. The Civil Litigation Division is responsible for representing the state in civil cases defended or prosecuted by the State and in many administrative licensing and regulatory cases. Division attorneys practice in both state and federal courts and are involved in constitutional, natural resources, Indian law, and environmental litigation. The Civil Litigation Division also provides legal advice to state officials, agencies, boards and commissions. The person eligible for this position must have strong research and writing capabilities, must be able to communicate well to clients and the courts, must have strong legal advocacy skills. Civil Trial experience of 3 to 5 years is preferred.

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

STARTING SALARY: Entry level salary is \$82,000 annually or greater, depending upon experience and funding availability. The State of South Dakota has an excellent benefit package including retirement, employee insurance coverage and paid leave.

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

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

Email: Charles.McGuigan@state.sd.us

OR Mail To:

**CHARLES MCGUIGAN, OFFICE OF ATTORNEY GENERAL, 1302 E.
HIGHWAY 14, SUITE 1, PIERRE, SOUTH DAKOTA 57501.**

Staff Attorney– Sioux Falls

East River Legal Services (ERLS), a civil non-profit law office, seeks an attorney to assist with ensuring victims of crime remain safe, retaining housing for families, and preserving limited household resources to ensure that low-income South Dakotans can be self-sufficient. ERLS creatively uses legal remedies and support to advocate for the most vulnerable members of our communities.

Under the supervision of the Managing Attorney, the Staff Attorney will represent clients primarily in family law. Other practice areas at East River Legal Services include housing, public benefits, and consumer matters. The types of services provided include legal advice, brief service, and direct representation. Aside from direct representation, the Staff Attorney may also, from time to time, prepare and deliver client and community education, appear in administrative and judicial forums, and contribute to special legal and community projects.

Duties and Responsibilities:

1. Conduct and oversee client interviews, investigation, field investigations, and fact gathering;
2. Provide high-quality legal representation or advice to clients on housing, family law, protection orders, debt collection, guardianships, and other related matters in state court and administrative proceedings;
3. Offer high-quality legal representation or advice to clients on bankruptcy and federal Social Security benefits (preferred, but not required);
4. Handle a full range of litigation activities including drafting pleadings, conducting depositions, completing discovery, negotiations, motions practice, and representation of ERLS clients at trial;
5. Stay well-informed of the applicable laws and case laws as they develop and change to ensure that East River Legal Services is applying new laws properly;
6. Keep accurate records of case activities and provide the necessary information to meet reporting requirements;
7. Participate in meetings as part of East River Legal Services and the Legal Team;
8. Comply with all regulations, grant requirements, and internal operating and personnel policies;
9. Provide education and outreach to members of the community, service providers, and community organizations;
10. Work in collaboration with community organizations that provide rental assistance, domestic violence support, and other services available to assist our clients;

11. Perform other duties, which may be assigned from time to time by the Managing Attorney or Executive Director.

Knowledge, Skills, & Abilities:

1. JD admitted to practice in South Dakota or be eligible for admission to the South Dakota State Bar;
2. Admittance to the US District Court of South Dakota is preferred, but not required;
3. Ability to spot legal issues in cases while providing real-time counsel, comfort, and advice;
4. Excellent communication skills, both verbal and written;
5. Ability to prioritize and manage multiple clients and responsibilities;
6. Proficient at the use of technology including, but not limited to: word processing, spreadsheets, internet-based programs, database systems, and computer-based legal research;
7. Must be detail-oriented, organized, and self-motivated;
8. Ability to work effectively as part of a team and independently;
9. Ability to handle numerous tasks concurrently;
10. Skills and experience in interacting with persons of various social, racial, cultural, economic, and educational backgrounds;
11. Bilingual language skills are desired and compensated, but not required.

Classification:

Classified as an exempt employee.

Salary:

\$60,000 to \$70,000/year, depending on experience.

Benefits include 13 paid holidays, vacation leave, sick leave, health insurance, dental insurance, vision insurance, Life Insurance, AD&D Insurance, IRA, and travel reimbursement.

To Apply:

Please send a cover letter, resume, and references to:

Melissa Frericks
Program Administrator
East River Legal Services
335 North Main Avenue, Suite #200
Sioux Falls, SD 57104
Melissa@erlservices.org

Submission Deadline:

Open until filled

East River Legal Services is an Equal Opportunity Employer. Persons of color, veterans, persons with disabilities, and persons from other traditionally underrepresented communities are strongly encouraged to apply.

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>

Legal Assistant– Sioux Falls

The Burd & Carper Law Office is now hiring a full-time Legal Office Assistant. We are a small boutique law firm consisting of two attorneys and two paralegals. We are looking for a new team member with a strong desire to become an integral part of a fast-paced, litigation centered team serving our clients. Our firm is focused on all areas of family law and criminal law and we also do appellate work. We practice in state and federal court.

This is a full-time position with competitive hourly pay starting at \$20.00 per hour plus additional benefits. Work schedule is Monday through Thursday 8:00 a.m. to 5:00 p.m. and Friday 8:00 a.m. to noon from September through May. Our summer hours (Memorial Day to Labor Day) are Monday – Thursday 8:00 a.m. to 5:00 p.m. and closed on Fridays. Paid federal holidays and additional paid administrative leave days surrounding holidays. Additional 15 days paid time off annually. Our office is closed the week between December 24 and the New Year and team members have the option to use PTO, work on projects for pay in the office or at home, unpaid or a combination of these options. Paid health\vision insurance for employee only (family available at employee cost), 2% retirement match, cell phone allowance and additional monthly health\wellness credit available.

This team member would be a detail-oriented self-starter comfortable communicating with clients experiencing difficult circumstances and other professionals in our field.

