



# State Bar of South Dakota

## Newsletter

PRESIDENT'S CORNER

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# State Bar of South Dakota

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## P R E S I D E N T ' S   C O R N E R

*William C. Garry*

**W**e were all deeply saddened by the recent deaths of Terry Westergaard, David Lust and Jeff Maks of Rapid City and Chris Beesley of Custer. These four men passed away in a two-month period between the middle of June and early August. These men were outstanding lawyers, husbands, fathers, grandfathers and law partners. More importantly, each of them was a great friend to many of us. My sincere condolences to their spouses, families and lawyers and staff at Bangs McCullen and Gunderson, Palmer, Nelson & Ashmore. Our Bar, as well as the Rapid City community and Black Hills region, have suffered a significant loss with the passing of these lawyers.

By the time you receive this newsletter, the State Bar will have gone live with our new website and Member Hub. State Bar staff has been working diligently with our website provider, GrowthZone, to make sure that everything is up and running before going live with the new website. The new website will bring a fresh look and offer many added features, all at less cost than the Bar's previous website provider. Please keep in mind, however, there will likely be some bumps in the road as we make this transition. Therefore, we would ask for your understanding and patience as we move to improve the Bar's website.

Congratulations to Tamara Nash who was recently elected Secretary of the ABA Young Lawyers Division. Tamara's role is a three-year commitment. The Secretary automatically ascends to Chair so Tamara will serve in that capacity in the 2023-2024 bar year. Tamara is

the first young lawyer from South Dakota to serve as Secretary. Congratulations Tamara, the Bar is very proud of your accomplishment.

A special thanks to Becky Porter and Mike McKnight for continuing to host the weekly mid-day wellness coffee breaks via Zoom. Many of our members have experienced overwhelming challenges in the last 18 months due to the pandemic. These coffee breaks provide a confidential, open and safe space for members in need. Thanks again to Becky and Mike for their dedication and service to the Bar.

Executive Director Andy Fergel, Strategic Planning Coordinator, Beth Overmoe, and I just completed our tour of South Dakota to meet with Committee Chairs and Section Leaders in Rapid City, Pierre and Sioux Falls. The tour provided an excellent opportunity for the Chairs and Section leaders to meet each other and to discuss their work and goals for the year. The work of these Committees and Sections is critically important to the professional development of our members. The leadership and expertise of these Committee Chairs and Section Leaders is extraordinary. These members volunteer their service to benefit the Bar, the legal profession and the community. Although I have already made appointments to the various Committees, please feel free to contact me if you are interested in joining a Committee.

September is my favorite month of the year. Warm days followed by cool nights. The sun seems brighter



and the sky more blue. Baseball pennant races, college and professional football and fall golf capped off by the Ryder Cup. Get out and enjoy as we know what is coming in the months ahead.



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## SEPTEMBER LAW FOR LUNCH



## KEEP CALM AND BE CYBERSMART

Join InfoTech's Tyler Ruhd to learn about current cyber threats and what your business can do to protect yourself.

SEPTEMBER 23, 2021  
12:30-1:30PM CST

[REGISTER HERE](#)



State Bar of South Dakota  
YOUNG LAWYER SECTION



*Ole Olesen*  
YLS President

Unfortunately, I have run out of children to fill this page. I suppose that I could talk to you about my pets, but I think I will save that for another month. Rather, I will take this time to highlight some of the events and activities that the Young Lawyers Section has on the horizon.

First up, the YLS was happy to help sponsor a social for young professionals in the Real Estate game. September 9, 2021, from 6:30PM-11:00PM you will be able to enjoy networking at Fernson Downtown (332 S. Phillips Ave., Sioux Falls, SD), with other professionals—abstractors, bankers, etc. For anyone involved in real estate transactions, or wanting to be involved in them, this is a must attend networking event. What better way to get your name out there with other young professionals that will need your services in the future?

The next morning, we have a new monthly event starting up—The Monthly Mentor Series! If you have not caught on in my previous letters, I think that mentorship is extremely important for our young lawyers. So, starting September 10, 2021, at 11:00AM Mountain/12:00AM, we will sit down with the South Dakota Guru on mentorship! Mr. Bob Morris worked with former YLS President Sarah Theophilus to start the Hagemann-Morris Mentorship Coin Program that the YLS still run today. It seems only fitting that we kick off this new series with Bob. So, join us on September 10 as we talk to Bob about mentorship and learn more about how you can be involved! This series will be via Zoom

(<https://us02web.zoom.us/meeting/register/tZAqf-itqjgrGNBSTvaE16TyPI3EMSAMM6c9>  
Access Code: 631953).

On September 17, 2021, from 9:00AM to 4:00PM, the YLS has once again partnered with the law school's Veterans Legal Education Group (VLEG) to give free legal advice to our military community and their families! We are actively seeking volunteers to give back during the event. Please reach out to either myself or VLEG ([vleg@usd.edu](mailto:vleg@usd.edu)) if you are interested in donating some time to this great event! Also, for anyone considering travel to Rapid City to donate some time, but that might be thinking they'd like an additional reason to come out—I have it on good authority that the Black Hills Veteran's March is September 18, 2021, and there may be some young lawyer and law student presence for that event!

Lastly, I just want to remind you to save the date for the Statewide Swearing-In Ceremony and our annual Nuts & Bolts CLE. They will be October 22 this year! I hope you are able to join us for what is shaping up to be an exciting morning of CLEs and follow that up by welcoming our new attorneys as they take their oath!

