

State Bar of South Dakota

MARCH 2024

NEWSLETTER



March Law for Lunch

March 19

Indian Law with
Professor Pommersheim
12:30 CST
Zoom

April Law for Lunch

April 16

Partnership
Program with CPCM
12:30 CST
Zoom

May CLEs

May 2

AM - Family Law CLE
PM - Criminal Law CLE
The Box Event Center
Box Elder, SD

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MEMBERSHIP DIRECTORY UPDATES ARE DUE BY

MARCH 8, 2024

PLEASE EMAIL YOUR UPDATES TO
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"DIRECTORY UPDATES" AS YOUR SUBJECT

INCLUDE:

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PUBLIC EMAIL



State Bar of South Dakota

March 2024

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PRESIDENT'S CORNER



Heather Lammers Bogard

March is Women's History Month, a time for us to recognize and celebrate the significant contributions of women in the legal profession. We can reflect on the remarkable achievements, resilience, and trailblazing efforts of women who have shaped the legal landscape and advanced the cause of justice. As a State Bar, we must acknowledge the vital role that women lawyers, judges, and legal professionals play in upholding the principles of fairness, equality, and the rule of law. Women bring unique perspectives and insights to the practice of law, enriching the profession with their diverse experiences.

I want to honor these pioneering women in South Dakota who shattered barriers and paved the way for future generations:

- Cynthia Eloise Cleveland, first woman admitted to the bar in the Dakota Territory in 1883.
- Katie Rockford, first woman to take the exam before the South Dakota Supreme Court in 1897.
- Marjorie Breeden, first woman to graduate from the University of South Dakota School of Law in 1907.
- Blanche Colman, first woman admitted to the State Bar of South Dakota in 1911.
- Dorothy Rehfeld, first woman to practice before South Dakota's federal courts.
- The Honorable Mildred Ramynke, first woman to be appointed as a state judge in South Dakota in 1958.
- The Honorable Karen Schreier, first woman to be appointed as the United States Attorney in South Dakota in 1993.

- Roberta Cooper Ramo, first woman elected to be President of the American Bar Association, serving 1995-96.
- Darla Pullman Rogers, first woman to be elected as the President of the State Bar of South Dakota, serving 1998-99.
- The Honorable Karen Schreier, first woman to be appointed as a federal judge in South Dakota in 1999.
- The Honorable Judith Meierhenry, first woman appointed to the South Dakota Supreme Court in 2002.

Women's History Month also serves as a reminder of the ongoing work needed to achieve full gender equality within the legal profession. While significant progress has been made, there is still more to be done to ensure that women are afforded equal opportunities for leadership, mentorship, and career advancement within the legal field. We must continue to promote inclusion and foster an environment in which all individuals, regardless of gender, will thrive and contribute meaningfully to the practice of law.

Recently, at the National Conference of Bar Presidents in Louisville, Kentucky, I attended a conference entitled, "Is DEI dead, or are those rumors greatly exaggerated? What Bar Leaders Need to Know." Glenda Freeman, Past President of the Alabama Lawyers Association, Jerry Kilgore, Former Virginia Attorney General, and Lisa Loo, Past President of the State Bar of Arizona, discussed the implications of *Students for Fair Admissions, Inc. (SFFA) v. President & Fellows of Harvard College (Harvard)* and *SFFA v. University of North Carolina (UNC)*, a recent decision by the United States Supreme

Court. Two state legislatures reacted to this holding by proposing legislation. Kentucky H.B. 9 (pending) sought to bar 1) DEI (diversity, equity and inclusion) offices at public colleges, 2) assessing scholarship eligibility based on sex or race, and 3) inquiries of college applicants concerning race, ethnicity, etc. Utah H.B. 261 (passed) sought to bar colleges from asking prospective students or employees about their views on DEI, as well as to prohibit mandatory trainings that promote “differential treatment.”

Although DEI policies are not, in fact, dead, it remains to be seen the extent to which DEI will be minimized. One commentator suggested that we stop using buzz words such as “diversity” and “equity,” and instead focus on “inclusion.” Often, simply saying “DEI” is a negative trigger for some. I’ll end this article by saying that I appreciate the “inclusion” that I have felt as a female in my community, law firm, and State Bar. I know many others have not felt that same sense of inclusion, so I encourage all of our State Bar members to appreciate and respect the opinions and perspectives of each other, women included.



*Congratulations to
Sarah Sharp Theophilus,
President Elect for the
State Bar of South Dakota!*

*We look forward to
working with you!*



**MORE INFORMATION
COMING SOON!**

2024 Annual Convention

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

State Bar of South Dakota

YOUNG LAWYERS SECTION



Chelsea Wenzel
President-Elect

March is the month of St. Patrick's Day! In writing this article, I looked into the background of my second-favorite holiday and its connection with the concept of luck. It turns out the four leaves on a four-leaf clover represent faith, hope, love, and luck. As a "newer" attorney, I find myself relying on one of those concepts almost on a daily basis. I have to have faith in my own abilities (and a higher power when my abilities don't get the job done); hope that justice will be done in my cases (and the judge will rule in my favor); love for the work that I do and the professionals that offer guidance; and an appreciation for how lucky I am to practice in a place like South Dakota.

Maybe there is something about spring (and the much-anticipated end of winter) that puts all of us in a good mood and gives us the renewed energy to share that mood with others. It is said, if you find a four-leaf clover and give it to someone else, your good luck will be doubled. I'd bet the same can be said for sharing (and passing on) the faith, hope, love, and luck that we experience in our daily lives. This can include showing grace when another attorney is struggling, offering some mentorship or advice to a newer attorney (or an attorney who is practicing in a new area), or thanking someone for doing a small thing that made a big difference.

In that spirit, I would like to give a shout out to the Hon. Tara Adamski, a magistrate judge in the Sixth Circuit. A few months back, I took on a criminal case in Stanley County. I was very excited (and nervous), as this was one of the first litigation cases I, an appellate attorney, had handled completely on my own. To say that I made a dumb mistake at almost every hearing would be an understatement. To put it in perspective, I had to file a Third Amended Part II Information—and that was just the start. Judge Adamski was patient with me and did not make me feel like an idiot (lord knows my internal critic was doing a great job of that). She didn't lose faith in me. This experience boosted my confidence and relieved the anxiety that comes with trying something new. It's hard to estimate just how meaningful the experience will be throughout my career, especially as I start a new position in the criminal litigation division. These small gestures made (and will make) a big impact.

Now for a few announcements from the YLS Board:

Ambassador Positions

We are piloting new "Ambassador" positions with the YLS Board. Ambassadors will work with the YLS Board, and specifically with board members in their circuit, to help plan CLEs and mixers, market YLS

events, and brainstorm ideas so the Young Lawyers Section can continue to serve the State Bar members and our communities at large. We would like to get a diverse set of Ambassadors from different age ranges, experience levels, and practice areas with the hope of increasing comradery and the involvement of young lawyers in the State Bar. If you have any interest in learning more or becoming an ambassador for your circuit, please reach out to your YLS circuit representative! Stay tuned for more information!

Young Lawyer of the Year

If you know a stellar young lawyer who deserves to recognition, please consider nominating them for the YLS Young Lawyer of the Year Award. I am constantly impressed with the nominations we receive for this award. We are fortunate to be part of a State Bar that has so many hard-working and brilliant young attorneys and attorneys who are willing to take the time to recommend the deserving candidates.

The nominee must be a member of the State Bar of South Dakota, in good standing, and must not have reached the age of 36 years by June 14, 2024, or been admitted to practice in any jurisdiction for more than ten years.

Nominees should exemplify the following characteristics:

- Professional excellence
- Dedication to serving the legal profession and the Bar
- Service to their community
- A reputation that advances legal ethics and professional responsibility

Nominating attorneys should submit a brief letter in support of their nominee to Kelsey at Kelsey.Blair@pennco.org or to me at Chelsea.Wenzel@state.sd.us no later than Friday, March 15, 2024. The nominating attorney should detail how the nominee meets the above-referenced characteristics.

Check back for updates and more spring happenings next month!

St. Patrick's Day Fun Facts

Around 70 million people around the world claim Irish roots

St. Patrick was actually Welsh

The first St. Patrick's Day parade was actually held in the USA

There were no snakes in Ireland for St. Patrick to banish

St. Patrick actually wore blue

Fellows of the South Dakota Bar Foundation

Sustaining Life Fellow - \$50,000 plus

Fred & Luella Cozad

Life Fellow - \$25,000 plus

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Gregory A. Yates

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Kimberley A. Mortenson

Platinum Fellows - \$10,000

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Carleton R. "Tex" Hoy

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Lisa Hansen Marso

Bob Morris

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Gary J. Pashby

Stephanie E. Pochop

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Jason R.F. Sutton

Lea Wroblewski

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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.

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Address _____

City _____ State _____ Zip Code _____

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

In Memoriam

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

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

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

Or you can email this form to:

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

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

Raising the Bar
Our Profession. Our Responsibility.



UNIVERSITY OF
SOUTH DAKOTA
KNUDSON SCHOOL OF LAW



DEAN'S LIST: NEWS FROM THE LAW SCHOOL



Neil Fulton
Dean, School of Law

Over the last year, several high-profile controversies involving free expression challenged universities. Some of those incidents centered in and around law schools. Whether student disruption of visiting speakers, employers revoking employment offers based on student political statements, schools restricting some ideas or arguments as “harmful” or “hateful” speech, or reports of self-censorship by students and faculty, several law schools faced struggles over how to manage free expression within their walls.

This is nothing new. Disputes about campus speech have ebbed and flowed, boiled over, and cooled down for decades. They make tantalizing news copy and partisan political fodder, so their frequency and severity are often exaggerated. It is indisputable, however, that a campus culture of free expression and inquiry is important, particularly for law schools. But the mere fact that it is important does not automatically make it simple or uncontroverted. It is important enough to devote this month's column to my perspective on free expression at the Law School and within the legal profession. While true every month, it is particularly important to note on this topic that the views in this column are mine and not those of the Law School, USD, or the Board of Regents.

First and most importantly, we are a community committed to free expression and inquiry. Students can, and do, advocate competing ideas on a multitude of legal and political issues—both in and out of the Law School. Faculty freely research and write about

all the legal issues that they think are important from any perspective that they find persuasive. We welcome speakers from a broad spectrum of experiences and philosophies, the only litmus test being their willingness to substantively engage our students and enrich the life of the Law School. It is impossible to overstate the value of starting with the premise that we are a community committed to freely putting up important ideas for discussion, encouraging open and thoughtful debate of those ideas, and declining to tell people what to think while insisting that they do think—and think hard.

Being a community committed to free expression and free inquiry does not require becoming a community without rules, however. Some limited categories of expression are out of bounds. Certain time, place, and manner restrictions are necessary to do our educational job. Faculty can insist that students not talk over each other, hold questions until certain points, and otherwise regulate the flow of class discussion to teach effectively. Similarly, class discussions must be germane to the class. Students in class can freely argue that a particular case was rightly or wrongly decided, but they cannot argue about who will win the Super Bowl (although they can and do argue this a LOT in the hallways). Additionally, neither true threats against others nor a “heckler's veto” of speakers are allowed. If one member of the Law School community makes a legitimate threat to another, we will take steps authorized within the University and BOR policy necessary to preempt it. Likewise, we cannot allow individuals to shout down

speakers or prevent discussion of ideas they disagree with, but we will encourage and facilitate them in presenting competing speakers and ideas. Dialogue and debate, even if contentious, enriches our community; disruption impoverishes it.

Commitment to free expression creates an open and engaging community. Commitment to limited but necessary boundaries on expression makes that community sustainable. As a law school, however, our obligations go beyond these bare minimums. We have an obligation to prepare our students to be thoughtful practitioners of free expression in the world. Law School graduates become leaders in all their communities. As a result, perhaps nothing we do is more important to help them develop the ability to be thoughtful examples of how to engage in free expression. We do that in a few ways.

First, we push students to be informed, reasoned, and clear in the formation and expression of ideas and arguments. Unfortunately, many disputes around free expression come when emotion substitutes for reason, when feelings substitute for facts, and provocation substitutes for persuasion. It is not the Law School's job to tell students what to think or what to say. It is emphatically our job to teach them the habits of mind and speech that allow them to formulate strong ideas, articulate them clearly, and understand and assess the ideas of others. A great deal of what we do as lawyers and as engaged citizens depends upon the effective use of these skills. It is, therefore, imperative that we both model for students ourselves and affirmatively teach them how to develop and use those skills.

Second, we must confirm for students that they will encounter ideas they disagree with and even find odious. What matters more than that reality is their response. It has become all too common to take immediate and complete offense at ideas we disagree with. All too often, calls come from across the ideological spectrum to suppress ideas deemed disagreeable, label their champions as hateful or harmful, and retreat into separate and homogenous camps of thought. To be professional practitioners of free expression requires something more. It is vital that we train young lawyers to pair their commitment to free expression with personal forbearance, patience, and curiosity in the face of ideas they disagree with. In an increasingly

disagreeable society, lawyers can help guide others to be patient when they encounter disagreeable ideas, seek to understand them and find common ground with the speaker. We work to expose students not only to the skills of thought and argument but also the skills of patience, forbearance, and curiosity that sustain rather than rupture communities. We do this through guided discussion in class and other settings and modeling that behavior as faculty. It is our goal to equip students to be guides of ongoing conversations rather than partisan prisoners of the moment.

Third, we depend on students and faculty as individuals to be the drivers of dialogue on campus rather than the Law School itself. In practical terms, this means a couple of things. First, most of our speakers come from student organization activity. The Law School itself sponsors a limited number of speakers each year, and most of those focus on largely uncontroverted issues of professional competence and culture. Rather than driving the agenda of outside speakers, the Law School works to create an environment where our community members develop relationships and make invitations for those speakers and topics they are concerned with. Second, the Law School rarely takes positions or "speaks" on matters of public concern. Instead, we create an environment for faculty to do so through their scholarship and for students to do so through student organization activity and personal advocacy. Not all agree with this approach. But the best path forward is not for the Law School to weigh in on each issue of the day, but to equip and encourage our students, faculty, alumni, and friends to do so in informed, thoughtful, and respectful ways.

The challenge of living as a community of free expression is greater in the face of the facts of real situations. But meeting those situations requires a clear understanding of the commitments of your community. I am confident that the Law School has generally avoided the types of disputes that have roiled other campuses because we share these clear ideas and practice them. Certainly, we too will have moments where we do not meet our ideals, but guided consistently and clearly by them, we can endure as a community where free expression, in all its challenging and messy reality, is practiced thoughtfully, bravely, and respectfully. It is a vital part of our job; we are proud to do it.