Successful applicants must be highly organized with

experience in Microsoft Office (Word and Excel), Outlook, Adobe, QuickBooks, and Odyssey preferred but not required. Prior law office experience is preferred. Duties include answering phones, greeting clients, maintaining calendars/scheduling meetings (Google Calendar and MyCase), opening/closing files, digital filing/scanning, billing (Time Slips and MyCase\Law Pay), bookkeeping duties, and office support assistance. You will be at our front desk and the first person clients meet when they arrive.

The Burd & Carper Law Office is a proud equal opportunity employer. All applicants will be considered for employment without attention to race, color, religion, sex, sexual orientation, gender identity, national origin, veteran or disability status.

Application Information:

If interested in becoming part of our team, please submit a resume & references to mary@burdandcarper.com and nichole@burdandcarper.com. All applications will be confidential.

Youth Division Coordinator– Canton

SALARY: \$23.07 - \$25.46 Hourly

LOCATION: 104 N. Main St. Canton, SD

JOB TYPE: Full-Time

JOB NUMBER: 23-25

DEPARTMENT: State's Attorney

OPENING DATE: 08/25/2023

General Information

Come join the Lincoln County State's Attorney's Office as a Youth Diversion Coordinator who will be responsible for the coordination, management, and expansion of the local Juvenile Detention Alternatives Initiative (JDAI), a juvenile justice improvement and detention alternative program.

New three-year grant-funded position. Likely to be based in Harrisburg with regular travel to Canton and surrounding communities.

Examples of Duties Include

Diversion Responsibilities:

- Assist in the development of policies and procedures for diversion programming.
- Publicize and communicate program activities.
- Provide regular reports on the success of diversion to key stakeholders.
- Perform public speaking to groups and individuals to

explain the program.

- Ensure program quality through definable program outcome measurements and objectives.
- Gather and report statistical information on client caseload.
- Complete grant and contract reports per the requirements of the funding sources.
- Complete screening and assessment for youth and families referred to the diversion program. Gather information from youth, parents, schools and social service agencies.
- Explore all likely sources of information regarding the home and family life.
- Provide case management services as needed.
- Meet with family and/or youth in the diversion program as needed for guidance, education, and motivation.
- Attend court as needed for testimony, information sharing and receipt of referrals.
- Complete all forms and reports necessary to maintain accurate case documentation and statistics.
- Maintain an awareness of available community resources.
- Advocate for families and youth when necessary.

The Youth Diversion Coordinator may also have to manage a number of projects at one time and may be interrupted frequently to meet the needs of youth and organizations. The Youth Diversion Coordinator must remain patient and committed to the activities and may have to engage in conflict resolution or crisis management at times. Periodic travel will be necessary.

JDAI Responsibilities:

- Plan and coordinate regular meetings as necessary.
- Facilitate the development of a work plan and complete plan tasks in a timely manner.
- Meet, as necessary, with various parties and key stakeholders on an individual or small group basis.
- Review and request relevant data and data analysis from stakeholders and consult with state JDAI Coordinator on such analyses.
- Prepare and review various written documents, procedures, and agreements, formal position statements, action plans, and other assignments as needed.
- Represent the JDAI collaborative at meetings with other local groups and boards. In consultation with state JDAI coordinator, participate in state JDAI meetings, JDAI training seminars; JDAI model site visits to other states; and the national JDAI conference.
- Participate in regular conference calls with other South Dakota JDAI sites.

- Keep the JDAI collaborative and other South Dakota JDAI partners informed of progress and challenges with regular reports/communications summarizing recent issues, policy/procedure changes, significant developments, and other activities.

Minimum Qualifications

Applicant must: possess a valid driver's license and valid proof of insurance with a reliable method of transportation; have the ability to pass a background check; have strong analytical, writing, and verbal presentation skills; must possess excellent organization and time and stress management skills; and be proficient in the use of technology.

Preferred Qualifications

Bachelor's in criminal justice, social work, or related degree. Prior work history in the area of criminal justice, social services, or experience with juveniles is preferred but not required.

Agency: Lincoln County (SD)

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

Phone: 605-764-6609

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

Supervisory Attorney– Pierre

Join our Team as a Supervisory Attorney South Dakota Department of Social Services is currently looking to hire a leader for the Supervisory Attorney position. As the largest state agency, DSS attorneys engage with a wide variety of legal topics and settings.

Not only a great employer but a great State. SD offers beautiful State and National Parks to visit and explore. Enjoy entertainment, shopping, arts and history all throughout the State. Meet great people along the way and low crime rates wherever you explore.

Benefits for State employees is very robust. Health, dental and vision insurance, vacation and sick pay along with holiday and family leave. A very generous matched retirement plan.

Annual salary \$82,000.00 - \$101,000.00 DOE
bhr.sd.gov/workforus/

Senior Attorney– Pierre

Job ID: 24234

Agency: Department of Game, Fish and Parks

Location: Pierre

Salary: \$99,643.54 to \$115,796.51 annually; depending on experience

Pay Grade: L3

Closing Date: Open Until Filled

This is a Full-Time position with the Department of Game, Fish and Parks. For more information on the Department of Game, Fish and Parks, please visit <https://gfp.sd.gov/>.

This position will serve as the Department of Game, Fish and Parks senior attorney addressing all legal matters/issues.

Duties will include providing legal opinions, litigation, drafting of contractual agreements, rules and laws; and will also provide legal counsel and interpretation of law for the Game, Fish and Parks Commission.

Why the South Dakota Department of Game, Fish and Parks?

Working for the South Dakota Game, Fish and Parks is not just a job. It is a life passion. It is about working together as a team with colleagues, customers, landowners, and partner organizations to ensure that our state's outdoor heritage lives on for the next generation. Providing exceptional outdoor recreational opportunities for people to enjoy is one of the best jobs in state government. Our atmosphere empowers professional success and team building, while fostering relationships to build a culture focused on our four strategic plan goals.