# YOUNG PROFESSIONALS NETWORK Social

## WHEN

September 9, 2021  
6:30pm – 11:30pm

## WHERE

Fernson Downtown

332 S. Phillips Ave., Sioux Falls, SD

## WHAT

Opportunity to network  
with other young real  
estate professionals  
prior to the SDLLC on  
September 10th

## ADMISSION

Free

## EVENTS

Silent Auction  
Raffle

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## CONTACT

Ryan McKnight  
[ryan.mcknight@sdstate.edu](mailto:ryan.mcknight@sdstate.edu)

# *Fellows of the South Dakota Bar Foundation*

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

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

Fred & Luella Cozad

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Jason R.F. Sutton  
Barry R. Vickrey

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



## DEAN'S LIST : NEWS FROM THE LAW SCHOOL



I had a topic planned for this month's newsletter column. Then I heard that David Lust and Terry Westergaard had died. That terrible news, coming in close succession as it did, put a heaviness on my heart. As a result, the reality of grief in our lives became the topic that I felt that I had to write about this month. I do so with some trepidation. It is a difficult and personal topic. Although it will inevitably be a bit personal, I think it gets at something more universal and hopeful about our life together as lawyers, however.

The deaths of Terry and David resonated deeply with me. I was fortunate to work closely with David during his time in the South Dakota Legislature and with Terry in his time as State Bar President-Elect and President. Both were excellent lawyers, professional and hardworking; but both were also excellent friends, quick with a thoughtful suggestion or comforting laugh. Their passing also struck a chord of memory with me of the premature death of my own law partner, Brent Wilbur, fifteen years ago. His passing altered my professional trajectory and he still shapes my thoughts about the law and life. I thought about David and Terry's partners and closest friends with empathy, knowing that the grief they feel now will never entirely resolve. The grief we feel in moments of profound loss leaves a permanent mark on us. Unquestionably, that marking reflects the pain of absence, but also the balm of how our most important relationships come to define us.

These personal and specific instances drew me to contemplate the impact of grief. I quickly remembered that my moment of contemplation was not unique, however. Every month the bar newsletter announces

deaths among our colleagues; lawyers with storied careers, who shaped their communities, who have had magnificent careers quietly or on the front pages, lawyers whose passing leaves grief among family, friends, and colleagues. We regularly experience deep personal grief as individuals. Within our profession, we experience a collective grief at the loss of lawyers who provided an example to all of us through their lives, the profession left diminished by their absence. Beyond the professional, lawyers among us lose family members and friends and deal with personal grief that unavoidably impacts them professionally. Grief is incessantly and inescapably among us. Lawyers being who we are, we may try to reject or downplay this reality, claiming that "we're fine," but that denial makes it no less real. It is important for us to acknowledge it.

The reality of grief among us might be universal, but it is not particularly hopeful on its face. At my most philosophical I've realized, not rationalized, that grief is the shadow of joy. We grieve at the absence of a source of joy—the greater that joy, the greater the corresponding grief. I find some hope there, but the hope I hope to offer here is more immediate to our profession.

Days after the deaths of David and Terry, the Law School welcomed the Class of 2024 at orientation. I reminded students in my welcoming speech that we are a community of excellence, service, and leadership and that the first word matters as much as the other three. The most important things we do, we do as a community. As much as I tell students that, and it's a lot, it can be hard to prove. But that day at lunch, State Bar President Bill Garry graciously welcomed eighty new

students to the profession. He started by noting that last year he had been at orientation with then President Westergaard. Bill asked the Class of 2024 to hold up Terry's family and partners in thought and prayer. It was a thoughtful acknowledgement of grief and a clear call to support those among us experiencing grief. It was an elegant and concrete illustration of what it means to be a professional community. It illustrated the hope that I find, that I hope we all find, in this vocation.

I've been sustained by other lawyers throughout my career. That sustenance has come in the form of lawyers who have taught and inspired, lawyers who have challenged, lawyers who have brought joy and amusement, lawyers who have set the standard to emulate even after they are gone, and lawyers who offered a hand of support in moments of grief. I am not alone in this. We have all seen lawyers help other lawyers meet their moments of grief. We have seen lawyers support their colleagues and their families through serious illness or death. We have seen lawyers respond when their colleagues have had lives upended by natural disasters like tornadoes in Burke and Wessington Springs or the Missouri River

flooding in 2011. We've seen lawyers come together to provide practical assistance to grieving lawyers in the Solace program and Lawyers Concerned for Lawyers. We've seen lawyers check in on their colleagues and friends during the grinding ambient grief that COVID-19 has imposed. We've seen grief present itself in our professional and personal lives in many forms, but we've seen our colleagues consistently support each other in those moments.

This is the point that extends well beyond any personal catharsis: we are a community. We meet our greatest challenges together, not alone. The theologian Henri Nouwen tells us what we as lawyers can do with our grief and the grief around us, "the main question is not how can we hide our wounds...but how we can put our woundedness in service to others." To lawyers who are grieving, you are not alone. We are here as your colleagues, your community, as you need us. To lawyers who see grief around them, you have a greater capacity to ease the pain of others than you imagine. Together we grieve, together we endure.