JUSTICE
SQUAD

Congratulations to the top five SDFLA attorney volunteers in 2023!



Adam Altman
Joseph Hogue
Steve Huff
Marwin Smith
James D. Taylor

These five attorney volunteers will each receive the coveted SDFLA Legal Superhero pen set!

Congratulations to Marwin Smith for being recognized by Henry Su, Chair of the ABA Standing Committee on Pro Bono and Public Service, as a 2023 Pro Bono Leader for Free Legal Answers.



2023 PRO BONO
LEADER



AMERICAN BAR ASSOCIATION

Free Legal Answers

Are you interested in becoming a legal superhero and member of the A2J Justice Squad?

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

2024

A2J ANNUAL STATE BAR CONVENTION GOLF TOURNAMENT



DUNES GOLF COURSE

Ft. PIERRE

THURSDAY, JUNE 13, 2024

TWO SHOT GUN STARTS

08:30AM & 01:30PM CST

REGISTRATION:

- **ONLINE REGISTRATION ONLY**
MUST REGISTER & PAY FOR ALL 4 PLAYERS DURING REGISTRATION
- **ENTRY FEE IS \$125/PLAYER (\$500/TEAM)**
- **LIMITED TO 15 4-PERSON TEAMS PER MORNING/AFTERNOON SESSION**
(PRICE INCLUDES GREEN FEES, GOLF CART, PRACTICE RANGE, AND 1 MULLIGAN/PLAYER)
- **REGISTRATION CLOSES MONDAY, MAY 20, 2024**

**REGISTER
HERE**



TOURNAMENT OPEN TO ALL BAR MEMBERS
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COURT REPORTERS, & LAW STUDENTS

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ANNOUNCEMENTS

We are excited to start 2024
with announcing

Rachel Preheim

as a new partner at
Lockwood & Zahrbock Kool Law Office

Lockwood & Zahrbock Kool Law Office
121 S. Franklin Avenue, Ste. 1
Sioux Falls, SD 57103

Telephone: (605) 331-3643

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

Kate Bartell Nowak
has become a partner with the firm.

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

Telephone: (605) 605-275-5665

kate@legacylawfirmnpc.com

www.legacylawfirmnpc.com

SERVICEMEMBER CIVIL RELIEF ACT

The South Dakota Bar Veterans' Committee (Vet Committee) will be scheduling a webinar on the Servicemember Civil Relief Act (SCRA) on March 26, 2024. SCRA is legislation enacted to benefit current and former military members and their dependents in civil matters relating to their military service. It can involve a wide range of practice areas – domestic relations, debtor/creditor, landlord/tenant, employment law, and a range of other civil practice areas.

The Vet Committee has prepared a SCRA Bench Book for use by the South Dakota judiciary. Practitioners should look into the applicability of SCRA when representing any current or former servicemember, family, or dependent. The webinar will be conducted attorneys with extensive military experience concerning the authorship and applicability of SCRA in litigation.

PRESENTERS:

Professor Gregory Huckabee &
Colonel John Odum

March 26, 2024
12:00 PM - 1:00 PM CST
Zoom



CO-CHAIRS: Gary P. Thimsen &
Sarah Sharp Theophilus



CALLING ALL COUNSEL --- COMING THIS MARCH 2024

WHAT: The South Dakota Judges Association is again conducting its confidential Judicial Evaluation process. The Association will be mailing Bar members packets to complete evaluations of South Dakota state justices and judges. The Association respectfully requests each attorney to complete the evaluation forms and return them in the pre-addressed, postage-paid envelope. The completed evaluation forms will be mailed to a retired judicial facilitator. The facilitators will work to ensure there is no attorney-identifying information on the evaluation forms and then send the completed evaluation forms to the justice or judge evaluated.

WHEN: In March, lawyers should expect to receive their packet(s) to complete and return.

WHO: The evaluation packets will be sent to all lawyers in the judges' respective circuits. Additionally, "outside circuit" attorneys who appear before a judge may also receive an evaluation form. The Supreme Court justices will seek evaluation from attorneys who have appeared before and/or presented legal matters to them in the last five years.

WHY: The justices and judges strive to improve their service on the bench and value input from the lawyers who appear before them. Your participation is greatly appreciated, and this process cannot be done successfully without your input.

YOUR FULL PARTICIPATION IS APPRECIATED. PLEASE DON'T DISCARD. ALL COMMENTS WILL BE ANONYMOUS & CONFIDENTIAL.



2024 YLS “BOOTCAMP”

Lawyers of all ages welcome!

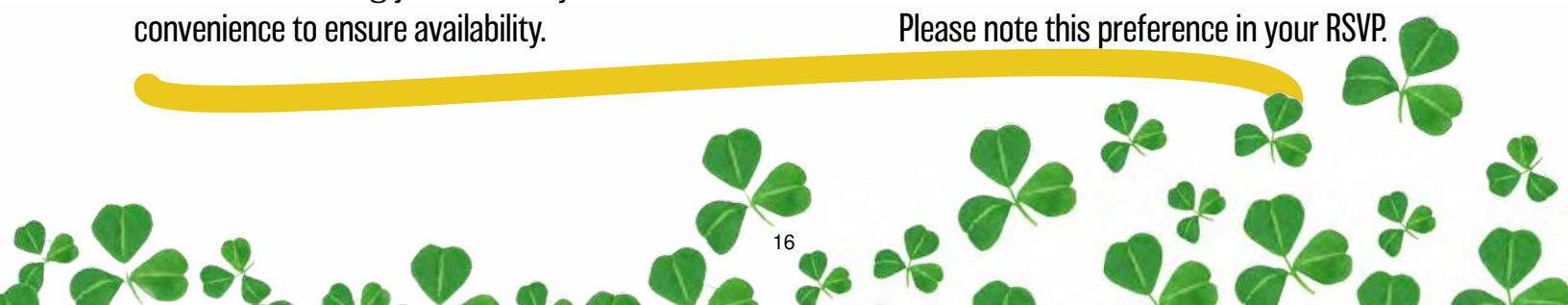
Friday | March 15, 2024
Cadillac Jack’s Gaming Resort | Deadwood, SD

SLOT	LINEUP
8:00 AM - 8:30 AM	Registration and Welcome
8:30 AM - 10:00 AM	“Advanced Legal Research” - Professor Richard Leiter
10:00 AM - 10:10 AM	Break
10:10 AM - 11:40 AM	“Discovery Practices and Pitfalls” - John Burke
11:40 AM - 12:00 PM	Break
12:00 PM - 1:30 PM	“Trial Tips from the Bench” - Judge Eric Strawn
1:30 PM - 1:40 PM	Break
1:40 PM - 3:10 PM	“Preserving Your Appellate Record” - Justice Janine Kern
3:10 PM - 3:20 PM	Break
3:20 PM - 4:40 PM	“Crash Course in Employment Law” - Jennifer Frank
4:40 PM - 4:45 PM	Closing

Circuit Mixer to follow CLE - All attorneys are invited!

We've secured a block of rooms for our attendees. It's St. Patrick's Day Celebration that weekend, so we recommend booking your room at your earliest convenience to ensure availability.

RSVP to attend Bootcamp:
Lora Waeckerle, lora@wlawsd.com
Virtual attendance is available .
Please note this preference in your RSVP.





UNIVERSITY OF
SOUTH DAKOTA
KNUDSON SCHOOL OF LAW

USD Knudson School of Law is conducting a survey to better understand generative AI usage among the bench and bar of South Dakota. Generative AI is a new, powerful area of technology that heavily affects legal research and writing, and we need your help in better understanding the South Dakota legal community's usage of AI, concerns about AI, and needs for further training. Your responses are valuable because they will help us predict employment trends and could influence future curriculum and policy decisions at the School of Law. Answers cannot be traced back to individuals, so please provide candid responses.



CLICK HERE TO
START THE SURVEY

SAVE THE DATE

SPRING OCI DATES:

March 21-22 OCI Round II

Register [HERE](#) for Spring OCI events.

Accessible and affordable housing is a common barrier to student placements.
If you are a bar member willing to host an intern, please fill out [this form](#).



Welcome

Please join us in welcoming Carrie Gonsor Sanderson as the new State Bar Strategic Plan Coordinator! Carrie will be reaching out to members as part of her new role.

Congratulations, Carrie!



March Law for Lunch

United States v. Sioux Nation of Indians Revisited:
Justice, Repair, and Land Return

March 19, 2024
12:30 PM - 1:30 PM CST
ZOOM

Presenter:
Professor Frank Pommersheim

*Join Professor Pommersheim to discuss
United States v. Sioux Nation of Indians,
448 U.S. 371 (1980) implications.*



State Bar of Montana Presents:



A room block at the River Lee Hotel in Cork, Ireland for the Celtic CLE has been secured. The booking code is STAT270524 and can be reserved directly with the hotel reservations team by emailing cork@doylecollection.com or calling 021 4252700. Please note that the code will not work when booking via the website.

Save the Date
May 27 – 31, 2024
Cork, Ireland

Registration Fees:
\$795 Member of State Bar of Montana
\$900 Non Member
Registration Deadline: May 13, 2024

Register
HERE

PUBLIC INTEREST NETWORK AUCTION

THURSDAY, MARCH 28, 2024

Where: Old Lumber Company, Second Floor, Downtown Vermillion

When: Virtual Bidding at: 10:00 A.M. and come join us at OLC at 5:30 P.M.

Live Auction 7:00 P.M.

Eat, Bid, and Support USD Law Students

**ALL PROCEEDS SUPPORT
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Credit Card, Cash, Check, or Venmo
Must pay at the event
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Can't make it in person? Join us at:
<https://pin.betterworld.org/>






If you are a person with a disability and need a special accommodation to fully participate, please contact Disability Services at least 48 hours before an event. Students can contact Disability Services at 605-658-3745 or disabilityservices@usd.edu For questions about the event, please contact Veronica Knutson veronica.knutson@coyotes.usd.edu

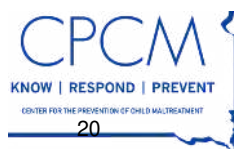
3rd Annual *Legal* Workshop

Crimes Against
Children in the
21st Century



 April 4, 2024 • 9am to 3pm CST
 Old Lumber Company, Vermillion
 Registration required:
<https://sdcpcm.com/legalworkshop>

This FREE workshop is intended for law students, legal professionals, and others interested in better understanding trauma-informed approaches in legal proceedings. Light breakfast & lunch are provided.



Welcome
Justice Scott P. Myren

**Legal Issues in
Tech-Facilitated
Child Sex Abuse**
Warren Binford

**Victim
Representation in
Tech-Facilitated
Child Sex Abuse**
A.R. Ascano

**Legislative Work
to Protect Children
from Harm**
State Legislators



State Bar of South Dakota

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

President Elect
Sarah Sharp Theophilus
4505 S. Florence Ave.
Sioux Falls, SD 57103
(605) 941-0212
sarah.theophilus@va.gov

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

Board of Bar Commissioners
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Caroline A. Srstka
David R. Strait

Dear State Bar of South Dakota Members:

Thank you for your service as a member of the State Bar of South Dakota. Our President Elect will fill vacancies on State Bar Standing and Special Committees for the 2023-2024 Association year. To assist our Appointments Committee with this important process, please complete the following survey to indicate your desire to ***join or retain*** your appointment to our State Bar Committees.

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

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

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

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

Thank you in advance for your assistance. Although there are a limited number of vacancies to fill, we will give each application thorough consideration. If you would like to discuss the application process, please feel free to contact Paul Cremer at (605) 224-7554, or paul.cremer@sdbar.net.

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

Sincerely,

State Bar of South Dakota

South Dakota Young Lawyer and ABA Young Lawyers Division Chair, Tamara Nash, invites you to attend the ABA Law Practice Division, Solo, Small, Firm and General Practice Division, and Young Lawyers Division joint Spring Conference.

*Empowering Excellence,
Bridging Experience*

2024 GPSOLO, LP & YLD JOINT SPRING CONFERENCE

MAY 15-18, 2024
OMAHA ► NEBRASKA

Law Practice Division
Solo, Small Firm and General Practice Division
Young Lawyers Division



AMERICAN BAR ASSOCIATION

► **REGISTER NOW**

For the very first time, the ABA Young Lawyers Division, ABA Law Practice Division; and ABA Solo, Small Firm and General Practice Division are coming together to host a joint Spring Conference. The Conference will bring together legal professionals from diverse backgrounds, including solo practitioners, practice management specialists and new lawyers. Programming will be centered around the idea that true success in the legal profession comes from a commitment to excellence and an openness to learning from experiences that differ from our own.

Registration is now open!

*Hotel Accommodations: Omaha Marriott (Capitol District). The booking deadline for all hotels is April 24, 2024.



FAMILY LAW CLE PROGRAM CHAIRS:

TOM KELLER & JENNIFER WILLIAMS

MAY 5, 2024

8:30AM-12:00PM MDT

THE BOX EVENT CENTER

BOX ELDER, SD

JOIN THE FAMILY LAW CLE TO GAIN INSIGHTS FROM DISTINGUISHED SPEAKERS AND GAIN VALUABLE KNOWLEDGE ON NAVIGATING THE LEGAL CHALLENGES YOU ENCOUNTER TODAY.