- Provide outdoor recreational opportunities
- Serve as stewards of our state's natural resources
- Inspire confidence
- Foster professional excellence

All we need is you to join our team! Sound like a good fit so far? As a South Dakota Department of Game, Fish and Parks employee, here is what you will experience:

- Innovation – the GFP team is consistently revolutionizing enhancements to outdoor recreation in terms of technology and customer experience. We invite new ideas and interaction from our employees.
- Collaboration and Communication – our employees work with various teams, programs, and divisions

within the agency, outside state and federal agencies, and public stakeholders. We want all employees to know that their voice will be heard as we continuously work towards our future goals.

- Professional Development – We provide training and support for you to become an expert in the field and obtain the skills necessary to be successful in your position.
- Task Diversity – the work duties are never boring. Your duties may include meetings with coworkers, collaborating with other government representatives, representing the Department at Commission meetings and national conferences, visiting one of our state parks and recreation areas or working to enhance habitat on a game production area. The outdoors provides for a pretty nice corner office!

What You Will Do:

Duties will include providing legal opinions, litigation, drafting of contractual agreements, rules and laws; and will also provide legal counsel and interpretation of law for the Game, Fish and Parks Commission.

The Ideal Candidate Will Have:

At least five (5) years of prior legal experience in civil and/or criminal practice and litigation, appellate practice, and administrative law. Must be proficient in performing legal research; possess the ability to interpret federal laws, state statutes, and administrative rules; possess strong oral and written communication skills, including preparation of legal briefs, reports, memorandums, and correspondence; prepare legislation and administrative rules and be familiar with the process required to adopt legislation and administrative rules; be a self-starter; and have the ability to work well with others.

Must be a graduate of an accredited law school and be a member of or eligible for admission to the South Dakota State Bar.

Knowledge of:

- federal laws, state statutes and administrative rules;
- legal briefs, reports, memorandums and correspondence.

Skill to:

- providing legal support to various divisions and the commission within the Department Game, Fish and Parks;
- drafting legislation and administrative rules;
- maintaining effective working relationships with

internal and external stakeholders;

- other duties as assigned by the Department Secretary.

Ability to:

- deal tactfully with others;
- work with other professionals on highly technical issues;
- communicate effectively;
- conduct meetings and presentations;
- work independently with minimal supervision, while following instructions and accepting guidance;
- analyze facts, evidence, and precedents and arrive at a logical interpretation.

What South Dakota Has to Offer:

Pierre, South Dakota is centrally located in the state and boasts the beautiful Missouri River. Our state has a rich frontier history and is a premier outdoor destination, offering some of the best outdoor recreation opportunities in the nation. Fishing, hunting, and photography are all popular activities that offer year-round opportunities for residents. Multiple state parks are ideal getaways for camping, hiking and biking.

If you enjoy a career that is both exciting and challenging and want to make a difference in public service, we'd like to hear from you!

Additional Requirements: To be considered, please attach a cover letter and Curriculum Vitae.

This position is exempt from the Civil Service Act.

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=NAE>

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"

Experiential Learning Lecturers– Vermillion

The University of South Dakota Knudson School of Law is hiring two Experiential Learning Lecturers. One will focus on civil drafting and simulation and the other criminal. Both positions will start at the beginning of the 2024-2025 academic year. A successful applicant will have the potential opportunity to teach other courses subject to negotiation. A successful applicant must be a licensed attorney in a United States jurisdiction (a state or the District of Columbia) or able to be licensed at the time appointment begins.

Applications may be directed to Eric W. Young, Assistant Dean, University of South Dakota Knudson School of Law, 414 East Clark Street, Vermillion, SD 57069 or by email to eric.young@usd.edu. USD provides equal employment opportunities to all employees and applicants for employment without regard to ideological, political, or sectarian opinions or perspectives; or race, color, creed, religion, sex, ancestry, disability, national origin or any other factor protected by applicable federal, state, or local laws. USD is committed to the principles of free expression and encourages the timely and rational discussion of topics in an environment that is intellectually and ideologically diverse.

Attorney Advisor– Sioux Falls

Salary Range: \$69, 107-107, 680

Open Period: August 31, 2023-September 6, 2023

Series & Grade: GS-0905-11/12

Position Information: Full-Time (Permanent)

Promotion Potential: GS-0905-12

Duty Location:

3904 W. Technology Circlem Suite 102

Sioux Falls, SD 57106

Who May Be Considered: U.S. Citizens

Job Summary:

Millions of Americans depend on the Social Security Administration (SSA) for their well-being. Social Security programs offer protection against the risk of reduced income due to retirement, disability or death, and assist aged, blind, and disabled people in financial need. SSA offers challenging careers and professional advancement. Make a difference in people's lives and your own. Join our dynamic team! Serve as an attorney-adviser to one or more Administrative Law Judges (ALJs) in a Social Security Administration (SSA) Hearing Office (HO).

Key Requirements:

- US Citizenship is required.
- Background and/or Security Investigation required.
- Selective Service registration required for male applicants, unless exempt.
- All Attorney positions in the Federal Government require Bar membership. Proof of membership in the bar must indicate a current active membership.
- Relocation expenses will not be paid.
- Telework eligible as determined by Agency policy.

Major Duties:

The Attorney advises and assists Administrative Law Judges (ALJ) on complex legal issues and drafts legally sufficient ALJ decisions. Incumbent develops and implements legal strategies and reviews, analyzes, and develops cases. Incumbent also reviews Appeals Council remands and court orders to ensure adherence to policy and recommend appropriate action.

QUALIFICATIONS:

You will be rated on the extent and quality of your education and/or experience according to information provided in your application forms.

All Attorney positions in the Federal Government require Bar membership. Proof of membership in the Bar must indicate a current active membership. (No exceptions permitted to this requirement.)