*The State Bar Foundation thanks you for your donation*

Robert Riter \$500

In memory of David Lust and Terry Westergaard

State Bar Staff \$500

In memory of Terry Westergaard

*We are so appreciative of your generosity*





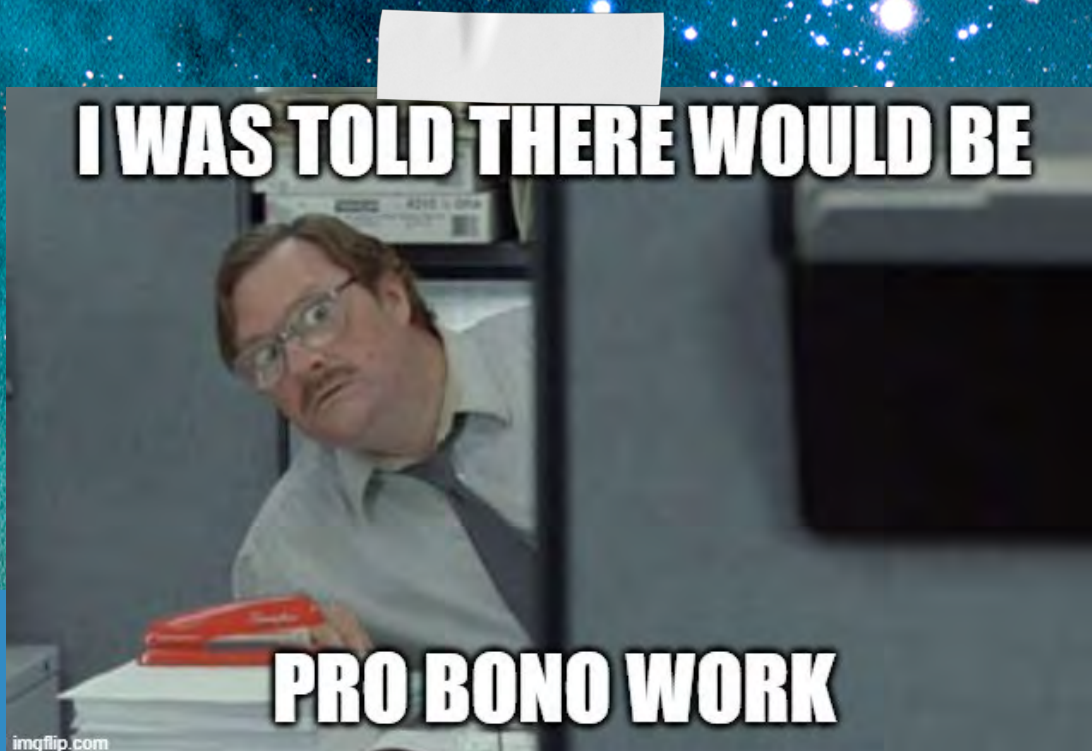
# JUSTICE SQUAD

Thank you to the following attorneys for accepting a pro bono or reduced rate case from Access to Justice, Inc., this month! You are now a member of the the A2J Justice Squad - an elite group of South Dakota lawyers who accept the responsibility to defend justice, uphold their oath and provide legal representation to those who need it.

Stan Anker  
Steve Smith  
Jacob Dawson  
George Johnson  
Rory King  
Katie Johnson

And much thanks to:  
Linda Lea Viken  
Denise Langley  
Steve Huff  
Joseph Hogue  
James Taylor  
Marwin Smith  
Beth Baloun

For their help on SD Free Legal Answers!



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Friday, September 10, 2021 • Sioux Falls • Denny Sanford Premier Center

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**Featuring**



**Brent Gleeson**

Navy SEAL Veteran, Author,  
and Leadership Consultant



**Trista Curzydlo**

C4 Consulting, LLC

**Real Estate Panel**

Past, Present, and Future of Development  
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by Bill Zortman

**Chuck Sutton**

Sutton Auction

**Craig Lloyd**

Lloyd Companies

**Michael Bender**

Bender Companies

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**Scan here for event registration & up-to-date info:**

Questions? Email [ryan.mcknight@sdstate.edu](mailto:ryan.mcknight@sdstate.edu) for more info.

<https://www.sdstate.edu/ness-school-management-and-economics/south-dakota-land-and-lending-conference>



# ANNOUNCEMENTS

The Law Firm of

*Evans, Haigh & Hinton, L.L.P.*

*101 North Main Avenue, Suite 213  
Sioux Falls, South Dakota*

*Telephone: (605) 275-9599*

is pleased to announce that

*Delia M. Druley*

[ddruley@ehhlawyers.com](mailto:ddruley@ehhlawyers.com)

Delia joined the firm July 26, 2021 as an associate.

Cadwell Sanford Deibert & Garry, L.L.P.  
is pleased to announce that

*Andrew S. Hurd*  
joined the firm as an Associate.

Cadwell Sanford Deibert & Garry, L.L.P.  
200 E. 10th Street, Suite 200  
Sioux Falls, SD 57104

Telephone: (605) 336-0828

[ahurd@cadlaw.com](mailto:ahurd@cadlaw.com)

Lynn, Jackson, Shultz & Lebrun, P.C.  
Is pleased to announce that

*Barbara Melber Vargo*  
has joined the firm.

Lynn, Jackson, Shultz & Lebrun, P.C.  
909 Saint Joseph Street, Suite 800  
Rapid City, SD 57701

Telephone: (605) 342-2592

[bvargo@lynnjackson.com](mailto:bvargo@lynnjackson.com)

Lynn, Jackson, Shultz & Lebrun, P.C.  
Is pleased to announce that

*Madison L. Young*  
has joined the firm.

Lynn, Jackson, Shultz & Lebrun, P.C.  
909 Saint Joseph Street, Suite 800  
Rapid City, SD 57701

Telephone: (605) 342-2592

[myoung@lynnjackson.com](mailto:myoung@lynnjackson.com)

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

*Kalen N. Frericks*

&

*Brooke N. Schmidt*

have joined the firm as an associate attorneys.

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

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

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CE CREDIT AVAILABLE.