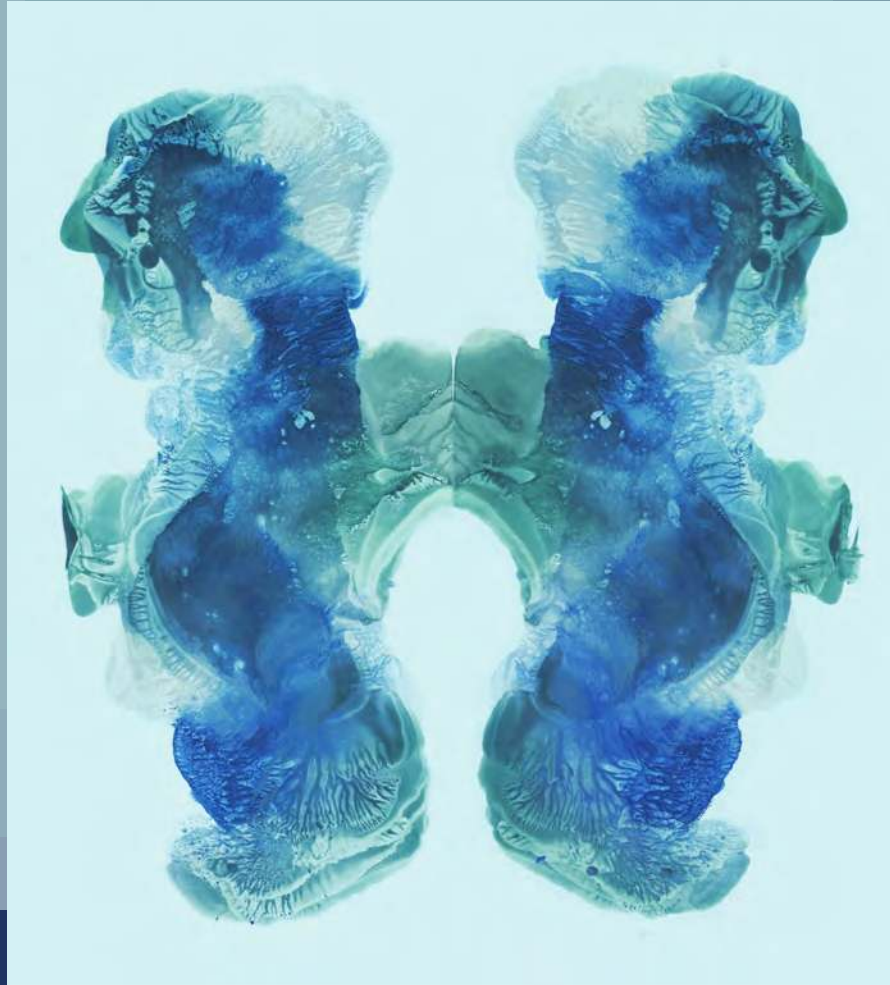
8:00 AM Registration Opens

8:30 AM Program Begins

- ✦ Stephen Greene, Ph.D - Greene & Greene Psychotherapy
Divorce, High Conflict Divorce, and Other Family Related Legal Challenges Through the Lens of the Nervous System: Why Things Go Wrong and How To Improve Outcomes for Everyone
- ✦ Carmin Dean - SD Department of Social Services
Child support calculations and joint physical custody
- ✦ Panel Discussion

REGISTER
HERE

PSYCHOLOGICAL THEORIES



CRIMINAL LAW CLE

Dr. Alissa Anderson Call

Chair, Alecia Fuller

Psychology can be used to understand many human behaviors, for example decision making in a legal context. In this CLE, you will learn about psychological theories that can help to explain what influences jury decision making for criminal cases. You will also discover current research that examines the impact of extralegal factors on jury decision making for child sexual abuse/assault cases, adult sexual assault cases, and cases involving justifiable homicide. Finally, you will find out how legal decisions made by national mock juror samples compare with South Dakotan mock jurors.

May 2, 2024 | 1:00 PM - 4:00 PM MDT
The Box Event Center | Box Elder

[REGISTER HERE](#)

4th Annual Diversity and Inclusion Award

Sponsored by: The Lawyers Committee on Diversity and Inclusion

On behalf of the State Bar of South Dakota's Lawyer's Committee on Diversity and Inclusion (LCDI), nominations are being sought for the 4th annual Diversity and Inclusion Award.

Purpose

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

Eligibility Criteria

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

- Enhances inclusion through positive communication between persons of different backgrounds.
- Demonstrates a commitment to the values of diversity and inclusion through documented efforts that are above and beyond routine expectations.
- Develops innovative methods for increasing and valuing diversity through wide-ranging activities.
- Demonstrates outstanding efforts to promote an environment free from bias and discrimination.
- Organizes, creates, and facilitates various professional or community events promoting diversity, respect, and inclusion.
- Shows efforts to recruit and retain individuals who increase the diversity of the State Bar of South Dakota
- Promotes the sponsorship of, or active participation in, programs, initiatives, or projects in the area of diversity and inclusion.
- *ELIGIBILITY RESTRICTION:* The individual being nominated cannot be a current member of the State Bar of South Dakota's Lawyer's Committee on Diversity and Inclusion.

Nomination Criteria

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

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

Deadline: Nominations must be received by **Friday, March 31, 2024.**

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

Nomination Process and Presentation of Award

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

**2024 Diversity and Inclusion Award
Nomination Form**

1. Nominee Information

Name: _____

Address: _____

Phone: _____ Email: _____

2. Nominator's Information:

Name: _____

Address: _____

Phone: _____ Email: _____

How do you know the Nominee: _____

3. Synopsis

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

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

access.to.justice@sdbar.net

Or mailed to:

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

Deadline: Nominations must be received by Friday, March 31, 2024.

PUBLIC SECTOR SECTION

HIGHLIGHTS

March 2024

2023-2024 Officers

John Richter
President

Nolan Welker
Vice President

Kinsley Groote
Secretary/Treasurer

Megan Borchert
Board

Carla Cushman
Board

Lisa Marso
Board

Dave Pfeifle
Board

Coming Fall 2024 ...

For the past four years, the Administrative Law Committee has partnered with the Public Sector Section to create a forum so that we can highlight some of the outstanding public servants within our profession. In 2022, our efforts culminated in a one-day Leadership Summit in Sioux Falls. Due to popular demand – **IT'S BACK!!**

"The caliber of the speakers [was] phenomenal."
Summit Attendee

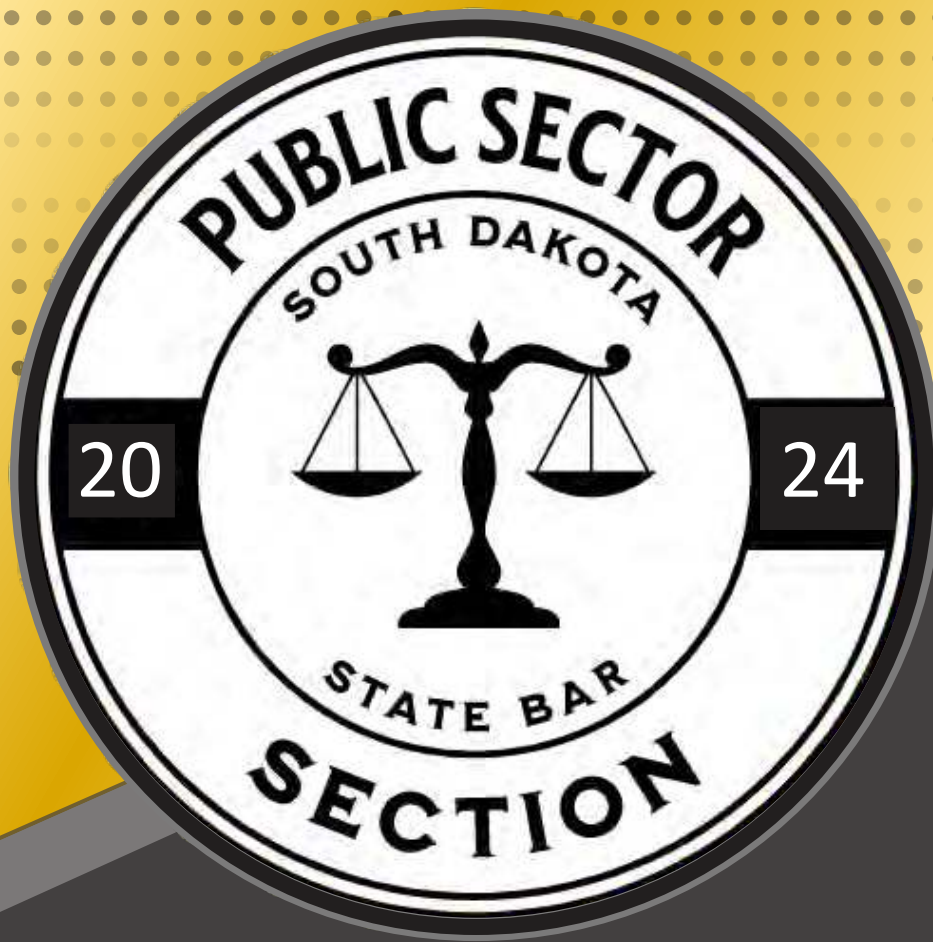
"It's going to be hard to top this one. I really enjoyed the panel format, which should continue, and the academic presentation on leadership was a very nice touch. It was good to recharge the public service "batteries" among colleagues and discuss complex leadership and decision-making." *Summit Attendee*

There's no doubt, the Leadership Summit will be tough to top, but we're going to try!!

Stay tuned!!



Active! Engaged! Leaders!



ATTORNEY OF THE YEAR

PURPOSE

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

ELIGIBILITY

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

NOMINATIONS

- Nominations and any supporting materials (i.e., letters) should be submitted to Public Sector President John Richter (John.Richter@state.sd.us) no later than April 26, 2024. At a minimum, each nomination should include a brief synopsis of the impact made by the nominee on the law, governmental entities, or the legal profession in South Dakota during the past year. The criteria for this award are intentionally broad. The attorney's credentials aren't the focus here; we're most interested in what they did in the past year to leave a mark. Materials received on behalf of a nominee will be reviewed by a subcommittee of the Public Sector Section and an award recipient will be chosen.
- The award recipient will be announced at the June 2024 Bar Convention and in the State Bar Newsletter.

PUBLIC SECTOR HALL OF FAME

PURPOSE

The Public Sector Hall of Fame recognizes those attorneys who have served the Public Sector in South Dakota for 20 or more years; or who have made a significant legal impact that has benefitted the Public Sector.

ELIGIBILITY

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

NOMINATIONS

Nominations and any supporting materials (i.e., letters) should be submitted to Public Sector President John Richter (John.Richter@state.sd.us) no later than April 26, 2024. At a minimum, each nomination should include a snapshot of who the individual is and their career in public services (including years of service); and, preferably, their impact on the Public Sector.

It's often been said that the best way to learn about history is by examining the leaders of the time. The goal with this program is to paint a picture of those who contributed to the fabric of the Public Sector Section and tell their story! Materials received on behalf of a nominee will be reviewed by a subcommittee of the Public Sector Section and the 2024 Hall of Fame Class will be announced at the June 2024 Bar Convention and in the State Bar Newsletter.

To be continued ...

Grant Funding Announcement

The **South Dakota Bar Foundation** is accepting applications for the current grant cycle through May I, 2024

*The funding cycle for this application is for the term of August I, 2024, through July 30, 2025.



Applicants must qualify as a tax-exempt non-profit organization pursuant to Section 50I(c)(3) or related section of the Internal Revenue Code.

What Types of Projects or Programs does the SDBF Support?

- Direct Legal Services
- Volunteer Attorney Pro Bono Programs
- Public/Community Service
- Civics/Justice Education
- Well-Being and Professionalism for Attorneys

SOUTH DAKOTA UJS PRESENTS:

EVIDENCE-BASED SENTENCING

May 2, 2024 | 1:30PM - 3:00PM (CDT)

Ramkota Hotel | Sioux Falls, SD

Attend In-Person or by Zoom



Register
HERE

PRESENTER:

Douglas Marlowe, JD, PhD

This presentation will review a typology of risk-and-needs profiles of criminal defendants and describe clinical and supervisory adaptations that are required to treat and manage various sub-types of these individuals effectively.

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Scan to Learn How

Notice of Vacancies
Commission on Judicial Qualifications

Two of the positions on the Commission on Judicial Qualifications (aka "JQC") described below in (2) will soon be vacant, and we [are seeking applicants](#) to fill [the vacancies](#).

16-1A-2. Commission membership--Terms of office.

There is hereby created a Commission on Judicial Qualifications which shall consist of seven members:

- (1) Two judges of the circuit court, elected by the judicial conference;
- (2) Three members of the bar practicing law in this state, no more than two of whom may be of the same political party, appointed by a majority vote of the state bar commissioners; and
- (3) Two citizens who are not of the same political party, appointed by the Governor.

The term of office for a commission member is four years. No person may serve more than two terms as a member of the commission.

If any Bar Members have an interest in being appointed to the JQC, please notify me in writing by March 15, 2024, explaining your interest and qualifications. The Bar Commission will then fill the [positions](#) from the pool of interested persons. My email address is hbogard@costelloporter.com; my US mail address is PO Box 290 Rapid City, SD 57709. Thank you.

Sincerely,

Heather Lammers Bogard
State Bar President

PUBLIC NOTICE

REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE

The current appointment of Magistrate Judge Scott Bogue is due to expire on July 2, 2024. Magistrate Judge Scott Bogue serves in the Seventh 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 Scott Bogue 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: April 3, 2024


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**13
MAR**



Eating Right for Life
March 13, 2024
1:30 pm EDT - 2:30 pm EDT
[Register for this Webinar](#)

**27
MAR**



**Managing and Preventing
Burnout**
March 27, 2024
12:00 pm EDT - 12:45 pm EDT
[Register for this Webinar](#)

PUBLIC NOTICE

REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE

The current appointment of Magistrate Judge Sara Pokela is due to expire on August 15, 2024. Magistrate Judge Sara Pokela serves in the Second Judicial Circuit.

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

Pursuant to UJS policy members of the bar and the public are invited to comment as to whether Magistrate Judge Sara Pokela 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 May 17, 2024.



State Bar of South Dakota Association

Avera Healthcare Plans

The following agents or agencies that are authorized to sell the
State Bar Association Health Plan.

EASTERN SOUTH DAKOTA

Office Location

Mitchell & Yankton Area
Aberdeen Area
Sioux Falls Area
Sioux Falls & Brookings Area
Pierre, Mitchell & Sioux Falls Area
Watertown Area

Agency

Dice Financial
Mark Mehlhoff
Midwest Employee Benefits
McGreevy & Associates
Fisher Rounds & Associates
Freimark & Associates

Contact

Jacquelyn Johnson
Mark Mehlhoff
Dawn Knutson
John Lawler
Josh Gilkerson
Todd Freimark

WESTERN SOUTH DAKOTA

Office Location

West River

Agency

Black Hills Insurance Agency
Black Hills Insurance Agency
Carver Insurance

Contact

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.



Look. I get it. Insurance policies aren't the most interesting reads out there. No policy is ever going to hit the New York Times bestseller list. That said, the reality that an insurance policy doesn't read like a great suspense novel shouldn't be an excuse for not knowing a few things about what these policies say. With this in mind, I thought you might appreciate having someone like me make it a bit easier. Here is a short list of a few things I wish more lawyers understood about malpractice insurance, all driven by common questions we hear year after year.

Why wouldn't there be coverage for this? Don't malpractice policies cover me for everything I do as a lawyer?

Actually, no. A malpractice policy doesn't cover you for everything you do as a lawyer. In general, these policies only cover you for work you do in an attorney-client relationship that is also done on behalf of a client of the named insured, which is your firm. This has all kinds of ramifications. Here are a few examples. If you are a partner at firm A and also of counsel to firm B, you will need to be on two policies because you are providing services to clients of two different firms. If you are an associate at a firm, but also do a little moonlighting on the side, the coverage you have at your firm will not extend to the moonlighting work because your personal clients are not clients of the firm. If you leave your firm in order to go solo during the middle of your firm's policy year, you will need to buy a new policy for your solo practice if you wish to have coverage in place for your solo work.