For the GS-11 Grade Level:

To be rated eligible, you must meet one of the requirements described below:

Active Membership in the Bar, plus one of the following:

1. Fifty-two weeks of professional legal experience as a practicing attorney in which assignments involved complex and difficult legal questions requiring extensive research, analysis, and evaluation of information in

controversial areas. Such experience must include: a) preparation of legal documents for filing by drafting complaints, orders to show cause, indictments, preliminary motions and supporting affidavits and briefs; b) drafting of pleading and motions for cases in litigation, conducting investigations to obtain facts, study of legal precedents and preparation of recommendations; and c) assisting attorneys in charge of court cases by cross-examining witnesses and drafting findings of facts, conclusions of law and orders based on the record (you must provide the dates of employment and the hours worked per week); OR

2. A second professional law degree (LL.M.) which requires one full year of graduate study; OR

3. The first professional law degree (LL.B. or JD) with a record that shows superior law student work or activities as demonstrated by one of the following (documentation is required at the time of application):

A. Academic standing in the upper third of the law school graduating class;

B. Work or achievement of significant contribution on the law school's official law review (explain duties and hours devoted per week);

C. Special high-level honors for academic excellence in law school, such as election to the Order of the Coif;

D. Winning of a Moot Court competition or membership on the Moot Court team, which represents the law school in competition with other law schools;

E. Full time or continuous participation in a legal aid program equivalent to 6 months of full time work (dates of employment and hours worked per week are required);

F. Significant law office clerk experience while attending law school equivalent to 6 months of full time work (dates of employment and hours worked per week are required);

G. Other equivalent evidence of superior achievement while in law school. For example, winning a national contest published by Board of Attorneys.

For the GS-12 Grade Level:

The GS-11 requirements plus one additional year (i.e., 52 weeks, full time) of professional legal experience as a practicing attorney (including the examples of experience described in the GS-11 grade level requirement).

NOTE: Part-time work is prorated in crediting experience (e.g., if you work 20 hours per week for a

12 month period you will be credited with 26 weeks of experience).

Veterans Preference: If you are claiming veterans' preference, submit a copy of your military discharge certificate DD-214 (member 4 copy) or other proof of eligibility. To be acceptable, the document must show Character of Service. If you are claiming 10-point veterans' preference, you must also submit an Application for 10-Point Veterans' Preference (SF 15) and the required documentation specified on the reverse of the SF 15. You will be granted preference as appropriate based on the documents we receive. For more information on veterans' preference, consult the Vet Guide on the OPM website at <http://www.opm.gov/veterans/html/vetguide.htm>.

HOW TO APPLY:

Interested applicants must submit:

1. A Resume. Your resume should include:

- Personal Information: Full name, mailing address, contact information including email address, and Social Security Number.
- Education: Colleges/Universities attended, major field of study, total credit hours received, and type and year of degree received.
- Work Experience: Job title, hours per week, employer's name and address, supervisor's name and phone number, starting and ending dates of employment (month and year format), salary, duties and accomplishments. Indicate whether your current supervisor may be contacted.

Resumes must contain all of the information listed above in sufficient detail to enable Human Resources to make a determination that you have the required qualifications for the position.

2. Proof of Bar Membership.

3. Proof of Veteran Preference (if applicable). If you claim Veterans' Preference, you must provide:

- DD-214 (Member-4 Copy)
- If you claim 10-point preference, also submit an SF-15 (http://www.opm.gov/forms/pdf_fill/SF15.pdf) and the documents listed in the "Documentation Required" section of the SF-15 form. Save an electronic copy of the completed form to upload with your other application documents.

4. Proof of Education.

You must submit proof of your law degree from an accredited college or university recognized by the U.S.

Department of Education. In addition, if you do not have qualifying legal experience, your transcripts will verify your class standing in determining qualifications based upon education alone.

5. Submit a writing sample. (no more than 10 pages)

Submit your resume and application materials electronically to OHO.R8.Recruitment@ssa.gov no later than September 5, 2023.

Candidates with questions may contact the office at: (888) 397-9803, extension 23001.

Federal agencies must provide reasonable accommodation to applicants with disabilities where appropriate. Applicants requiring reasonable accommodation for any part of the application and hiring process should contact the hiring agency directly. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Attorney Advisor– Sioux Falls

Salary Range: \$69, 107-107, 680

Open Period: August 31, 2023-September 6, 2023

Series & Grade: GS-0905-11/12

Position Information: Full-Time (Permanent)

Promotion Potential: GS-0905-12

Duty Location:

655 First Avenue North, Suite 150
Fargo, ND 58102

Who May Be Considered: U.S. Citizens

Job Summary:

Millions of Americans depend on the Social Security Administration (SSA) for their well-being. Social Security programs offer protection against the risk of reduced income due to retirement, disability or death, and assist aged, blind, and disabled people in financial need. SSA offers challenging careers and professional advancement. Make a difference in people's lives and your own. Join our dynamic team! Serve as an attorney-adviser to one or more Administrative Law Judges (ALJs) in a Social Security Administration (SSA) Hearing Office (HO).

Key Requirements:

- US Citizenship is required.
- Background and/or Security Investigation required.
- Selective Service registration required for male applicants, unless exempt.
- All Attorney positions in the Federal Government require Bar membership. Proof of membership in the bar must indicate a current active membership.
- Relocation expenses will not be paid.
- Telework eligible as determined by Agency policy.

Major Duties:

The Attorney advises and assists Administrative Law Judges (ALJ) on complex legal issues and drafts legally sufficient ALJ decisions. Incumbent develops and implements legal strategies and reviews, analyzes, and develops cases. Incumbent also reviews Appeals Council remands and court orders to ensure adherence to policy and recommend appropriate action.