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

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

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



# FALL 2021 ON CAMPUS INTERVIEWS (OCI)

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



# **ESTATE PLANNING**

## **WITH ROBERT KEEBLER**

**REGISTER  
HERE**



**SEPTEMBER 17, 2021**



**SIoux FALLS -  
RAMKOTA HOTEL**



**8:30 AM -  
12 NOON CST**

**INCOME AND  
ESTATE TAX  
CHANGES FOR  
ESTATE PLANNERS**

**ROTH CONVERSATIONS  
A HOW TO FOR  
ESTATE LAWYERS  
AND PLANNERS**

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MN RESIDENTS SHOULD  
LEAVE THEIR IRA TO A  
SD TRUST**

American Bankers Association (ABA) Professional Certifications has approved this event for:  
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If you need CLE credit in another state, please see the registration desk at the event.





# CRYPTOCURRENCY SEPTEMBER CLE

REGISTER  
HERE

Panel on Cryptocurrency

Legal Issues with Cryptocurrency

Tax Implications of Cryptocurrency

September 17th, 2021

1-4 PM

Ramkota Hotel, Sioux Falls

THE BUSINESS LAW COMMITTEE WILL BE HOSTING A ROUNDTABLE ON POTENTIAL BLOCKCHAIN AND CRYPTOCURRENCY LEGISLATION IMMEDIATELY FOLLOWING THE SEPTEMBER CLE AT THE RAMKOTA AT 4PM. ALL ARE WELCOME.



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# Women's Paths to Power

Presentation and discussion on women's leadership with authors of  
Women's Paths to Power: Female Presidents & Prime Ministers, 1960-2020

September 15 12:00 p.m. - 1:00 p.m.  
Courtroom and Zoom

## Lisa Hager, PhD



Lisa Hager is an Assistant Professor of Political Science in the School of American and Global Studies at South Dakota State University. She also serves as the Political Science Internship Coordinator, Legal Studies Coordinator, and Pre-Law Society Advisor.

Lisa received her PhD in Political Science from Kent State University in August 2016 and served as a 2015-2016 American Political Science Association Congressional Fellow. Her fellowship placement was as a legislative assistant for Representative Daniel Lipinski (D-IL-3). Lisa covered education, agriculture, government operations, campaign finance reform, voting rights, and Native American policy. She also worked with the Science, Space, and Technology Committee and the STEM Education Caucus.

Lisa's research focuses on the dynamics of American political institutions, particularly executive, legislative, and judicial behavior and the interactions between different levels and branches of government. Her research agenda frequently focuses on women in politics and involves comparative analyses to better understand the dynamics of American political institutions. She is the coauthor of *Women's Paths to Power: Female Presidents & Prime Ministers, 1960-2020* published by Lynne Rienner Publishers and her research has appeared in *P.S. Political Science & Politics* and *Congress & the Presidency*.

## Evren Celik Wiltse, PhD



Evren Celik Wiltse is Associate Professor and Coordinator for Political Science at SDSU. Prior to her tenure-track appointment at SDSU, she was an assistant professor at TOBB University of Economy & Technology in Ankara, Turkey.

She received B.A. and M.A. degrees in Political Science and International Relations from Bogazici University in Istanbul. Her PhD is from University of Massachusetts Amherst. At UMass, she worked under the supervision of late Prof. Howard Wiarda. She specializes in political economy, development and democratization from a comparative perspective, in particular comparing Latin American cases with the ones in the Middle East.

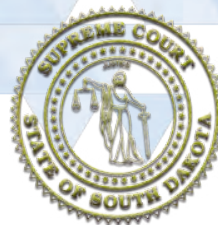
At SDSU, she teaches courses on Current World Issues, International Relations, Latin America, Democracy & Authoritarianism, and Social Media & Democracy. She led study abroad programs to Cuba and Mexico. She received the Best Teacher and Best Academic Advisor awards in 2019, and the Best Social Science Researcher awards in 2019 and 2021. Her publications include *Democratic Reform and Consolidation: The cases of Mexico & Turkey* (ECPR Press, 2015), and *Women's Paths to Power: Female Presidents and Prime Ministers 1960-2020* (Lynne Rienner Publishers, 2021). Her current research projects focus on erosion of gender rights, democratic regress and social polarization on Twitter during COVID-19.

If you are a person with a disability and need a special accommodation to fully participate, please contact Disability Services 48 hours prior to the event at 605-677-6389.



UNIVERSITY OF  
SOUTH DAKOTA  
KNUDSON SCHOOL OF LAW

21st Annual



## Court Improvement Program Sessions

The following sessions provide information on aspects of child abuse and neglect cases. The in-person pre-conference and remaining conference sessions are sponsored by the Court Improvement Program of the Unified Judicial System specifically as a professional development opportunity that is free of charge for legal professionals. CPCM would like to thank UJS CIP for its generous support! [Register here.](#)

WEDNESDAY, SEPTEMBER 29, 2021 · In-Person Pre-Conference Event · 8:00AM-11:15AM



**Nicole Laughlin**  
Attorney At Law  
Laughlin Law



**Amanda Liebl**  
Child's Voice  
Sanford Health

**Vicki Burger**

Child Protection Services  
Dept. of Social Services



**Hon. Susan Sabers**  
Judge  
2nd Circuit Court

**Carrie Mees**

Deputy State's Attorney  
Minnehaha County

***A Walk in My Shoes: Perspectives of the Professional Role in Child Welfare Cases***

This presentation will provide an overview of primary roles and responsibilities of professionals involved in child welfare proceedings, best practice standards for quality representation and challenges faced in working a child welfare case.