But this work will be done for clients of my firm. Why are you saying there still wouldn't be any coverage?

Malpractice policies provide coverage for professional negligence, again not for everything you do. Yes, coverage will generally be in play when you are providing legal services. However, if you also happen to offer ancillary services of any type to your clients, in almost all situations your malpractice coverage would not cover any of those services. Common examples include consulting, selling insurance or other investments, acting as a real estate broker, and managing client assets. Note that policy language will differ between insurers, so it's important to take the time to review and understand what the definition of professional services is and what the specific exclusions are in any policy you are considering purchasing.

We move a fair amount of money on behalf of our clients each year. Will our policy cover that?

Most of the time, the answer is no. While some insurers may offer limited coverage under certain defined circumstances, typically under something like a cybercrime endorsement, most malpractice policies provide no coverage for the loss of funds regardless of what occurred. So, for example, if someone is tricked into wiring funds to a scammer, there would be no coverage for any of that loss under your malpractice policy. Yes, such losses occur as a result of negligence. The problem is they just don't occur as a result of professional negligence.

Here's a tip worth remembering: Every single loss of funds due to a scam situation that I have been aware of could have been avoided with one simple step. All the firm needed to do was conduct an out-of-band authentication of the wiring instructions. Problem solved. If you have no idea what an out-of-band authentication process is, additional information can be found here.

I'm about to leave my firm to go in-house with one of my clients. Can I buy a policy to cover me for this work?

Yes, you can; but it won't be a traditional malpractice policy because these policies exclude coverage for work done in an in-house setting. Because you will no longer

be in private practice, the type of coverage you now need to look for is called employed lawyers professional liability coverage. Your current malpractice insurer may or may not be able to write or place this kind of coverage so you may need to shop the market a bit in order to find appropriate coverage.

Why is my premium so much more expensive than that of other lawyers I know?

There are all kinds of reasons for differences in premium, many of which have something to do with the risk an individual lawyer represents. Think about it this way. An insurer takes on a higher risk when agreeing to insure a lawyer who has a personal injury plaintiff practice in Las Vegas versus agreeing to insure a criminal defense lawyer who practices in Laramie, Wyoming. Personal injury lawyers simply get sued more often than criminal defense lawyers and lawyers, in general, get sued more often in Las Vegas than in Laramie. In other situations, even though policy limits may be exactly the same, if one policy has placed defense costs inside policy limits and the other has placed them outside of policy limits, there would be a significant difference in premium. Placing defense costs inside limits saves premium dollars because those policies offer much less coverage when compared to placing defense costs outside of policy limits. Policies with defense costs inside of policy limits are called self-cannibalizing policies for a reason.

Why won't you insure me if I advertise in this fashion?

Lawyers can get highly creative in the ways they advertise. If there is a significant difference between how lawyers are holding themselves out to the general public

and how they are actually operating, finding an insurer willing to write a policy may be problematic and/or if you do obtain coverage you may come to find that the policy you purchased doesn't afford the coverage you thought it did. For example, two solos and a small two-lawyer firm advertise under a common firm name yet all plan to operate as separate and discrete practices. They then go out and purchase a policy that lists the common firm name as the named insured. With that completed, as new clients come in the two solos and the two-lawyer firm have their respective clients sign engagement agreements with their separate and discrete firms. See the problem? The policy they have will cover them for work they do on behalf of clients of the named insured. Unfortunately, none of the work any of them will do will be on behalf of a client of the named insured. All of their documentation will state otherwise.

Making matters even more challenging, suppose it's only the small two-lawyer firm that wants to purchase a malpractice policy because the two solo lawyers simply aren't interested. In light of the common marketing campaign, some insurers will refuse to offer coverage in this situation. Yes, I understand that the lawyers are operating as independent firms behind the scenes, but the presentation to the public is one of being a firm of four lawyers. From an insurer's perspective, it's like we're being asked to insure part of a firm and that's not a risk an insurer wants to knowingly take on.

While some insurers will bring such problems to the attention of the lawyers and not offer a quote unless the problems are addressed upfront, others won't. They will simply choose to rely on policy language to protect them should a claim ever arise. All I can say is don't run with assumptions, irrespective of how you have structured your practice. Ask the right questions before you make the purchase. It's the only way to make sure the policy you are about to buy will actually provide the coverage you think it will.



Authored by: Mark Bassingthwaighte, ALPS Risk Manager

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

BOARD OF BAR COMMISSIONERS

Minutes, November 1, 2023

Via Zoom

President Heather Lammers Bogard called the meeting to order at 8:59 am CDT on November 1, 2023. Present for all or part of the meeting via Zoom were President Lammers Bogard, President Elect Julie Dvorak, and Commissioners Tyler Matson, Caroline Srstka, David Strait, Jerry McCabe, Justin Bell, Erika Olson, Nick Moser, Amber Mulder, Hon. Francy Foral, Rory King, John Richter, and Steve Blair. Also present for all or part of the meeting were Chief Justice Steven R. Jensen, UJS State Court Administrator Greg Sattizahn, Executive Director Paul Cremer, Lawyers Assistance Program Coordinator Rebecca Porter, Access to Justice Director Denise Langley, Strategic Planning Coordinator Elizabeth Overmoe, and Assistant Director Nicole Ogan.

Approve minutes of September 29, 2023, Meeting: President Elect Dvorak moved to approve the minutes of the Bar Commission meeting held on September 29, 2023. Commissioner Matson seconded the motion. Motion carried.

ABA State Bar Delegate: President Lammers Bogard requested the Commission to consider applicants for the ABA State Bar Delegate position. Lammers Bogard noted that we are fortunate to have high quality applicants. The Commissioners agreed to submit their votes via email. The Commission thereafter selected Nathan Chicoine, an attorney in Rapid City, to serve as the delegate via the email vote, and the Commissioners thanked all applicants for their interest.

Legislative update: Cremer stated that various stakeholders have provided feedback to the State Bar about proposed LLC Act updates that were presented to members at the Business Meeting on June 23, 2023. These stakeholders have requested the State Bar to refrain from filing a draft bill in the 2024 Legislative Session and to allow various stakeholders to continue to work on the proposed updates. Commissioner Blair made a motion to defer filing a draft bill containing the proposed LLC Act updates. Commissioner Strait seconded the motion. Motion carried.

Chief Justice Steven R. Jensen and UJS State Court Administrator Greg Sattizahn

The Bar Commission welcomed Chief Justice Jensen and Greg Sattizahn to the meeting, and they discussed various topics.

Pro se umbrella entity: Sattizahn stated that the number of pro se litigants and self-represented persons continues to rise. UJS is continuing work to provide them with assistance. UJS would like to coordinate current efforts involving various stakeholders (including Access to Justice, East River Legal Services, Dakota Plains Legal Services, the WORKS CLINIC, etc.). UJS would like to form a committee to assist with strategic planning to continue these efforts.

Bar Exam / Licensure and Assessment: Sattizahn provided an update regarding the Supreme Court's Bar Licensure and Assessment Study Workgroup. The workgroup is scheduled to finalize its recommendations soon. The workgroup found that there is very little support for establishing diploma privilege in South Dakota. There is also very little support for changing to the UBE because it will likely be replaced by the NextGen Bar Exam in the next few years. The workgroup is continuing to review a proposed pilot project involving a law school-based pathways program. This program would allow a limited number of law school students to agree to practice for two years in rural or underserved areas, or in public service, after graduating from law school. During law school, the students would be engaged in a supervised experiential learning program, during which time supervising lawyers would critique and screen the participants to help determine their fitness for practice. This program would require a great deal of work by UJS, the Board of Bar Examiners, the Law School, and the State Bar.

Indigent Legal Services Commission: Sattizahn stated that the final report from the Indigent Legal Services Task Force is on the UJS website. One concept being considered is a statewide public defender office which would be overseen by a commission. That office would primarily focus on criminal appellate work in the beginning. There will be legislation in the 2024 Legislative Session to initiate this work.

Mandatory sexual harassment training: Cremer discussed efforts by Bar staff to remind members of the mandatory sexual harassment prevention training required by SDCL 16-18-1.1. Many members will need to receive the training before a February 1, 2024, deadline. The training is available on the State Bar website. Cremer and Sattizahn reiterated the importance of member compliance. Bar staff reminded the group that members can check to confirm compliance on their profile on the State Bar's member hub online, by calling the Bar office, or by emailing a staff member.

Ombuds: Cremer stated that Bar staff have contacted potential ombuds services providers and requested further details on how they would implement sexual harassment ombuds services to the State Bar.

CLE: Chief Justice Jensen discussed the potential implementation of mandatory CLE. The topic has arisen during conversations with various stakeholders, including Legislators, in the context of the Indigent Legal Services Task Force, and the Bar Exam workgroup. Four states (Maryland, Massachusetts, Michigan, and South Dakota), the District of Columbia, and the US Virgin Islands do not require mandatory CLE. The Bar Commission will consider forming a committee to obtain feedback from State Bar members.

Civility Creed: UJS supports the concept of the draft Civility Creed. The Bar Commission will continue to consider how to potentially implement a Civility Creed.

Rural Attorney Coordinator: Chief Justice Jensen stated that Carrie Srstka is the new Rural Attorney Coordinator, and UJS will benefit from her relationship with Bar members and the Law School.

The Bar Commission thanked Chief Justice Jensen and Sattizahn for continuing to foster a great relationship between Bar members and the judiciary. The Bar Commission then considered other items.

Keller Policy Update: Cremer stated that work is continuing to staff a committee to study Keller policy and legislative policy issues.

ABA Native American Voting Rights Traveling Exhibit: Elizabeth Overmoe provided a report on securing a traveling exhibit for the 2024 annual convention from the ABA standing Committee on the Law Library of Congress. The name of the traveling exhibit is ***100 Years After the Indian Citizenship Act: The Continuing Struggle to Guarantee Voting Rights to Native Americans***. The exhibit consists of seven free-standing retractable banners containing digital images, graphic designs, and text concerning Native American Voting Rights and associated items. The State Bar was able to secure a traveling exhibit for our 2021 convention on the 19th amendment centennial. That exhibit was well received by the membership. The cost for rent of this traveling exhibit is \$1,500 for a rental period of two consecutive weeks. Overmoe reached out to the Indian Law, Women in Law, and Diversity and Inclusion Committees for their support and financial sponsorship of the exhibit, and each were in support of bringing the exhibit to South Dakota for our 2024 convention, and they agreed to sponsor in the amount of \$150. The remainder of the cost for the exhibit will be deducted from the annual meeting budget.

Lead Marvels proposal: Cremer provided information regarding a proposed member benefit being offered by a content provider vendor, Lead Marvels. Several other State Bars and several other Bar organizations work with Lead Marvels to provide content of interest to members via periodic emails. Bar staff will continue to obtain feedback from the other State Bars and will report back to the Bar Commission later.

President's Comments: President Lammers Bogard stated that she had recently received amendments to ABA Model Rule of Professional Conduct 1.16 that were adopted by the ABA House of Delegates on August 8, 2023. The ABA is requesting states to consider adopting the amendments. The State Bar Ethics Committee will review these amendments, along with amendments to Rule 1.8e that were previously received.

Adjourn: President Lammers Bogard asked for additional input, ideas, and/or concerns, and there being none, adjourned the meeting at 10:36 am CDT.

Respectfully submitted,
Paul Cremer
Executive Director/Secretary-Treasurer

BOARD OF BAR COMMISSIONERS

Minutes, January 10, 2024

Via Zoom

President Heather Lammers Bogard called the meeting to order at 9:00AM CST on January 10, 2024. Present for all or part of the meeting via zoom were President Lammers Bogard, President Elect Hon. Julie Dvorak, and Commissioners Tyler Matson, Carrie Srstka, David Strait, Jerry McCabe, Justin Bell, Nick Moser, Amber Mulder, Hon. Francy Foral, Rory King, and John Richter. Also present at the meeting were Executive Director/Secretary-Treasurer Paul Cremer, Assistant Executive Director Nicole Ogan, Communications/Membership Director Tracie Bradford, Administrative Assistant Kylee Alfrey, Lawyer's Assistance Program Director Becky Porter, and Access to Justice Inc. Coordinator Denise Langley.

Approve Minutes of November 1, 2023, Meeting: Commissioner King moved to approve the minutes of the November 1, 2023, Bar Commission meeting. Commissioner Matson seconded the motion. Motion carried.

Strategic Plan Coordinator Position: Executive Director Cremer provided an update on the ongoing hiring process.

Civility Creed Draft: President Lammers Bogard provided research regarding written civility guidance in other states. Some states include written civility guidance within their professional rules. The Bar Commission discussed various options for recognizing civility guidance in South Dakota. Commissioner Rory King made a motion to approve the Creed of Civility and Guidelines for Professionalism as a set of beliefs to encourage civility. Commissioner Justin Bell seconded the motion. Motion carried. President Lammers Bogard will send the Creed via email to all State Bar members and the Creed will be posted on the Bar website. President Lammers Bogard thanked the committee and the Bar Commission for helping promote civility, which is the focal point of her presidency.

Financial Report: Ogan provided the Commission with an update on the current financials for the State Bar, CLE, and A2J.

Access to Justice Report: Access to Justice Coordinator Denise Langley updated the Commission on the activities of A2J.

A2J is still compiling 2023 case data, so some numbers will increase as more closing data is received:

A. South Dakota attorneys provided over 700 hours in legal services in 2023 with a corresponding value of over \$161,000 in legal services through A2J in 2023:

- a) 353 hours in pro bono service hours;
- b) 131 hours in modest means service hours;
- c) 219 hours in Judicare service hours.

B. 168 cases handled through A2J in 2023:

- a) 71 new cases were opened in 2023.
- b) 51 remaining active cases from 2023.
- c) 46 cases closed out in 2023.
- d) Attorneys provided \$84,888 in pro bono service.
- e) Attorneys provided \$46,319 in Judicare reduced-rate service in 2023 with Judicare payment stipends totaling only \$18,361.
- f) Attorneys provided 131 hours in Modest Means reduced-rate service with a value of approximately \$30,000; reduced rate client-based payment at \$107/hour equates to client payments of approximately \$14,000.

South Dakota Free Legal Answers (SDFLA):

- 1. 272 legal questions were answered by attorneys on SDFLA in 2023.
- 2. Over half of these were family law questions; second most common question type was landlord/tenant/housing.
- 3. 33 attorneys are now signed up for SDFLA.

A2J & SDFLA

- 1. A total of 110 attorneys volunteered through A2J & SDFLA in 2023:
 - a) 98 attorneys opened, closed, or were working on an existing A2J case in 2023.
 - b) 15 attorneys answered questions through SDFLA (33 currently signed up).
 - c) 3 attorneys volunteered through both the A2J & SDFLA programs in 2023.