QUALIFICATIONS:

You will be rated on the extent and quality of your education and/or experience according to information provided in your application forms.

All Attorney positions in the Federal Government require Bar membership. Proof of membership in the Bar must indicate a current active membership. (No exceptions permitted to this requirement.)

For the GS-11 Grade Level:

To be rated eligible, you must meet one of the requirements described below:

Active Membership in the Bar, plus one of the following:

1. Fifty-two weeks of professional legal experience as a practicing attorney in which assignments involved complex and difficult legal questions requiring extensive research, analysis, and evaluation of information in controversial areas. Such experience must include: a) preparation of legal documents for filing by drafting complaints, orders to show cause, indictments, preliminary motions and supporting affidavits and briefs; b) drafting of pleading and motions for cases in litigation, conducting investigations to obtain facts, study of legal precedents and preparation of recommendations; and c) assisting attorneys in charge of court cases by cross-examining witnesses and drafting findings of facts, conclusions of law and orders based on

the record (you must provide the dates of employment and the hours worked per week); OR

2. A second professional law degree (LL.M.) which requires one full year of graduate study: OR

3. The first professional law degree (LL.B. or JD) with a record that shows superior law student work or activities as demonstrated by one of the following (documentation is required at the time of application):

A. Academic standing in the upper third of the law school graduating class;

B. Work or achievement of significant contribution on the law school's official law review (explain duties and hours devoted per week);

C. Special high-level honors for academic excellence in law school, such as election to the Order of the Coif;

D. Winning of a Moot Court competition or membership on the Moot Court team, which represents the law school in competition with other law schools;

E. Full time or continuous participation in a legal aid program equivalent to 6 months of full time work (dates of employment and hours worked per week are required);

F. Significant law office clerk experience while attending law school equivalent to 6 months of full time work (dates of employment and hours worked per week are required);

G. Other equivalent evidence of superior achievement while in law school. For example, winning a national contest published by Board of Attorneys.

For the GS-12 Grade Level:

The GS-11 requirements plus one additional year (i.e., 52 weeks, full time) of professional legal experience as a practicing attorney (including the examples of experience described in the GS-11 grade level requirement).

NOTE: Part-time work is prorated in crediting experience (e.g., if you work 20 hours per week for a 12 month period you will be credited with 26 weeks of experience).

Veterans Preference: If you are claiming veterans' preference, submit a copy of your military discharge certificate DD-214 (member 4 copy) or other proof of eligibility. To be acceptable, the document must show Character of Service. If you are claiming 10-point veterans' preference, you must also submit an Application for 10-Point Veterans' Preference (SF

15) and the required documentation specified on the reverse of the SF 15. You will be granted preference as appropriate based on the documents we receive. For more information on veterans' preference, consult the Vet Guide on the OPM website at <http://www.opm.gov/veterans/html/vetguide.htm>.

HOW TO APPLY:

Interested applicants must submit:

1. A Resume. Your resume should include:

- Personal Information: Full name, mailing address, contact information including email address, and Social Security Number.
- Education: Colleges/Universities attended, major field of study, total credit hours received, and type and year of degree received.
- Work Experience: Job title, hours per week, employer's name and address, supervisor's name and phone number, starting and ending dates of employment (month and year format), salary, duties and accomplishments. Indicate whether your current supervisor may be contacted.

Resumes must contain all of the information listed above in sufficient detail to enable Human Resources to make a determination that you have the required qualifications for the position.

2. Proof of Bar Membership.

3. Proof of Veteran Preference (if applicable). If you claim Veterans' Preference, you must provide:

- DD-214 (Member-4 Copy)
- If you claim 10-point preference, also submit an SF-15 (http://www.opm.gov/forms/pdf_fill/SF15.pdf) and the documents listed in the "Documentation Required" section of the SF-15 form. Save an electronic copy of the completed form to upload with your other application documents.

4. Proof of Education.

You must submit proof of your law degree from an accredited college or university recognized by the U.S. Department of Education. In addition, if you do not have qualifying legal experience, your transcripts will verify your class standing in determining qualifications based upon education alone.

5. Submit a writing sample. (no more than 10 pages)

Submit your resume and application materials electronically to OHO.R8.Recruitment@ssa.gov no later than September 5, 2023.

Candidates with questions may contact the office at: (888) 397-9803, extension 23001.

Federal agencies must provide reasonable accommodation to applicants with disabilities where appropriate. Applicants requiring reasonable accommodation for any part of the application and hiring process should contact the hiring agency directly. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Assistant US Attorney– Sioux Falls or Rapid City

The U.S. Attorney's Office for the District of South Dakota is seeking an experienced attorney to work in the Civil Division located in our Sioux Falls or Rapid City office with an emphasis in handling Civil Rights litigation. The United States Attorneys' offices have historically worked in partnership with the Civil Rights Division to advance civil rights through a variety of affirmative civil enforcement practice areas, such as housing and fair lending, ADA enforcement, allegations relating to the Civil Rights of Institutionalized Persons Act, voting rights, service members' rights, pattern and practice policing investigations, and employment discrimination. Assistant U.S. Attorneys in our Civil Division also handle civil matters on behalf of the United States, including defensive torts, medical malpractice cases, constitutional claims, employment discrimination, appeals under the Administrative Procedures Act, bankruptcy, prisoner litigation, federal debt collection, foreclosures, FOIA and Privacy Act litigation, IRS summons enforcement, and civil appeals.

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

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

Required qualifications: Applicants must possess a Juris Doctorate (J.D.) degree and be an active member of the bar (in any U.S. jurisdiction) and have at least one year of post-J.D. legal or other relevant experience. Applicants must be a U.S. citizen or National. In addition, applicants must also be a member, or be eligible to become a member, of the South Dakota federal district court bar.