The in-person and virtual sessions below discuss various legal elements of child abuse and neglect cases.

SEPT. 29 · 12:15-1:15PM



**Lundy Bancroft**  
Author, Workshop Leader  
& Consultant on Domestic  
Abuse & Child Maltreatment  
<https://lundybancroft.com/>

***The Batterer as Parent***

We confront the myth that the children's problems are solved when the mother leaves the batterer, and other misconceptions that can cause interventions to turn dangerous.

SEPT. 29 · 4:15-5:00PM



**Jim Holler**  
Crimes Against Children  
& Safety Trainer/Consultant  
<https://www.hollertraining.com>

***Vicarious Trauma - The Silent Killer***

This training will address ways police officers and social workers can deal with secondary traumatic stress disorder and vicarious traumatization prosecution.

SEPT. 30 · 9:45-10:45AM



**Carly Bentley**  
Forensic Interview Specialist  
Homeland Security  
Investigations



**Crystal Gregory**  
Forensic Interview Specialist  
Homeland  
Security Investigations

SEPT. 30 · 8:30-9:30PM



**Renee Bourque**  
Project Director  
Victim Assistance  
to Tribes Center

***Murdered & Missing Indigenous Peoples, A View from the Field***

An expert on Murdered and Missing Indigenous Peoples cases across Indian Country discusses gaps and barriers, the grassroots movement bringing the crisis to the forefront of victim services and support.

SEPT. 30 · 11:00-11:45AM



**Terry Liggins**  
Executive & Program Director  
The Hurdle Life Coach

***"Hurdles, Help, and Hope: Becoming the Hurdle Life Coach"***

Liggins survived six Adverse Childhood Experiences and multiple adversities growing up in North Omaha. He recognizes the impact of social service agencies and professionals supporting his single mother.

***"Facilitating Forensic Interviews of Child Exploitation Victims"***

This presentation will discuss each step of a legally-defensible forensic interview while working with electronic evidence whether it is prior to or after the collection of evidence by law enforcement. The presenters will provide case examples and techniques of gathering details surrounding evidence to gain more investigative knowledge. The presenters will focus on preparing the interviewer and victim for the use of images, chat logs, and other evidence while keeping in mind the needs of the victim. Various victims' needs will be discussed.

# REGISTRATION IS NOW OPEN

## 21st ANNUAL COMMUNITY RESPONSE TO CHILD ABUSE CONFERENCE

### **Wednesday, September 29**

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

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

Main Program · 12:00pm-5:00pm CT

### **Thursday, September 30**

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

Main Program · 8:00am-12:00pm CT

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



### Virtual Conference

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

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

### Who Should Attend

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

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

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





**SAVE THE DATE**

# NUTS & BOLTS CLE

TIME: AM/TBD  
DATE: October 22, 2021  
LOCATION: TBD/Pierre

**CLE TOPICS:**

- PATHWAY TO THE BENCH: A PANEL DISCUSSION WITH MEMBERS OF THE JUDICIAL QUALIFICATIONS COMMITTEE;
- DISCUSSION ON LOBBYING AND ADVOCACY WITH JUSTIN BELL, MAY ADAM GERDES & THOMPSON LLP;
- MORE TO COME!

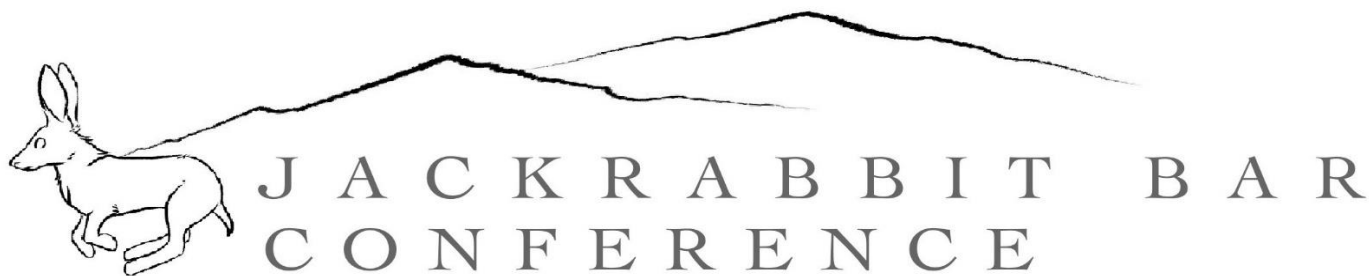
## Swearing-In Ceremony

SAVE  
THE  
DATE

October 22, 2021  
3:00PM CST

CAPITOL ROTUNDA  
PIERRE SD

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



September 23-25, 2021  
Idaho Falls, Idaho

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

**Fees Per Person      Total**

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

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

**Return this form and payment to:**

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

**Or**

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

**Or**

FAX: 208-334-4515

**Hotel Information: Hilton Garden Inn**

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

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

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

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

Method of Payment: ☐ Check Enclosed    Credit Card: ☐ VISA ☐ MasterCard

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

Signature \_\_\_\_\_



*September 23-25, 2021*

*Hilton Garden Inn*

*Idaho Falls, Idaho*

**Thursday, September 23**

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

**Registration**

6:00 p.m. to 7:00 p.m.

**Welcome Reception** – Hilton Garden Inn  
patio

**Friday, September 24**

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

**Breakfast**

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

**Registration**

8:30 a.m. to 8:40 a.m.

**Welcome to the Jackrabbit Bar  
Conference**, Hon. Michael J. Oths, Idaho,  
Chancellor

8:40 a.m. – 8:50 a.m.