General A2J Information:

- 1. In December 2023, A2J was awarded another CEAC grant of \$15,000 to be used for A2J Judicare case funding.
- 2. In 2023, all three legal services programs requested CEAC funding to improve the sdlawhelp.org website which hosts the statewide online application intake platform. Changes will incorporate improvements recommended by the recent statewide legal needs assessment.
- 3. DPLS is purchasing a Justice Bus with approximately \$120,000 in CEAC funds granted in the fall of 2023. The bus will have an office with wheelchair ramp access, office equipment including internet access, computer, printers, etc., and a space for the client, attorney, and paralegal. Essentially, the Justice Bus is a traveling office on wheels. The bus should be operational in the next few months.
- 4. Denise is currently working with School of Mines to retain a student to assist with video editing and audio recording needs for the Spanish Guardianship video. Commissioner Erika Olson assisted with securing a bilingual paralegal in Rapid City to provide both written and audio translation, along with a bilingual attorney that will provide final review of the Spanish translation before recording and editing.
- 5. Bar staff have reached out to individuals who may be interested in a potential part-time position with A2J in the near future. Denise will also be working with Nicole to develop a budget for a new part-time position who will assist with A2J intake. A2J intends to request CEAC grant funding for the new position.

The Commissioners thanked Denise and all of the attorneys who donated time to A2J activities.

Lawyer Assistance Program Report: LAP Director Becky Porter gave a report on the Lawyer Assistance Program. Porter stated calls increased towards the end of the year, as shown by these call numbers: July - 42, August - 35, December - 94 (Becky handled 84 of the 94 calls in December, and volunteers assisted with others). Porter encouraged members to reach out to our Employee Assistance Provider, Sand Creek. Porter will continue to promote awareness of the benefits of working with Sand Creek, including the availability of three free counseling sessions for members and their household family members. Porter will continue her efforts to obtain funding to assist with persons who lack sufficient funds for treatment or extended mental health services.

The Commissioners thanked Becky and all the attorneys who donated time to LAP activities.

Mandatory Sexual Harassment Training SDCL 16-18-1.1: Executive Director Cremer provided the Commission with an update regarding the progress of member compliance with Mandatory Sexual Harassment Prevention training. Members who fail to complete the mandatory training on or before February 1, 2024, are subject to being placed on inactive status and may be subject to disciplinary action.

Mandatory CLE - Committee Formation: The Commission discussed the request by Chief Justice Jensen to form a committee to review mandatory CLE options, and potential volunteers for the committee.

Keller Policy Committee Update: Executive Director Cremer informed the Commissioners that he is planning to work with the committee in the upcoming months.

Ombuds Update: Executive Director Cremer informed the Commissioners that we will be working towards obtaining ombuds services after the strategic plan coordinator position is filled.

Legal Deserts Conference – Hon. Julie Dvorak: President Elect Judge Dvorak attended a conference in September, and she reports that all states are all dealing with issues involving lack of access to legal services.

Legal Pathways Project: Judge Dvorak stated that a committee is continuing work to form a 501c(3) entity and they will likely be seeking funds from the Bar Foundation to support efforts to encourage students and others to consider legal careers.

Public Access to Member Information: Executive Director Cremer discussed the lack of publicly available member information, and potential steps to make member information available to the public. The vast majority, if not all, State Bars provide member information to the public.

Legislative Update: The Commissioners discussed suggested changes to the State Bar immunity bill, HB1023, in response to feedback from legislators.

Commissioner Matson made a motion to accept the proposed changes, and Commissioner Strait seconded. Motion carried. The Commission thanked Representative Mary Fitzgerald and Senator Lee Schoenbeck for their extra work in serving as prime sponsors. The Commission also thanked the other legislators who signed on as sponsors. The Commission also gave approval for the State Bar to support HB 1057, the UJS bill regarding the indigent criminal defense commission. The Commission also discussed various other legislative issues.

Lead Marvels: Executive Director Cremer discussed a proposal from Lead Marvels, a marketing firm that provides information of interest to members via email, and Cremer recommended that the State Bar refrain from engaging with Lead Marvels at this time.

ABA Crossroads Caucus Proposed Resolution: The ABA formed the Crossroads Caucus to promote ideological diversity within the Association and to encourage the Association to focus more on core practice issues of law and professionalism on which most lawyers are unified and less on controversial, partisan issues that could divide lawyers. Commissioner King made a motion to encourage the South Dakota ABA delegates to support a resolution in favor of the crossroads caucus. Commissioner Bell seconded the motion. President Elect Judge Julie Dvorak recused herself from the vote. Motion carried.

ABA Amendments to Rule 1.8e and Rule 1.16; Ethics Committee Review:

Ethics Committee Chair Sander Morehead requested the Bar Commission to allow members to consider amendments to Rule 1.8e, with a possible membership vote at the June 14, 2024, annual meeting. Commissioner Moser made a motion to allow the proposed June vote, and Commissioner King seconded the motion. Motion carried.

Morehead also requested the Bar Commission to formally request the Ethics committee to review proposed changes to Rule 1.16. Commissioner King made a motion to formally request the Ethics Committee to review proposed changes to Rule 1.16, and Commissioner Moser seconded. Motion carried.

Committee/Section Midyear Reports: The Commission discussed the midyear reports provided by State Bar committees and sections, and the reports show that they are working on a variety of matters. The Commissioners thanked the chairs and volunteers for their work.

In Person Commission Meeting: The Commission discussed options for an in-person Bar Commission meeting in April and will work on scheduling.

President's Comments: President Lammers Bogard discussed the upcoming ABA convention in February in Louisville.

Bar Commissioner Input, Ideas, Concerns: The Commissioners congratulated Judge Julie Dvorak on her appointment to the 5th Circuit bench. President Elect Judge Dvorak is reviewing the President Elect position in light of her judicial appointment.

Miscellaneous: Executive Director Cremer informed the Commissioners of plans to hold an awards lunch on Wednesday June 12, 2024, during the Bar convention. Most of the State Bar awards will be presented during the luncheon. The McKusick Award and 50-year veterans awards will be given during the President's reception on Wednesday night, June 12, 2024.

The 2025 Convention is scheduled to be held in Rapid City at the Ramkota.

Adjourn: President Lammers Bogard adjourned the meeting at 10:56AM CST

Respectfully submitted,

Paul Cremer
Executive Director/Secretary-Treasurer

SD CLE, INC. BOARD OF DIRECTORS MEETING

Minutes, July 14, 2023

Cadillac Jack's
Deadwood, SD

President Heather Lammers Bogard called the meeting to order at 11:59 AM MDT on July 14, 2023. Present for all or part of the meeting were President Lammers Bogard, President Elect Julie Dvorak, Directors Tyler Matson, Jerry McCabe, Erika Olson, Amber Mulder, Steve Blair, and John Richter. Directors Rory King and David Strait 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, Meeting: Director Olson moved to approve the minutes of the May 17, 2023, CLE, Inc. meeting. Director Mulder seconded the motion. Motion carried.

FY 2023-2024 Budget Approval: Director Blair moved to approve the CLE, Inc. budget as presented. Director Mulder seconded the motion. Motion carried.

Adjourn: President Lammers Bogard adjourned the meeting at 12:01 PM MDT.

Respectfully submitted,
Paul Cremer
Secretary-Treasurer

In Memoriam



Hon. Jeff W. Davis
February 12, 1948 –
February 5, 2024

After a hard-fought battle with cancer, Jeffrey Wick Davis, 75 - husband, father, grandfather, brother, colleague, and friend - passed away peacefully with his family by his side.

Jeff was a proud life-long Rapid City resident. He was born to Jay W. and Alice Anne (Wick) Davis on February 12, 1948. During summers of his early youth, the family would move up to the cabin on Rimrock Highway. Every morning Jeff would set out on Rapid Creek fishing until he was picked up at Pactola Dam on Highway 385 at the end of the day. He spoke of watching the Pactola Dam being built as a little boy. For many years, Jeff was the only local grandchild of four grandparents. He spent time at the National Cash Register Company where his Grandpa Wick was manager and at the Black Hills Power and Light Plant where his Grandpa Day was manager. (Early on, Jeff couldn't pronounce "Davis" so they were forever known as Grandpa and Grandma Day). He learned the craftsmanship of finish carpentry from Grandpa Wick and the art of fly fishing from Grandpa Day. Jeff accompanied his father, a heavy equipment salesman with Sheehan Equipment, on the roads across South Dakota. His dad would say, "Get us to Harding County by noon" and a 12-year-old Jeff was all too happy to comply. We assume that is where his lead foot came from. He would tell you, "It was a great growing up."

Eventually three siblings joined the Davis family: Char, Lenn, and Jayna. After the tragic early death of their father Jay in 1970, Jeff fell into the role of patriarch when his mother was left to raise a young family. This shaped both his personality as well as his relationships. He became the "go-to" guy that people could depend on both personally and professionally.

After graduating from Rapid City High School in 1966, Jeff attended South Dakota School of Mines and Technology for one year before transferring to the University of South Dakota (USD). He worked several

summers at Homestake Gold Mine. While this taught him invaluable life lessons and paid for college, it also made him realize he wasn't cut out to be a mining engineer. Jeff then found his way into law school at USD. Between pheasant hunting and working long hours at Bimbo's, he graduated from law school in 1973.

Always loving the Black Hills, Jeff came home to Rapid City after law school. He worked as a law clerk for Judges Bottum and Parker and many hours were spent on the historic trials involving members of the American Indian Movement during the unrest of the early 1970s. He then joined the law firm of Sieler, Sieler & Trimble. In 1976, he was appointed as a part-time magistrate judge, and in 1979, Governor William J. Janklow appointed him as a circuit court judge, becoming the youngest on the bench at the time. He earned a reputation as a fair and capable judge. He was known for being an efficient manager of his schedule, handling thousands of cases through the years. At the time of his retirement in 2019, he was the longest-serving judge in the state.

Throughout his years of service to South Dakota, he was a member of the Judicial Qualifications Commission, chaired the Court Improvement Program and the Court Reporting Committee, served as Presiding Judge of the 7th Circuit, was elected president of the South Dakota Judges Association, and acted as a longstanding 7th Circuit Court liaison with Pennington County. In that role, he was integral in the planning and building of the addition to the Pennington County Courthouse and Jail in the late 1980s, and the further development of the Pennington County Courthouse Complex. Jeff was a wealth of information on anything historical pertaining to the Pennington County Courthouse. He was particularly delighted and appreciative when the Pennington County Buildings and Grounds crew took a special interest in his courtroom and restored it back to its original state. He took great pride in the finished project.

From an early age, Jeff loved all sports cars and particularly enjoyed cruising the Hills in his yellow '69 Corvette convertible. He was in his element grilling his famous pork ribs and putting on a good BBQ for friends and family. His favorite place was Pactola Lake: skiing on glass in the early mornings, boating with friends, hosting supper cruises on Roger, enjoying his status as a charter member of the Pactola Yacht Club and the Pactola Dockworkers' Union, and of course

appreciating the beauty of the lake at sunset. He often joked, "I have wasted a lifetime at Pactola."

Jeff met Kathy Venekamp when she began as a new court reporter for the circuit in 1975. They were married in 1976 and enjoyed several years of carefree travels and adventures, most often accompanied by close friends Jack and Julie LaCroix. In 1985, daughter Megan was born, and their lives were forever changed. Meggie D., as he called her, became what he was most proud of in his life, above all his professional accomplishments.

When grandchildren Holland and Jennings were born, Jeff often said, "I wasn't sure how this grandpa business would go, but now I wish I could have done it sooner." He instilled a love of sunsets in his granddaughter and passed on a keen eye for cars to his grandson. One of his biggest regrets when he knew his time was getting short was that he would not be able to watch them grow up. It broke his heart knowing he was going to miss so much.

He is survived by his wife of nearly 48 years, Kathy; daughter Megan (Grant) Fankhauser of Phoenix, AZ; grandchildren Holland (4) and Jennings (2); sister Char (James) Nielsen of Harrisburg, SD; brother Lenn (Hillary) Davis of Rapid City; sister Jayna Davis of Bellevue, NE; and nieces, nephews, and cousins. He was preceded in death by his parents, Jay W. Davis; Alice Anne Davis-Snyder and Lester Snyder (stepfather); grandparents, J.W. "Bill" and Blanche Davis; E.E. "Ed" and Juanita Wick.

A memorial service will be held on Friday, February 23rd, 2024 at 5:30 PM in the Rotunda of the Pennington County Courthouse, First Floor, 315 St. Joseph Street, Rapid City, South Dakota. You may park in the courthouse parking lot and enter through the back door. Jeff wanted us to "be sure and have a big shoot for everyone." Please join us at Hay Camp Brewery, 601 Kansas City Street, Rapid City, South Dakota for food and refreshments immediately following the courthouse service.

A memorial has been established in Jeff's name with Military Honor Flags USA, a local organization he was proud to be a part of. Each Memorial Day, they honor veterans by placing flags on every grave at the local national cemeteries. militaryhonorflagsusa.org



Ryan J. Loker

Ryan was a 2018 graduate of Stetson University College of Law, having worked for some years in the telecommunications and insurance industries prior to studying law. His undergraduate studies were completed at the University of Central Florida. Ryan moved to South Dakota immediately following his graduation from Stetson Law and worked in Mitchell prior to, and following, his admission to the State Bar. At the time of his death he was employed by the State of South Dakota as an Assistant Attorney General assigned to the Department of Social Services. Ryan's his ability to analyze issues and reach directly to the heart of a controversy were exemplary. Our profession has lost a skilled and diligent colleague. *Full obituary pending.*



Michael David O'Leary
November 26, 1982 -
February 15, 2024

Michael David O'Leary, age 41, passed away on Thursday morning, February 15, 2024 from an aggressive form of cancer at his home in Fremont Michigan surrounded by his family. Mike was born on November 26, 1982 in Edina, Minnesota to Mark David and Suzanne Kay (VanDeMore) O'Leary.

Mike graduated from O'Gorman High School in Sioux Falls, South Dakota in 2001. He received his Bachelor of Arts in History from Metropolitan State University in St. Paul, Minnesota in 2010, and his Juris Doctorate from Cooley Law School in Grand Rapids, Michigan in 2014.

In 2007, following flight training in Arizona and Florida, Mike began flying for Pinnacle Airlines, later to become Endeavor Airlines, based in Minneapolis, Minnesota. During his fifteen years at Endeavor Mike worked as a Captain and became a senior flight instructor. In 2022, Mike began working for Delta Airlines at JFK Airport in New York City, flying domestic and international routes throughout the United States and the world.