If the successful candidate is not a member of the South Dakota State Bar Association, he or she must become a member of the South Dakota Bar within twelve months of onboarding with the office.

Preferred Qualifications: Applicants must persuasively and justly represent the United States of America in federal district court. Applicants must demonstrate superior analytical ability; strong research, writing, and courtroom skills; exercise fair and sound judgment; follow all Department of Justice and United States Attorney's Office policies; and exhibit the ability to work collaboratively in a supportive and professional manner with other attorneys, support staff, the court staff, and law enforcement agencies.

Applicants must meet all qualification requirements upon the closing date of this announcement.

Salary:

Assistant United States Attorneys' pay is administratively determined based, in part, on the number of years of professional experience. The range of pay, inclusive of 16.5% locality pay, is \$69,107 to \$180,756.

Application Process:

Provide cover letter, resumé, writing sample (not to exceed 20 pages), and list of three professional references including contact information. All documents are to be submitted electronically in one single PDF attachment and include the announcement number (23-SD-CIVIL-002) in the subject line of your e-mail. The e-mail address for the application package is: USASD.applications@usdoj.gov.

Application Deadline:

Applications must be received by close of business, 5:00 p.m. (CST) Friday, September 8, 2023.

State's Attorney– Brookings

POSITION TITLE: Brookings County Deputy State's Attorney I

REPORTS TO: State's Attorney

FLSA STATUS: Exempt

WAGE GRADE: 13

DESCRIPTION OF WORK

General Statement of Duties

Handles the prosecution of misdemeanor cases for

Brookings County. Assists the State's Attorney and Chief Deputy State's Attorney as needed with the prosecution of adult criminal matters and civil work on behalf of the County. Reports to the State's Attorney.

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

- Prepare and manage a caseload of predominantly misdemeanor cases.
- Assist law enforcement with involuntary mental health committals. Assist with civil representations of the County.
- Present cases for legal proceedings. Perform legal research. Prepare, draft, and file legal documents and correspondence.
- Review offenses, police reports, and evidence to make determination on charges. Prepare, send, and track subpoenas for witnesses and records. Prepare and interview witnesses for legal proceedings.
- Stay informed on changes in relevant law and statutes and proposed legislation and policy pertaining to criminal law, juvenile delinquency, and juvenile abuse and neglect.
- Communicate, correspond, and collaborate with parties involved in cases including victims, parents, school personnel, attorneys, court personnel, and law enforcement regarding procedures and actions for those cases.
- Respond to inquiries from the public. Make recommendations for custody, parental rights, sentences, and restitution.
- Represent the State's Attorney's Office at public, private, and inter-governmental programs and events.
- Train and educate volunteers, law enforcement, and social workers on their roles and duties on legal issues and the court process duties.
- Answer, handle, or direct phone calls and walk-in traffic from clients and the general public regarding legal concerns and questions.

QUALIFICATION FOR APPOINTMENT

Required Knowledge, Skills, and Abilities

- Ability to prepare clear, concise, and accurate documents.
- Ability to understand and follow both verbal and written instructions quickly and accurately.
- Ability to communicate effectively both verbally and

in writing.

- Ability to establish and maintain effective relationships with employees, other agencies, and the public.
- Ability to maintain confidentiality when handling sensitive information.
- Ability to display efficient use of time and proficient organizational skills with specific attention to detail.
- Extensive knowledge of modern office practices, procedures and equipment including computers, scanner, calculator, fax machine, copy machine, etc.
- Extensive knowledge and skill in the use of computers and computer programs to include Microsoft Word, Access, Excel, PowerPoint, Exchange and the Internet.

Education/Experience

- Obtained Juris Doctorate degree and is licensed to practice law in the State of South Dakota, or will be prior to the start date.
- 0-3 years experience in prosecution, litigation, or criminal law.

Please send cover letter and resume to State's Attorney Dan Nelson Dnelson@brookingscountysd.gov

Attorney– Sioux Falls

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

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

Public Defender– Lower Brule

TRIBAL COURT PUBLIC DEFENDER
Lower Brule Sioux Tribal Court
Lower Brule, South Dakota

The chosen applicant will:

- Have a law degree from an ABA accredited law school and be a member in good standing of the bar of any

state (South Dakota licensure preferred)

- Must never have been convicted of a felony
- Must be physically able to perform the duties of the office
- Provides legal counsel and representation to adults accused of criminal offenses and juveniles accused of delinquent acts
- Examines evidence and prepares and presents cases for the defense in criminal actions / delinquency actions
- Review police reports
- Draft motions, legal memorandums, and other pleadings
- Conducts client and witness interviews
- File pretrial motions
- Identifies appropriate sentencing alternatives for clients and assists with getting clients into treatment
- Knowledge of federal Indian law, criminal law, criminal procedure, juvenile law and procedure; and drug court or alternative courts process and procedures
- Ability to argue legal positions effectively and persuasively, recognize, formulate and implement viable case defense theories, investigations and litigation strategies
- Ability to communicate effectively both orally and in writing, multi-task, prioritize assignments, and remain organized.
- Work effectively with others
- Assist with Code writing (such as updating or amending tribal laws)
- Be a contributing asset to the office and welcome the opportunity to promote justice on the reservation
- Other duties as may be assigned by Chief Judge

Salary: Negotiable, depending on experience.

Closing Date: September 14, 2023

Applications shall be in writing, to include a professional resume, legal qualifications and any other submissions at the option of the applicant. Native American preference applies. Please email application to Chief Judge Lorrie Miner at lorrieminer@lowerbrule.net.