**Welcome to Idaho Falls** – Ammon Mayor  
Sean Colletti

8:50 a.m. to 9:00 a.m.

**Overview of the Conference**, Diane  
Minnich, Idaho

9:00 a.m. to 10:15 a.m.

**Judicial Independence: The Founders’  
Aims, Concerns and Current  
Controversies** – Dr. David Adler, The  
Alturas Institute

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

**Break**

10:30 a.m. to 11:30 a.m.

**Courts in Idaho, Water Law** – Hon.  
Roger Burdick, former Idaho Supreme Court  
Chief Justice

11:30 a.m. to 12:00 noon

**Roll Call of the States** – Montana,  
Wyoming, South Dakota, Utah, Idaho  
*Sponsored by ALPS*

6:30 p.m.

**Dinner – Idaho Falls Art Museum**  
*Sponsored by Fastcase*

## **SATURDAY, September 25**

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

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LAWYERS ASSOCIATION  
&  
STATE BAR OF SOUTH DAKOTA PROJECT  
RURAL PRACTICE COMMITTEE

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*A Reception for the Court*

October 4, 2021  
5:00PM-7:00PM  
Valiant Vineyards  
1500 West Main Street  
Vermillion, SD 57069



PRP Fall Meeting  
October 4, 2021  
12:00PM-1:00PM  
Dean's Conference Room  
USD Knudson School of Law

PLEASE RSVP FOR THE RECEPTION AND/OR PRP FALL MEETING AT THIS LINK:  
[HTTPS://WWW.SURVEYMONKEY.COM/R/WBJLCQL](https://www.surveymonkey.com/r/WBJLCQL)



# 2021 Semi-Annual Seminar & Meeting OCTOBER 14-15, 2021



## SOCIAL:

Thursday, October 14 ~ 6-8pm

## SEMINAR & MEETING

Friday, October 15 ~ 8am-3:30pm

- Continental Breakfast @ 7:30am
- Semi-Annual Meeting & Luncheon

Attend in person or  
online via GoToMeeting!

## AGENDA

Virtual attendees: Please note times listed are MDT



### Thursday

6:00-8:00pm

*Social* ..... Location TBD

### Friday

7:30-8:00am

*Registration & Continental Breakfast*

8:00-9:30am

**Family Law:** ..... Attorney Kylie Riggins,  
*Trends & Statutory Updates for Shared Parenting & Child Support* Riggins Family Law

9:40-11:10am

**Topic Pending**

11:20am-12:00pm

*Semi-Annual Meeting* ..... Executive Committee

12:00-1:00pm

*Lunch*

1:00-2:00pm

**Demands of the Legal Profession:** ..... Attorney Rebecca Porter,  
*Maintaining Wellbeing and Work-Life Balance* Lawyers Concerned for Lawyers

2:10-3:10pm

**South Dakota Cannabis Legislation:** ..... Attorney Cassie Wendt,  
*Ethical Considerations* Butte County State's Attorney

3:10-3:30pm

*Closing Announcements* ..... Education Committee

## 5 CLE Credits:

- 1 Ethics
- 3 Substantive
- 1 Non-Substantive

**Cost:** \$30 Students  
\$65 Members  
\$85 Non-Members



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*Cheers!*

*Please join us for the 2nd  
Circuit Young Lawyer Section  
Fall Mixer and Reception for  
**Tamara Nash***

*on her recent election as Secretary of the  
ABA Young Lawyers Division*

R Wine Bar  
322 E 8th Street, Sioux Falls  
October 20, 2021  
4:00PM - 6:00PM

RSVP To Brooke Schmidt by Monday, October 11th  
at [BSchmidt@dehs.com](mailto:BSchmidt@dehs.com)

Hosted by Bill Garry and the SD Young Lawyer Section

**DAVENPORT  
EVANS**  
LAWYERS





## Why Purchasing Legal Malpractice Insurance Is Always a Good Business Decision

As a risk manager for a nationwide legal malpractice insurer, I am sure it comes as no surprise that I believe the purchase of legal malpractice insurance is a good business decision. I can also anticipate that at least a few of you reading this would welcome the opportunity to debate with me my claim that it is always a good business decision. In light of this, allow me to make my case; and I will start by sharing the reasons I hear that some lawyers, typically those who practice in the solo and small firm space, decide to go bare.

### Why would anyone decide to go bare?

The rationalizations run the gamut. Some try to justify the decision by declaring that malpractice premiums are beyond affordable. I'll hear "just look at what doctors have to pay." Others decide that if they ever get sued, they'll just declare bankruptcy in order to avoid having to cover any resulting loss. Then there are those who choose to self-insure thinking the premium savings will more than offset any possible loss. I've even had lawyers tell me they've chosen to protect their assets in other ways. And then there's this one. "Having a malpractice

policy simply invites claims. No insurance means no one will ever sue me because there's no deep pocket." I just shake my head over the naivety of that belief because it simply isn't true.

### What's wrong with that line of thinking?

My response to the any of above rationalizations always starts with this question. Knowing that lawyers and those in their employ can and will make a mistake from time to time, what might the fallout be should a significant misstep ever occur on one of your client matters?

I encourage you to think about the answer as a member of our learned and honorable profession. Clearly, should a significant misstep ever occur, your client will be harmed in some fashion. Now put yourself in your client's shoes and ask yourself who should be held responsible, particularly if a financial loss is part of the equation? You know darn well what the answer is. After all, if a lawyer representing you on a personal injury matter blew a statute that resulted in a lost opportunity



for any kind of recovery, you would expect to be made whole and you know it. You see, insuring for malpractice isn't about protecting yourself. It's about protecting your clients should something go wrong and that's the way it's supposed to be.