In 2020, Mike was admitted to the practice of law in South Dakota. Until the sudden onset of his illness

in December, 2023, Mike was practicing law with his father at O'Leary Law Office located in Sioux Falls, South Dakota.

Mike is survived by his wife Christina, and son Charles (age 8) both of Fremont, Michigan; stepchildren: Taylor (future son-in-law Javier Michael), Arabella, and Harrington Cummings all of Fremont, Michigan; mother and father, Mark and Suzanne O'Leary of Sioux Falls, South Dakota; sister, Katie O'Leary of Sioux Falls, South Dakota; In-laws, Debra and Gary Owen of Arcadia, Florida; and numerous aunts, uncles, cousins, and friends throughout the world. Mike was preceded in death by his maternal grandparents, Betty and Charles (C.J.) VanDeMore of Hudson, South Dakota; and by his paternal grandparents, Betty and Paul O'Leary of Virginia, Minnesota and Brownsville, Texas.

A celebration of Mike's life will be held at a later time. In lieu of flowers memorials may be directed to the American Heart Association, American Cancer Society, or Dream Flights. You can sign the online guest book at www.kroeze-wolffis.com. Arrangements are by Kroeze-Wolffis Funeral Home, Inc., 637 E. Main Street, Fremont, Michigan 49412 (231) 924-2130



Roger Alan Schiager
October 14, 1932 -
February 22, 2024

Roger Alan Schiager, a beloved husband and father, passed away peacefully on Thursday, February 22, 2024, at Dow Rummel Village Memory Care in Sioux Falls, South Dakota. Roger was 91 years old and cherished by his loved ones.

Roger was born on October 14, 1932, in Sioux Falls, South Dakota, to Porter and Hazel (Cook) Schiager. He attended Sioux Falls Public Schools and graduated from Washington High School in 1950. Furthering his education, Roger earned his Bachelor of Arts degree and then his Doctor of Law from the University of South Dakota in 1956. Roger was commissioned as a second lieutenant in the United States Army Reserve on June 4, 1956. He was honorably discharged in 1969.

Following college, Roger worked as a lawyer in a private practice with his father, Schiager & Schiager, from 1956-

1984, and later became Schiager & Peters from 1984-1988. He was appointed Deputy States Attorney for two terms, Elected States Attorney for two - two-year terms, and was the Special Assistant Attorney General for South Dakota. He then served as Sioux Falls City Attorney for twenty-five years before retiring in 1994.

On August 13, 1960, Roger married the love of his life, Donna Mae Stavenger, in Luverne, Minnesota. The couple resided in Sioux Falls and welcomed three children over the next decade: Scott, Steve, and Sandy. It was often stated that you could not tell where one of them as a couple ended and the other started because they were such a bonded pair most would envy.

Roger was a member of the First Lutheran Church in Sioux Falls, held various positions, was active with the Sioux Falls Chamber, and was involved in Republican Politics. He was also a member of the American Bar Association, Minnehaha County Bar Association, and South Dakota Bar Association. Roger was the past president of the Minnehaha County Bar Association of Sioux Falls and the Second Judicial Circuit Bar Association in 1971, the Siouxland Lions Club in 1969, the Sioux Falls Lions Club in 1986, and the past vice-president of Nordland Fest in 1987. He was a board member and President of a large Home Owners Association in Arizona for several years.

Family and friends meant everything to Roger; he loved spending time with them, creating ever-lasting memories. He enjoyed golf, tennis, pheasant hunting, reading, traveling, and spending winters in Arizona, especially those sunsets. Roger is remembered as being very kind and respectful of others. Roger will be deeply missed.

Grateful for having shared his life are his sons, Scott Schiager of Sioux Falls, SD, and Steven (Jan) Schiager of Sioux Falls, and his daughter, Sandy Schiager of Phoenix, AZ; granddaughters, Tessa (Munce) Wegner of Sioux Falls, and Jacey Schiager of Pipestone, MN. Roger was preceded in death by his parents, Porter and Hazel Schiager; grandson, Jordan Schiager; his sister Dorothy Pool of Edina, MN and his beloved wife of 63 years, Donna Mae Schiager.

In lieu of flowers, Roger suggested sending memorials to Augustana College Basketball and First Lutheran Church.

Attorney Health & Wellness Resources

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- *USD Law Students & their household family members*

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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 achieve greater balance.

Financial Consultation

Build financial wellness related to budgeting, buying a home, paying off debt, resolving general tax questions, preventing identity theft, and saving for retirement or tuition.

Legal Referrals

Receive referrals for 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

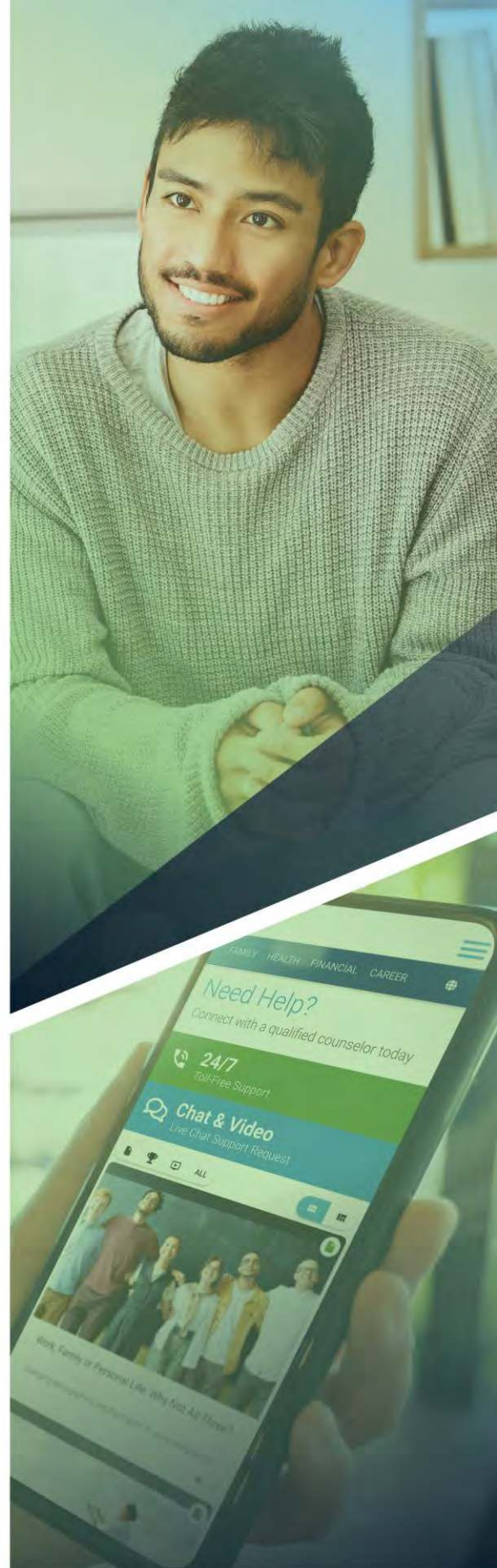
Save time with referrals for travel and entertainment, seeking professional services, cleaning services, home food delivery, and managing everyday tasks.

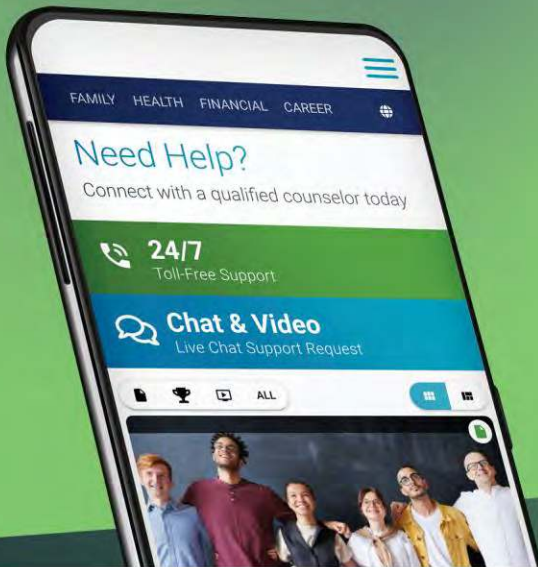
Medical Advocacy

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.





Introducing Your Member Portal

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

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

Request a Mental Health Session

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

Request Referrals & Resources

Submit a request for family care and lifestyle support including childcare and eldercare referrals, legal referrals 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.

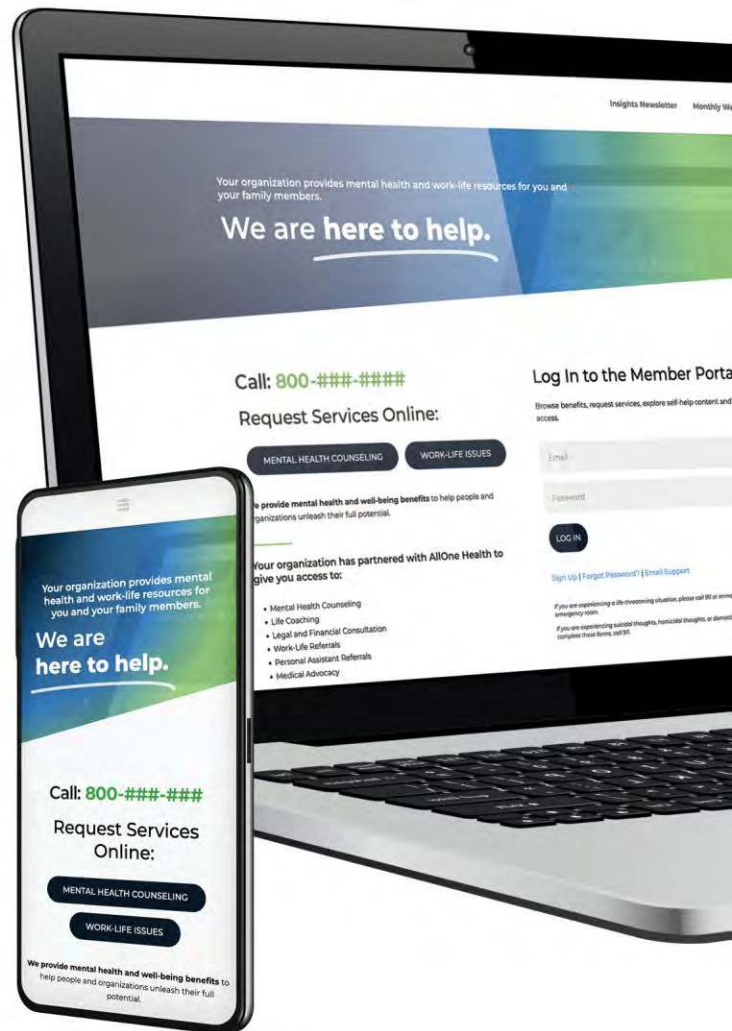
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Call: 1-888-243-5744
Visit: www.sandcreekap.com
Code: **sdhelp**

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AI GENERATIVE AI:

THE FUTURE IS HERE. ETHICALLY NAVIGATING THIS BRAVE NEW WORLD

Generative Artificial Intelligence (AI) refers to the ability of machines to mimic functions normally associated with humans. The technology can be used to write compelling content, answer questions, and fulfill commands instantly. Advances like ChatGPT, Harvey AI, and the technology's recent passage of the bar exam have raised massive concerns about its potential impact on the legal profession. While there is still much to understand about the full implications of generative AI, one thing is clear: the future is here. As we embark on this new wave of innovation, how will you adapt? This program features demonstrations on how AI is used, an hour of ethics on how attorneys can use AI consistent with our ethical obligations, and a panel discussion on how to implement AI in your practice and advise your clients on the legal pitfalls of using AI.

SPEAKERS:

- **Professor KC Santosh**, Chair of University of South Dakota Computer Science/Associate Professor
The Future is Here (How Will You Adapt to A.I.?)
AI Demonstration
- **Professor Blake Klinker**, Associate Professor at University of North Dakota School of Law
Be Careful Where You Put Your Data (Ethics)
- **Panel Presentation: AI in the Law**
 - Nicole Tupman, Senior Legal Counsel for CNH Industrial
 - Prof. KC Santosh, Chair of University of South Dakota Computer Science/Associate Professor
 - Joel Engle III, Woods, Fuller, Schultz & Smith
 - Dean Neil Fulton, Dean of University of South Dakota Knudson School of Law
 - Mark Bassingthwaite, Esq, Risk Manager with ALPS
 - Tamara P. Nash, Moderator, University of South Dakota Knudson School of Law

 Wednesday | June 12, 2024 | 1:00 PM - 4:00 PM
Ramkota Hotel | Pierre, South Dakota
Chairs: Tamara Nash & Nicole Tupman

REGISTRATION
OPENING SOON!

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
20 day of Feb, 2024.

Shirley A. Jameson-Fergel
Clerk of Supreme Court
Deputy

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

FEB 20 2024

Shirley A. Jameson-Fergel
Clerk

IN THE MATTER OF THE AMENDMENT)
TO ARTICLE V OF THE STATE BAR)
OF SOUTH DAKOTA BYLAWS)
(APPENDIX SDCL CHAPTER 16-17))
IN RE: STATE BAR ELECTED OFFICERS)

RULE 24-01

A hearing was held on February 14, 2024, at Pierre, South
Dakota, relating to the amendment to Article V of the State Bar of
South Dakota Bylaws, Appendix SDCL Chapter 16-17, and the Court
having considered the proposed amendment and oral presentation
relating thereto, now, therefore, it is

ORDERED that Article V of the State Bar of South Dakota
Bylaws are amended to read in its entirety as follows:

**"ARTICLE V - STATE BAR ELECTED OFFICERS"
OF THE STATE BAR OF SOUTH DAKOTA BYLAWS**

5.1. **Officers.** The State Bar elected officers are President and
President Elect (individually "State Bar Officer" and collectively
"State Bar Officers"). Only Active Members may be elected to either
of these offices.

5.2. **President Elect Nomination.** To qualify as a President Elect
candidate, the candidate must be an Active Member and complete a
nominating petition containing signatures of at least fifteen
Active Members. Candidates must file completed nominating petitions
with the Executive Director at least 10 days before the Annual
Meeting.

5.2-5.3. **Installation, Election, and Term.** The President will
install the President Elect as President before the Annual meeting
adjourns each year. The Active Members at the Annual Meeting will
then, by majority vote, elect the next President Elect. The
President will serve a one-year term. The President Elect will
serve in that capacity until installed as President the following
year.