Staff Attorney – Pierre / Sioux Falls / Rapid City

Disability Rights South Dakota is currently seeking an attorney for the position of Staff Attorney/Team Lead. This position can be in Pierre, Sioux Falls, or Rapid City, to be determined by successful applicant. The primary purpose of this position is to provide

legal representation to clients of Disability Rights South Dakota and perform oversight of program(s) within Disability Rights South Dakota. The successful candidate will hold a Juris Doctor degree with admission to the state bar or within six months of hiring date; one to three years applicable law and litigation experience is preferred. The candidate should be highly motivated, organized, have excellent communication skills (written and oral), be detail orientated, and have an understanding of database programs.

Other skills needed are the ability to meet and greet the public, work in a team environment, and have an understanding of the service delivery system. This position requires the incumbent to have knowledge of grant management including compliance to the sponsored programs at the local, state and/or federal levels (depending on granting agency). The incumbent should have knowledge of state laws, programs, and issues concerning persons with disabilities and understanding of a non-profit office environment. Competitive salary and full benefits are provided. Position open until filled.

To apply please include a letter of interest, resume, and writing sample to drsd@drsdlaw.org or mail to:
Disability Rights South Dakota
2520 E. Franklin St., Ste. 2
Pierre, SD 57501

Open until filled
competitive salary and benefit package.

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 – Mission

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

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

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

poverty law and working with Native American and low income clients.

SALARY: Starting at \$60,000 plus, depending on experience. DPLS has excellent fringe benefits, including generous leave benefits and employee insurance coverage (medical, dental, life, disability).

CLOSING DATE: Open until filled.

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

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

Staff Attorney – Fort Thompson

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

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

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

SALARY: Starting at \$60,000 plus depending on experience. DPLS has excellent fringe benefits, including generous leave benefits and employee insurance coverage (medical, dental, life, disability).

CLOSING DATE: Open until filled.

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

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

Law Clerk– Marshall, MN

Law Clerk - Honorable Michelle Dietrich, Marshall, MN

Salary: \$65,217.00 - \$78,261.00 Annually

Closing Date: 8/18/2023 12:00 PM Central

Step outside the metropolitan area and experience an out-state judicial clerkship. You will be exposed to a multi-faceted caseload, observe many different types of court proceedings and understanding of the litigation process. Utilize your legal research and writing skills, work as part of a judge team, and observe all types of court calendars and proceedings. Law Clerks also benefit from a close mentorship working directly with the District Court Judge performing legal research, drafting legal documents, correspondence, memoranda and other writings as requested.

The Honorable Michelle Dietrich, chambered in Lyon County, Marshall, MN seeks qualified applicants to fill a full time Judicial Law Clerk position. The Fifth Judicial District is comprised of the 15 southwest counties in the State of Minnesota including Blue Earth, Brown, Cottonwood, Faribault, Jackson, Lincoln, Lyon, Martin, Murray, Nicollet, Nobles, Pipestone, Redwood, Rock and Watonwan Counties. This positions primary work location will be Lyon County, Marshall, MN.

A Judicial Law Clerk position offers the opportunity to work within the Minnesota Judicial Branch at the Trial Court level on a variety of assignments and observe many different types of court proceedings. Law Clerks work directly with the District Court Judge performing legal research, drafting legal documents, correspondence, memoranda and other writings as requested.

The successful candidate will be articulate, self-motivated, and an excellent writer. Excellent research

and analytical skills are required. Must have the ability to communicate effectively, verbally and in writing.

The Minnesota Judicial Branch offers an excellent comprehensive benefit package and is an eligible employer for the Public Service Loan Forgiveness Program.

For benefit information visit: <http://mn.gov/mmb/segip/index.jsp>.

Example of Duties:

(Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.) The following are examples of major job duties expected for this position to perform.

- Reviews, studies, researches, and annotates laws, court decisions, documents, opinions, briefs, and related legal authorities.
- Prepares briefs, legal memoranda, and statement of issues involved, including appropriate suggestions or recommendations to the justice or judge.
- Compiles references on laws and decisions necessary for legal determinations.
- Confers with justice, judge or court official concerning legal questions, construction of documents and granting of orders.
- Attends court sessions to hear oral arguments and records necessary case information; maintain records attendant to court proceedings.
- May perform courtroom duties including calling the calendar; swearing in jury panels and witness; taking court minutes; and assisting in various court proceedings such as arraignments, motions, hearings, pre-trial conferences and trials.

Typical Qualifications:

Any combination of education, training, and work experience which indicates possession of the knowledge, skills, and abilities listed below will be considered. An example of an acceptable qualification is:

Minimum Qualifications:

- Juris Doctorate (JD) from an accredited law school.

Knowledge, Skills and Abilities:

- Knowledge of general law, state law, established precedent, and sources of legal reference.
- Knowledge of court practices and procedures.
- Knowledge of legal terminology and concepts.
- Ability to communicate clearly and concisely, both

orally and in writing, with a diverse group of people.

- Ability to research complex legal problems or questions and apply legal principles.
- Ability to represent the court in a respectful manner.
- Ability to establish and maintain effective working relationships with others.
- Proficient in Microsoft Word/Windows operating system and legal research software

Supplemental Information:

The Minnesota Judicial Branch (MJB) is committed to providing fair and equal access to justice. If you share this same commitment, desire a meaningful career serving the public, and want the opportunity to make a difference for your community, consider a career with us.

We celebrate and are committed to the principles of diversity and inclusion, and actively seek and encourage applications from persons with diverse backgrounds and characteristics. Minnesota Judicial Branch employees consistently express pride in their public service and in the quality of programs and services provided to customers, as well as appreciation for the teamwork and collaboration that is promoted within the MJB.

TO APPLY

Apply for this position(s) #01010874 online at: <http://www.mncourts.gov/careers>. For your application to be considered complete, please upload a cover letter, resume, transcript and writing sample with your application.

All Employment offers are contingent upon satisfactory results of a criminal background check.

Please contact Human Resources at 5thDistrictHR@courts.state.mn.us with questions regarding this position.