Next, I'll pass along the following information as another thought provoker. While numbers will vary between the states and over time, approximately 4% of lawyers practicing in the U.S. will face an allegation of malpractice in any given year. I will admit that a significant number of those allegations will resolve without any loss being paid; but I will also suggest this doesn't mean those claims have no impact. Time and money are going to be in play. Claims can easily take 6 to 24 months to resolve and defense costs on a claim with any merit at all can break that \$25,000 mark before you know it.

But that's not all. Lawyers who are sued can find that their income will drop for a period of time, particularly if they're self-insured and forced into devoting precious time and money defending themselves. It might also be the result of new business dropping off in light of the situation making it into the local news. Making matters worse, if the claim becomes something of a topic among the local bar and part of the story is that the involved lawyer was bare, it's pretty much a given that good referrals from other lawyers are going to drop off. All of this helps explain why legal malpractice claims for uninsured lawyers actually are a leading cause of lawyer bankruptcy.

Then, if pertinent, I'll address the affordability issue; and while I get the term "expensive" is relative to one's financial reality, legal malpractice insurance premiums are nowhere near as expensive as some medical malpractice insurance premiums. Nor are they as expensive as defense costs and subsequent loss payments can be in non-frivolous claims. In addition, understand that the initial premium is going to be much

lower than what lawyers who have been in practice and insured for a number of years are charged. This is due to the fact that coverage will start from the date a policy is first purchased. In other words, newly insured lawyers have limited exposure because they don't yet have a substantial amount of covered legal work under their belts. Thus, the odds of a covered claim arising from a newly insured practitioner are going to be much lower than those for a lawyer who has been insured and in practice for ten years or more. Yes, premiums will rise for a period of years as a newly insured lawyer does more and more work; but all things being equal, it should stabilize about six years in and will still be affordable for most lawyers.

Finally, if I need to focus on the financial risks and realities in order to address those who buy into the de facto self-insure approach, I'll ask this question. Are you religiously setting aside whatever you would have spent on premiums to deal with an allegation of malpractice? In terms of an answer, all I can say is that I've never come across a situation where that was happening; and truth be told, unless that pool is well into the six digits it's not going to be enough to put on a good defense, let alone cover a sizeable loss in any non-frivolous claim.

### **Okay, but why is it always a good decision?**

By addressing the reasons that I often hear for going bare, I feel I've presented a rather strong case that the purchase of a malpractice policy is a good business decision; but I recognize that for some I still need to go a bit further in light of my claim that it is "always" a good decision. Hopefully, the following list of a few additional benefits that come with putting coverage in place with the right insurer will help me convince those of you who still see it otherwise.

**1) It is a cost-effective way to protect your assets.** Think if you were to try to self-insure your entire exposure. Most firms, regardless of size, will never



Authored by: Mark Bassingthwaighe, Risk Manager

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

be able to build a pool of funds that would come close to the amount of coverage that a smaller percentage of those same dollars could buy.

**2) It can help with client acquisition.** When asked if you are covered, you certainly want to be able to answer in the affirmative. And know this, certain potential clients will not hire a firm unless the firm is able to document that they have an acceptable level of malpractice coverage in place.

**3) Coverage includes ready access to professionals who handle malpractice claims each and every day,** particularly if you purchase coverage from an insurer who staffs the claims department with licensed attorneys, as opposed to claims adjusters. Besides, the idiom “Doctors make the worst patients” holds true for lawyers as well. Deciding to try and represent yourself in response to a malpractice claim simply isn’t a good idea.

**4) In some of the states that require lawyers to disclose whether they are insured or not, other**

**lawyers can and will check to see if a lawyer they wish to refer a client to or co-counsel with is insured.** If the answer is no, that’s a lost business opportunity an uninsured lawyer will never know about.

**5) Even good lawyers and the competent staff in their employ make mistakes.** It happens; and when it does, well, all I can say is I’ve never been told the peace of mind the lawyer had knowing coverage was in place wasn’t worth the expense. In fact, I often hear quite the opposite.

With one caveat, all of the above is why I always view the purchase of a malpractice policy as good business decision. Just make sure that the insurer you ultimately purchase a policy from is financially stable and doesn’t have a history of going in and out of various geographic markets. There is value in working with an insurance company you can trust to have your back for the long haul.