5.3-5.4. **Duties.** The State Bar officers' duties are as follows:

- a. **President.** The President may:
 - i. preside at all State Bar and Bar Commission meetings;

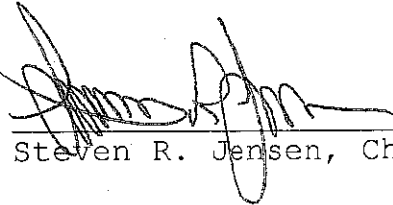
Rule 24-02

- (4) A South Dakota probationer placed on supervised probation who is supervised in another state under the Interstate Compact for Adult Offender Supervision is eligible for earned discharge credits pursuant to §§ 23A-48-15 to 23A-48-22, inclusive.
- (5) Earned discharge credits shall be applied to the probation term within fifteen days after the end of the month in which any credit was earned. A probationer who is eligible for earned discharge credits shall be notified of their probation discharge date on a semi-annual basis.

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

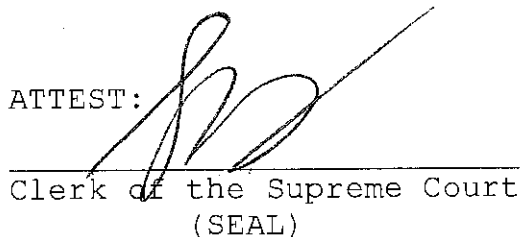
DATED at Pierre, South Dakota, this 20th day of February, 2024.

BY THE COURT:



Steven R. Jensen, Chief Justice

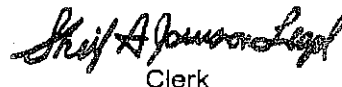
ATTEST:



Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

FEB 20 2024




Clerk

STATE OF SOUTH DAKOTA
In the Supreme Court

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

20 day of Feb, 2024



Deputy

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT)
SDCL 23A-48-19)

RULE 24-02

A hearing was held on February 14, 2024, at Pierre, South Dakota, relating to the amendment to SDCL 23A-48-19, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that SDCL 23A-48-19 is amended to read in its entirety as follows:

SDCL 23A-48-19. Criteria for awarding earned discharge credits.

A probationer shall be awarded earned discharge credits while on supervised probation as follows:

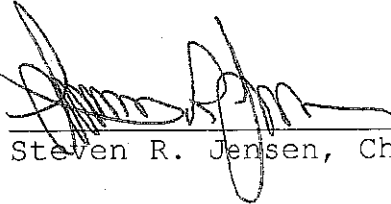
- (1) For each full calendar month of compliance with the terms of supervised probation an earned discharge credit of 30 days shall be awarded to a probationer. Each earned discharge credit shall reduce the term of supervised probation by 30 days. No earned discharge credit may be awarded for a partial month or the last two full months of supervised probation. No earned discharge credit may be awarded for any month, or portion of a month, during which the probationer is incarcerated.
- (2) A probationer shall not receive an earned discharge credit for any month(s) during which a probation violation is pending before the court. If the court does not sustain the probation violation, the court may enter a written order awarding earned discharge credits to the probationer for the months the probation violation was pending before the court. Absent such an order the probationer shall not be entitled to any earned discharge credit for such period of time.
- (3) Earned discharge credits shall not be awarded to a probationer for any month(s) in which a probationer is absconded. Additionally, a probationer shall not be awarded earned discharge credit for any month in which the probationer was sanctioned for conduct that disqualifies the probationer from receiving earned discharge credits as provided by the graduated response grid.

- (4) A South Dakota probationer placed on supervised probation who is supervised in another state under the Interstate Compact for Adult Offender Supervision is eligible for earned discharge credits pursuant to §§ 23A-48-15 to 23A-48-22, inclusive.
- (5) Earned discharge credits shall be applied to the probation term within fifteen days after the end of the month in which any credit was earned. A probationer who is eligible for earned discharge credits shall be notified of their probation discharge date on a semi-annual basis.

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

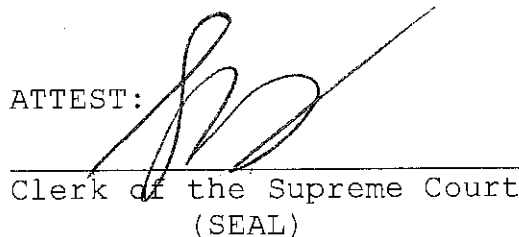
DATED at Pierre, South Dakota, this 20th day of February, 2024.

BY THE COURT:



Steven R. Jensen, Chief Justice

ATTEST:



Clerk of the Supreme Court
(SEAL)

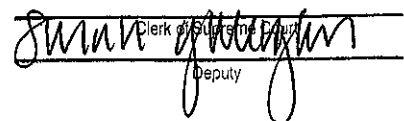
SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

FEB 20 2024



Clerk

STATE OF SOUTH DAKOTA
In the Supreme Court
I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this
20 day of Feb, 2024.



Deputy

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE ADOPTION OF) RULE 24-03
A NEW RULE TO CREATE A COMMISSION)
ON ACCESS TO THE COURTS)

A hearing was held on February 14, 2024, at Pierre, South Dakota, relating to the adoption of a new rule relating to creating a Commission on Access to the Courts and the Court having considered the proposed adoption and oral presentation relating thereto, now, therefore, it is

ORDERED that the adoption of a new rule relating to creating a Commission on Access to the Courts is hereby adopted to read in its entirety as follows:

Adoption of a New Rule to Create a Commission on Access to the Courts

Section 1. That a new rule be adopted to read as follows:

There is hereby created a Commission on Access to the Courts. The commission shall consist of eleven members appointed as follows:

- (1) Seven members appointed by the Chief Justice of the Supreme Court, three initially appointed for a term of two years and four appointed for a term of three years.
- (2) Four members appointed by the President of the State Bar of South Dakota, two initially appointed for a term of two years and two for a term of three years.

Thereafter, each appointment shall be for a term of three years, beginning on the first day of July. No member may serve more than two consecutive terms.

The Chief Justice of the Supreme Court shall appoint a chair of the commission and the President of the State Bar shall appoint a vice-chair of the commission from their appointed members. The commission members shall serve without compensation. The Commission shall be staffed by the Unified Judicial System.

Section 2. That a new rule be adopted to read as follows:

The Commission on Access to the Courts shall work collaboratively across the justice system to advance efforts to promote equal access to the court and inspire a high level of trust and confidence in the South Dakota court system. This may include:


- (1) Recommending improvements in court processes, procedures and policies;
- (2) Addressing access to counsel and collaborative efforts with entities that provide legal representation pro bono or at reduced cost for low-income or disadvantaged individuals;
- (3) Developing models to assist self-represented litigants and addressing barriers to access to the court system;
- (4) Increasing the availability of legal aid services statewide;
- (5) Expanding the availability of effective use of technology; and
- (6) Providing outreach efforts and strategic planning to ensure timely and effective access to the judicial system.

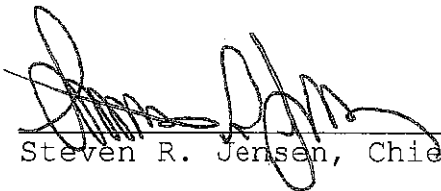
IT IS FURTHER ORDERED that this rule shall become effective immediately.

DATED at Pierre, South Dakota, this 20th day of February, 2024.

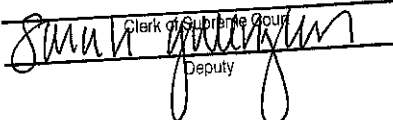
BY THE COURT:

ATTEST:


Clerk of the Supreme Court
(SEAL)


Steven R. Jensen, Chief Justice

STATE OF SOUTH DAKOTA
in the Supreme Court
I, Shirley A. Jameson-Fergal, 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
20 day of Feb, 2024.


Deputy

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

FEB 20 2024


Clerk

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



Law Clerk Applicants

The South Dakota Supreme Court and seven Circuit Courts are recruiting for 2025-2026 Law Clerk applicants. If you are aware of any law students, either in-state or out-of-state, who may be interested in a one-year law clerk opening, please have them view the law clerk announcements online at <https://ujs.sd.gov/Careers/WorkForUs.aspx>. There are currently law clerk openings in various locations, such as Pierre, Sioux Falls, Mitchell, Aberdeen, Brookings, Deadwood, and Rapid City.

- Supreme Court Law Clerk application deadline: June 7, 2023
- Circuit Court Law Clerk application deadline: July 5, 2023

This is a great opportunity to work for the South Dakota Supreme Court or South Dakota Circuit Courts. If you have any questions, please contact the Unified Judicial System Human Resources Office at 605-773-4884.

Civil Litigation Attorney - Pierre

DETAILS: The Office of Attorney General seeks an experienced attorney for a position with the Civil Litigation Division, Consumer Protection. The Civil Litigation Division is responsible for representing the state in civil cases defended or prosecuted by the State and in many administrative licensing and regulatory cases. Division attorneys practice in both state and federal courts and are involved in constitutional, natural resources, Indian law and environmental litigation. The Civil Litigation Division also provides legal advice to state officials, agencies, boards and commissions.

The person eligible for this position must have strong research and writing capabilities, must be able to communicate well to clients and the courts, must have strong legal advocacy skills.

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

STARTING SALARY: Salary is dependent upon experience and funding availability. Attorney II Salary is \$90,000 annually or greater, 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.

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. Our office will be accepting resumes until this position is filled.

Email: Charles.McGuigan@state.sd.us

OR Mail To:

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

Staff Attorney – Fort Thompson

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney in our Fort Thompson, South Dakota, branch 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. Staff work a 4-day work week, and DPLS has an excellent fringe benefits package including generous leave benefits and employee insurance coverage (medical, dental, life, disability).

CLOSING DATE: Open until filled.

APPLICATION INFORMATION: Please submit a letter of interest and resume to: Thomas S. Mortland, Executive Director, Dakota Plains Legal Services, PO Box 489, Mission, SD 57555, (605) 856-4444, tmortland@dpls.org.

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

Staff Attorney – Sioux Falls

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

and Yankton, South Dakota, along with the Flandreau Reservation and the Yankton Reservation.

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

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CLOSING DATE: Open until filled.

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Staff Attorney – Sisseton

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

DAKOTA PLAINS LEGAL SERVICES (DPLS), a nonprofit legal services program, has an opening for a Staff Attorney position in our Sisseton, South Dakota office. The Sisseton office serves the counties of Grant and Roberts, along with the Sisseton Wahpeton Tribal Courts.

QUALIFICATIONS/RESPONSIBILITIES: Applicants must have a JD degree and be licensed to practice, or by reciprocity be able to obtain a license to practice, in South Dakota, or be qualified to take the next South Dakota Bar Exam; must be a bright, motivated, self-

starter; must have the tenacity to assume immediate practice responsibilities, including handling a significant caseload touching on many different areas of law with an emphasis on family law. Additionally, the applicant should expect to make regular appearances in state and tribal court. Applicants must demonstrate an interest in poverty law and working with Native American and low income clients.

SALARY: Starting at \$60,000 plus, depending on experience. Staff work a 4-day work week, and DPLS has an excellent fringe benefits package including generous leave benefits and employee insurance coverage (medical, dental, life, disability).

CLOSING DATE: Open until filled.

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The South Dakota Supreme Court and seven Circuit Courts are recruiting for 2025-2026 Law Clerk applicants. If you are aware of any law students, either in-state or out-of-state, who may be interested in a one-year law clerk opening, please have them view the law clerk announcements online at <https://ujs.sd.gov/Careers/WorkForUs.aspx>. There are currently law clerk openings in various locations, such as Pierre, Sioux Falls, Mitchell, Aberdeen, Brookings, Deadwood, and Rapid City.

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This is a great opportunity to work for the South Dakota Supreme Court or South Dakota Circuit Courts. If you have any questions, please contact the Unified Judicial System Human Resources Office at 605-773-4884.

Paralegal - Sioux Falls

BOYCE LAW FIRM, LLP, in Sioux Falls, South Dakota has an opening for a full-time paralegal to work in its litigation practice with emphasis in its workers' compensation practice area. Candidates should possess strong organizational, multitasking, and computer skills and be able to maintain a heavy workload. Excellent grammar, spelling, punctuation, and attention to detail are also required.

The firm offers a competitive compensation package. Benefits include generous 401K, profit sharing, health insurance, life insurance, professional dues, memberships and paid attendance and expenses for continuing legal education. Confidential inquiries, including resume, cover letter should be directed to Michele Benson, Boyce Law Firm, LLP, PO Box 5015, Sioux Falls, SD 57117-5015 or to mlbenson@boycelaw.com. For more information about Boyce Law Firm, please visit www.boycelaw.com.

Construction Litigation Attorney – Rapid City

Gunderson, Palmer, Nelson & Ashmore, LLP, an AV-Rated, 20+-lawyer firm located in Rapid City and Pierre, South Dakota, is looking for a construction litigation associate attorney at the Rapid City location to assist in this growing practice area. The ideal candidate will have a minimum three years of litigation experience and an interest in learning construction law. The firm is willing to train the right person for this practice area. Must be a member of South Dakota State Bar or have to ability to become member. Must possess a strong business sense and strategic decision-making skills.

The firm offers a comprehensive benefits plan, competitive salary structure and the opportunity for professional development. You can learn more about our firm by visiting our website at gpna.com or our Facebook page at [Facebook.com/GPNAlawfirm/](https://www.facebook.com/GPNAlawfirm/).

All inquiries will be kept confidential. Please send your cover letter, resume, curriculum vitae and references to our firm's Legal Administrator, Kate Ackerson at kackerson@gpna.com or by coming into our office at 506 6th Street, Rapid City, SD 57701.

Litigation Attorney – Rapid City

Gunderson, Palmer, Nelson & Ashmore, LLP, an AV-Rated, 20+-lawyer firm located in Rapid City and Pierre, South Dakota, is looking for a litigation associate attorney at the Rapid City location. The ideal candidate will have a minimum three years of litigation experience. Must be a member of South Dakota State Bar or have to ability to become member. Must possess a strong business sense and strategic decision-making skills.

The firm offers a comprehensive benefits plan, competitive salary structure and the opportunity for professional development. You can learn more about our firm by visiting our website at gpna.com or our Facebook page at [Facebook.com/GPNAlawfirm/](https://www.facebook.com/GPNAlawfirm/).

All inquiries will be kept confidential. Please send your cover letter, resume, curriculum vitae and references to our firm's Legal Administrator, Kate Ackerson at kackerson@gpna.com or by coming into our office at 506 6th Street, Rapid City, SD 57701.

Paralegal - Sioux Falls

Job Title: Paralegal
Company: Halbach|Szwarc Law Firm
Location: Hybrid Position with travel to Sioux Falls, South Dakota
Position Type: Full-time

About Halbach|Szwarc Law Firm: South Dakota's newest full-service law firm based in the historic Cathedral Neighborhood in downtown Sioux Falls, Halbach|Szwarc Law Firm is committed to delivering exceptional legal services across the United States and beyond. With a focus on integrity, professionalism, and client satisfaction, our group of experienced attorneys and paralegals provides comprehensive legal solutions across various practice areas as a hybrid and fully-remote team.