It is the policy of the Minnesota Judicial Branch that all decisions regarding employment are made without discrimination on the basis of disability. Please let us know if you need a reasonable accommodation for a disability to participate in the employee selection process by contacting Human Resources, 5thDistrictHR@courts.state.mn.us.

The Minnesota Judicial Branch is an Equal Opportunity Employer. It is the policy of the Minnesota Judicial Branch that all decisions regarding recruitment,

hiring, promotions, and other terms and conditions of employment be made without discrimination the grounds of race, color, creed, religion, national origin, gender, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age. We value and encourage applicants from diverse.

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

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

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

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

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

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

- Beautifully renovated modern designed offices and workspaces
- In-house marketing and business development staff with a strategic plan that helps you get clients

and land prospects

- High tech cloud-based systems allowing secure remote work
- Experienced office support staff
- Local businesses as well as FORTUNE 500 clients
- Sign on bonus possible if bringing on existing clients to the firm, or acting as “rainmaker”.

Let's talk in full confidence.

SENIOR COUNSEL - SENIOR ASSOCIATE START \$100,000-\$150,000* BASE AND INCENTIVE BONUS IOWA, SOUTH DAKOTA, NEBRASKA UP TO \$50,000* SIGN-ON BONUS

Jump start your legal career if you have 4-7 years of experience with this award-winning firm that offers:

WORK LIFE BALANCE - the firm values life, family and then business in that order, with business casual setting, and wants employees to enjoy their careers and spend quality time with family.

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

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

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

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

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

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

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

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

- Automatic Partner Track is possible with great advancement opportunities, where they recognize performance and results.

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

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

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

Our client will pay a confidential referral fee for any leads that result in an acquisition or controlling interest in an established law firm preferably in Iowa, Nebraska, South Dakota or other states where they already do business or have attorneys licensed to practice there: New York, North Dakota, Minnesota, California, Illinois, Arizona, Colorado, Missouri, Massachusetts.

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

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

The acquisition can be using any of the following methods:

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

DO YOU OWN YOUR ESTABLISHED LAW OFFICE RIGHT NOW?

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

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

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

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

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

Becoming affiliated with or strongly capitalized, award winning firm will provide significant benefits to your existing practice as their marketing department will get prospects and grow your existing business.

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

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

PRACTICE AREAS OF CLIENT:

AGRIBUSINESS AND COOPERATIVES;

ALTERNATE BUSINESS RESOLUTION;

BANKRUPTCY AND RESTRUCTURING;

DIVERSITY AND INCLUSION LAW;

EMPLOYMENT LAW; LITIGATION TRIAL LAW;

PROBATE;

INDUSTRIES SERVED:

BANKING AND FINANCE; BLOCKCHAIN;

CONSTRUCTION; ENVIRONMENTAL HEALTH

AND SAFETY; FINTECH; LOCAL COUNSEL

FOR FORTUNE 500 COMPANIES; REAL ESTATE;

MANUFACTURING LITIGATION; MULTIFAMILY

HOUSING; HEALTHCARE LAW; TRUCKING,

TRANSPORTATION AND LOGISTICS.

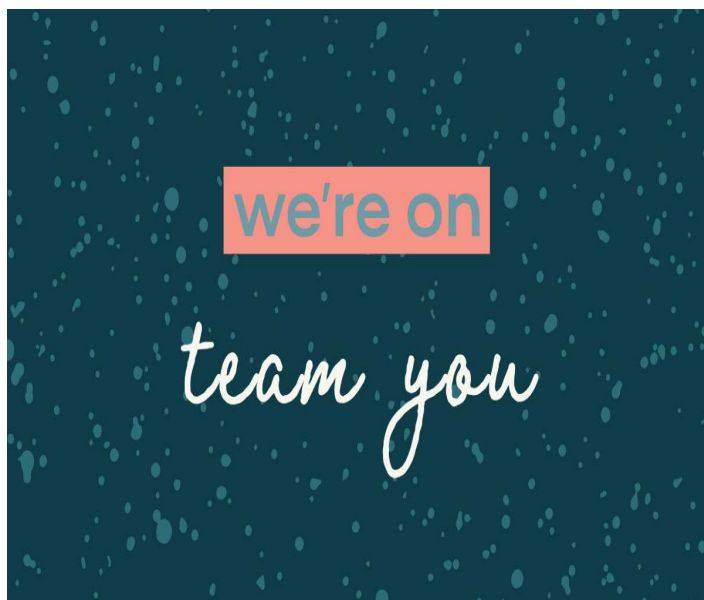
Please contact me in full confidence to receive a Confidentiality Agreement, allowing further confidential discussions.

C. Adam Jansen, CEO
Sterling Cooper, Inc. - Consulting Division

www.sterlingcooper.info
email: jansen@sterlingcooper.us
Direct Toll Free: 1-866-285-6572
Direct Cell Phone and Text: 1-929-465-7456

NOTES:

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



Send your job announcement to
Tracie Bradford

tracie.bradford@sdbar.net

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

EVENTS

- September 8, 2023 | Estate Planning CLE | Sioux Falls Ramkota
- September 21-22, 2023 | Rural Lawyer Symposium | USD Knudson School of Law, Vermillion
- September 29, 2023 | Bar Commission Meeting | Missouri Avenue Event Center
- September 29, 2023 | Nuts & Bolts CLE | Missouri Avenue Event Center
- September 29, 2023 | Statewide Swearing-In Ceremony | Capitol Rotunda
- September 29, 2023 | Reception to follow Swearing-In Ceremony | Missouri Avenue Event Center
- October 20, 2023 | The Corporate Transparency Act: Coming Soon To a Family - Owned Entity Near You! | Minnehaha County Club, Sioux Falls

WWW.STATEBAROFSOUTHDAKOTA.COM

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.