Job Overview: We are currently seeking a talented and experienced Paralegal to contribute to the success and growth of our hybrid law firm. The successful candidate will, under the direct supervision of an attorney, play a crucial role in supporting our attorneys in a variety of legal matters, with a primary focus on business and family law cases. This position is a remote position, but may require regular, in-person contact in Sioux Falls, South Dakota.

Responsibilities:

1. Document Preparation: Assist in drafting and editing legal documents, including but not limited to contracts, pleadings, motions, and other legal correspondence.
2. Corporate Filings: Assist in preparing and filing corporate filings, including, but not limited to Secretary of State filings, Corporate Transparency Act filings, and IRS filings.
3. Case Management: Manage and organize case files. Ensure all relevant documents and information are accurately maintained and easily accessible. Assist in scheduling and coordinating in-person and virtual meetings, hearings, and court appearances.
4. Client Interaction: Communicate with clients to gather necessary information, provide updates on case status, and address any client inquiries under the guidance of attorneys. Utilize technology for effective virtual communication.
5. Court Filings: Prepare and file legal documents with courts, administrative agencies, and other relevant entities. Ensure compliance with court rules and deadlines, leveraging technology for remote filings.
6. Limited Legal Research: Conduct limited legal research on relevant statutes, regulations, and case law to support attorneys in preparing legal documents.
7. Legal Support: Provide general administrative support to attorneys, including scheduling virtual appointments, managing virtual calendars, and handling phone calls. Embrace and utilize technology tools provided by the firm.
8. Stay Informed: Stay abreast of changes in relevant laws, regulations, and legal trends affecting business and family law. Contribute to ongoing professional development.

Qualifications:

1. Bachelor's degree in any field, equivalent paralegal certification, or equivalent law firm experience
2. Proven experience as a paralegal or legal assistant, with a focus on business and family law.
3. Strong research, writing, and organizational skills.
4. Proficiency in legal research tools and Microsoft Office Suite.
5. Excellent communication and interpersonal

skills for remote work and collaboration.

6. Detail-oriented and organized self-starter.
7. Ability to work independently and collaboratively in a hybrid, technology-driven environment.
8. Familiarity with case management software is a plus.

Benefits:

- Competitive salary commensurate with experience.
- Unlimited PTO.
- Monthly Health Insurance Stipend.
- Monthly Technology Stipend.
- Bonus eligible.
- Competitive 401(k) and Profit Sharing.
- Paid Continuing Education Expenses
- Opportunities for professional development and advancement within the firm.
- Collaborative and positive work environment.

If you are a motivated, detailed oriented, and personable individual with a commitment to excellence, we invite you to apply for the Paralegal position at Halbach|Szwarc Law Firm. Please submit your resume and a cover letter outlining your relevant experience to Alex Halbach at alexh@halbachlawfirm.com and Emily Maurice at emilym@halbachlawfirm.com.

Applications will be accepted until March 15.

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: One or more years' experience in criminal law is highly preferred but will consider all applicants.

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 \$72,580.31 to \$92,069.17 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.

Family Law Attorney – Rapid City

Bangs, McCullen, Butler, Foye & Simmons, LLP, an AV-Rated, 20 lawyer firm located in Rapid City and Sioux Falls, South Dakota, is seeking a lateral attorney with at least 3 years' experience practicing in the area of family law at the Rapid City location to assist in this growing practice area. The ideal candidate will possess strong communication skills, be attentive to detail, and self-motivated. Must be a member of the South Dakota State Bar.

Bangs McCullen Law Firm offers a comprehensive benefits plan, competitive salary structure, and the opportunity for professional development and mentorship. You can learn more about our firm by visiting our website at bangsmccullen.com. Confidential inquiries, including a cover letter and resume, should be sent to Office Manager Brenda Sehr at bsehr@bangsmccullen.com.

Health/Employment Law Attorney – Hybrid

Resolve Legal, PLLC seeks an attorney to join its Health/Employment Law Practice Group. The ideal candidate would have experience in physician employment arrangements, provider licensure, anti-kickback laws, and self-referral laws. Additional experience with corporate and transactional matters for health care providers is preferred. The candidate should have a demonstrated interest and/or experience in practicing health law and the ability to communicate effectively with physicians. New graduates will be considered.

Hybrid work environment. Base salary plus performance bonus. Benefits vary based on FTE status. Please submit applications to kyle@resolvelgl.com. No calls please.

Trial Attorney – Sioux Falls

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

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

Senior Trust Officer – Sioux Falls/Hybrid

The Senior Trust Officer is responsible for the daily activities related to the administration and maintenance of South Dakota directed trusts, family office, and traditional fiduciary relationships. Trust assistant and trust administrators may support transaction execution and documentation, with Senior Trust officer providing oversight, leadership, and coaching. This position requires a high degree of business acumen, leadership, customer service skills, prompt responses to client inquiries, and special projects for clients as necessary. Duties will include the preparation of necessary documents to open and maintain account compliance; facilitate trust drafting, modification and petitions with clients and outside professionals, and properly document each step for superior performance in audit testing by internal auditors, FDIC, and the SD division of banking. Business development activity

with a targeted production level and documentation is expected. This position may include travel as frequently as 3-5 days per quarter.

Primary Functions and/or Responsibilities:

- Manages assigned client relationships
- Proactively anticipates client needs and requests
- Interacts with clients to answer requests, coordinating daily activities and escalating issues as needed
- Completes special projects as assigned
- Prepares materials for client and prospect presentations, meetings
- Completes necessary documents relating to compliance and annual account reviews
- Manages and coordinates new account onboarding
- Meets sales and referral goals assigned
- Review and follow-up of sales activities
- Collaborates with others to drive success of team, department, and organization
- Proactively shares and promotes new ideas to support process improvements and changes to team processes
- Direct, develop and coach trust assistants and trust administrators in the efficient and accurate execution of transactions
- Manages continued professional development
- Serves as a backup to other team positions
- Other duties as assigned
- Education and/or Experience:
 - Bachelors degree or equivalent work experience required
 - 8-10 years of related experience required
 - 0+ years of experience in Private Client Services, Fiduciary Services, or Trust & Estate Planning strongly preferred
 - CTFA, JD, CFP or other related designations strongly preferred or willing to pursue
- Specific Skills, Knowledge & Abilities:
 - Familiarity with legal fiduciary responsibilities
 - Familiarity with South Dakota Trust law
 - Familiarity with account compliance responsibilities
 - Ability to process detail work accurately and timely
 - Ability to follow written and oral instructions
 - Team player

Hiring Salary Range

The hiring range below reflects targeted base salary. Actual compensation will be determined based on the candidate's prior related experience & education and will be finalized at the time of offer. In addition to base salary, most positions are also eligible to participate in our annual bonus program. Select positions may also be eligible to earn incentives and/or commissions. Hiring Salary Range: \$98,000 - \$129,000

Benefits

- Group Health, Dental, and Vision Insurance
- Generous Paid Time Off (PTO)
- Volunteer Time Off (VTO)
- 401(k) plan with lucrative company match
- Tuition assistance
- Company Paid Life Insurance
- Paid Parental Leave
- Lifestyle Accounts that provide employees with reimbursement for the things that are most important to them such as childcare, student loan payments, gym memberships, pet insurance and much more.
- Team Member Banking - a suite of products and services with special benefits for employees

Hybrid Eligibility: Position may be eligible for a hybrid work schedule (requiring some days in the office each week).

To Apply: Email mabel@bankerstrust.com or apply on-line at: <https://phh.tbe.taleo.net/phh03/ats/careers/v2/?org=BANKERSTRUST&cws=37&rid=1608>

Law Office Administrative Assistant – Sioux Falls

Midsize Sioux Falls law firm has immediate opening for an administrative assistant. Areas of practice are primarily litigation, business transactions, real estate and creditor rights. Prefer candidate who has experience and proficiency with Microsoft Word, dictation and electronic court filings. Paralegal status a plus, but not necessary. Willing to train the right person. Competitive salary, consistent with experience. Benefits offered include health insurance and generous 401K. Submit confidential inquiries/resumes to Cadwell Sanford Deibert & Garry, LLP, Attn: James Simko, 200 E. 10th Street, Suite 200, Sioux Falls, SD 57104 or E-Mail to Job@cadlaw.com

Deputy/Senior Deputy Public Advocate– Sioux Falls

The Minnehaha County Public Advocate's Office is accepting applications for a Deputy/Senior Deputy Public Advocate with excellent advocacy skills and who is committed to ensuring justice, humanity, and equality to indigent clients within the criminal justice system. Our attorneys prepare and manage a caseload of misdemeanor, felony, abuse and neglect, and mental health cases.

The hiring range is \$3,492.00 - \$3,949.60/biweekly with full earning potential up to \$4,810.40/biweekly. Minnehaha County offers a competitive benefits package including health, dental, vision, and life insurance, a generous paid time off program, extended sick leave, retirement, and an employee assistance program. For a full list of qualifications and to apply visit: <http://jobs.minnehahacounty.gov>. Review of applications begins on March 11, 2024. EO/AA Employer. Contact HR with questions at 605-367-4337.

Law Clerk – Marshall, MN

The Honorable Michelle Dietrich, chambered in Marshall, MN, seeks a FT law clerk. Work directly with a Minnesota Judicial District Judge at the Trail Court level with the focus on the administration of justice. Utilize your legal research and writing skills in a multi-faceted caseload drafting legal documents, correspondence and drafting orders.

To view the full job description and to apply online visit <https://www.governmentjobs.com/careers/mncourts/jobs/4327769/law-clerk-honorable-michelle-dietrich-marshall-mn>

Personal Wealth Intern – Summer 2024 – Sioux Falls

The First National Bank in Sioux Falls
100 S. Phillips Ave., Sioux Falls, SD 57104
Personal Wealth Intern – Summer 2024

Internship Summary:

As a Personal Wealth Intern, you will support Personal Trust Account Administrators in the day-to-day administration of accounts, contribute to the completion of departmental projects, and acquire firsthand experience across various Wealth Management

departments. This includes exposure to Investments, Legal Management, Risk Management, Operations, Retirement Plans, and Institutional Trust, where you will offer support as needed.

In addition, our FIRST Values apply to all teammates without exception.

FIRST Values

- Family – We support, trust, and respect each other, our customers, and our shareholders.
- Independence & Innovation – We embrace change as vital to our success.
- Relationships – We build relationships that are based on strong character, mutual loyalty, trust, and respect.
- Stewardship – We take care of ourselves so we can take care of others.
- Teamwork – We help each other grow and succeed.

Who we are:

The First National Bank in Sioux Falls began its long-term commitment to the Sioux Falls area in 1885. The oldest bank in Sioux Falls owes its longevity to a combination of service, stability, innovation, and family involvement. Over the past 135 years, The First National Bank in Sioux Falls has worked diligently to promote the growth and vitality of our city and the surrounding area. The Bank strives to continually be recognized as a community leader by reinvesting financial resources back into the communities it serves and encouraging active employee involvement in community volunteer organizations.

The First National Bank Way, which is a blend of our Mission Statement and FIRST Values, serves as the foundation of our culture. It is a gift that has been passed down to us and is the legacy that we will protect and preserve. Nothing is more important to us – it is the cornerstone of our success.

Our culture is driven by integrity, service, and strong values; nothing has shaped it more than our FIRST Values.

Our FIRST Values are not just words; they are truly felt by our employees, customers, shareholders, and communities. They tell us who we are as a business and guide our behaviors and decisions as we move forward and build successful relationships.

Although banking has evolved over the years, our mission and values have not and will not change.

What will you do:

Accountabilities

Department Projects and Tasks

Responsible for actively engaging in and contributing to various assigned projects and tasks.

- Assist in the opening of and setting up of new accounts, as well as maintenance of existing accounts.
- Develop an understanding of South Dakota trust laws and regulations related to the Wealth Management operations and perform duties in accordance with these regulations.
- Assist Account Administrators in duties as assigned, including facilitating proper execution of responsibilities with legal, tax accounting, investment, and administrative functions.
- Collaborate with all Wealth Management departments to meet customer's goals and deliver high-caliber customer experience.
- Participate in projects as assigned.
- Professional Development
- Actively engage in professional development opportunities to enhance your skills and contribute to your overall growth.
- Collaborate with your supervisor to set clear learning objectives for the internship, aligning them with your career goals.
- Regularly review and discuss progress to ensure your experience is tailored to your development needs.

Qualifications

Bachelor's Degree preferred. Currently enrolled in an MBA program, Law School, or related field such as finance, economics, etc. and achieved a minimum GPA of 3.0.

Skills and Abilities

- Ability to work independently with supervision. Goal-oriented and self-motivated.
- Demonstrate creativity, problem-solving, and solution-oriented skills.
- Excellent verbal and written communication skills.
- Excellent organizational skills and attention to detail.

What's in it for you?

With a paid internship at The First National Bank in Sioux Falls, you'll gain valuable insights from one of the community's oldest financial institutions. The internship program at First National Bank is designed to offer students hands-on experience across various areas in the banking industry.

Interns work on real projects, serve our customers, and help solve problems. Our goal is to provide interns with experiences that contribute to their professional growth. Enhance your resume, build meaningful connections in the industry, and enjoy a rewarding learning experience with the longest-operating community bank in the area. [Apply at www.fnbsf.com/careers](http://www.fnbsf.com/careers)

Deputy State's Attorney – Butte County

Job Title: Butte County Deputy State's Attorney

Opening Date: February 28, 2024

Closing Date: When Filled

Salary: \$75,000 to \$86,000 Depending on Experience

Position Summary:

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

Position Requirements:

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

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

to take the next available South

- Dakota Bar Examination

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

Preferred Qualifications:

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

Knowledge, Skills, and Abilities:

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

Apply by submitting a resume and cover letter to:

LeEllen McCartney

Butte County State's Attorney

839 Fifth Avenue

Belle Fourche, SD 57717

Leellen.mccartney@buttesd.org

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

HIRING?

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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.**

UPCOMING EVENTS

MARCH 19, 2024

MARCH LAW FOR LUNCH - INDIAN LAW

Zoom

APRIL 16, 2024

APRIL LAW FOR LUNCH - PARTNERSHIP PROGRAM WITH CPCM

Zoom

MAY 2, 2024

FAMILY LAW CLE

The Box Event Center, Box Elder

MAY 2, 2024

CRIMINAL LAW CLE

The Box Event Center, Box Elder

MAY 21, 2024

MAY LAW FOR LUNCH

Zoom

JUNE 12-14, 2024

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