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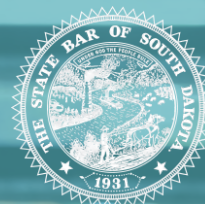
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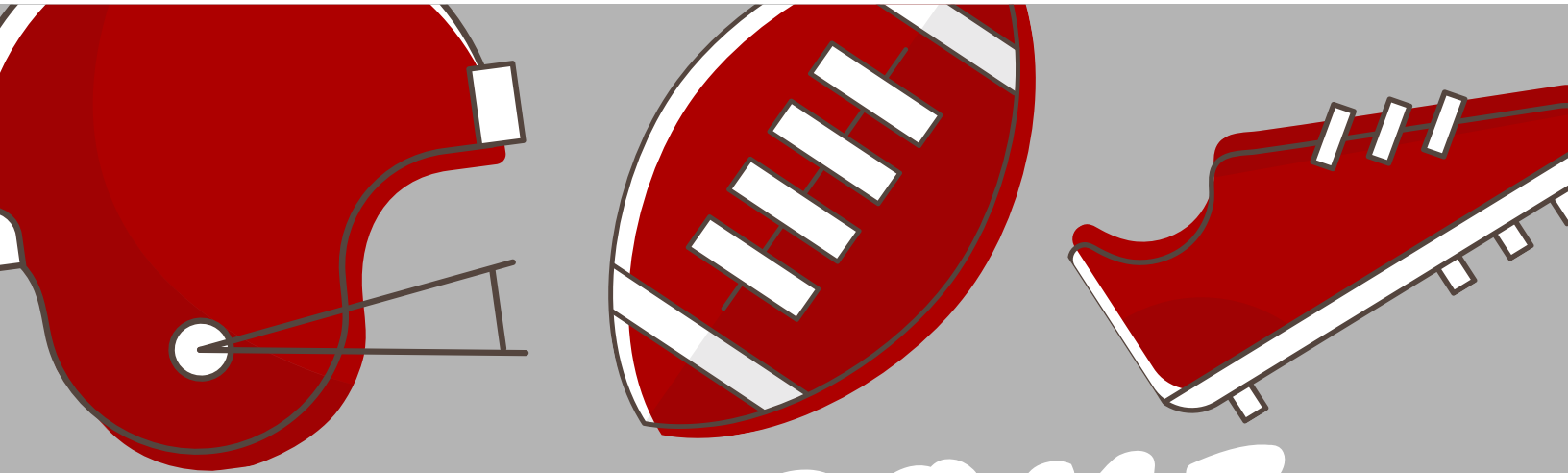
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# *In Memoriam*



## Patrick John Kane

Patrick John Kane, 93, of Sioux Falls passed away peacefully on July 14, 2021 in Omaha, Nebraska. Pat was born August 22, 1927 to Patrick and Mary (Sinnott) Kane, on the family ranch near Agar, South Dakota.

He ranched with his family until drafted into the United States Army Signal Corps during the Korean War. He was stationed in Georgia, Washington, Manitoba, and New Jersey, where he met his future wife, Jean Walsh, at a USO dance at Ft. Monmouth. They married in 1953 and lived in Brookings while Pat completed his B.S. in Agricultural Economics at SDSU. They later moved to the ranch near Agar to raise their family.

Pat wore many hats, trading in his Stetson for a fedora, leaving ranching to attend the University of South Dakota School of Law, and graduating in 1971. After initially practicing law in Salt Lake City, he and his family moved to Sioux Falls in 1973. Pat worked as a Minnehaha County Deputy State's Attorney for several years and continued in private practice until his retirement at age 90.

His clients and fellow attorneys remember him for his work in the context of helping those less fortunate. One colleague wrote, "On those occasions, late in his career, when Pat wasn't sure about the technical issues in the law or whether a cause of action even existed, Pat said, 'what the hell' and just took a shot at helping those who needed help. He wasn't embarrassed if the attempt was awkward or if he had to call a younger lawyer for advice because all that mattered was that he tried to help. His lawyering, and perhaps his life, while sometimes not all that graceful, was charmingly full of grace."

Pat served in the South Dakota House of Representatives, representing District 15 from 1985 until 1992, and was instrumental in legislation making Martin Luther King, Jr. Day a South Dakota state holiday. [https://www.](https://www.capijournal.com/opinions/columnist/there-was-a-time-when-one-upmanship-worked/article_af0dc1be-fce1-11e7-8254-03476d94fd36.html)

[capijournal.com/opinions/columnist/there-was-a-time-when-one-upmanship-worked/article\\_af0dc1be-fce1-11e7-8254-03476d94fd36.html](https://www.capijournal.com/opinions/columnist/there-was-a-time-when-one-upmanship-worked/article_af0dc1be-fce1-11e7-8254-03476d94fd36.html)

While in office, Pat was informally dubbed "The Conscience of the Democratic Party." He remained active in the party after his service in the Legislature, working as a lobbyist for the ACLU, and attending Democratic Forum every Friday for many years.

Pat had an enduring love for basketball, playing in high school, the Army, and many a pick-up game at the Sioux Falls Y. He later competed alongside lifelong friends in the National Senior Games - The Senior Olympics for many years in many cities.

Pat whistled while he worked, he was quick-witted and possessed of a wide range of quotes, poetry, songs, speeches, and points of law. He often knew just the right thing to say either to defuse a conflict or to add grit to a battle.

He spent his final years devoting care to his beloved wife Jean until she passed away in 2020 after 67 years of marriage. He was also preceded in death by his parents, sister Kathleen, brother Francis, and nephew Michael. He is survived by his children: Dan Kane of Berlin, Germany; Sheila J. George (Doug) of Santa Cruz, CA; Anne Howell of Salt Lake City, UT; Sam Kane (Vicki) of Kansas City, MO; Nora Kane of Omaha, NE; Mimi Kane of Sioux Falls, SD; and Rita Kane (Erik Passoja) of Los Angeles, CA; brother-in-law David Walsh (Chloe) of Vero Beach, FL; 12 grandchildren: Dorian, Charlie, Ryan, Ray, Anita, Travis, Shae, Sean, Pat, Brennan, Julia, and Isaac; 14 great-grandchildren: Susannah, Cecilia, Finn, Ian, Eleanor, Gideon, Caden, Hunter, Cash, Clayton, CardiMae, Owen, Elliot, and Benjamin; nieces and nephews: Linda Kane, Steve Kane, John Kane, Teri Kornberg, Marty Kane, Bob Kane, Linda Walsh, Anita Walsh, and Ben Walsh; and many loving friends.

Pat's family is especially grateful for the compassion shown by his nurse caregivers in his last days at the Omaha VA Hospital. A memorial service is planned for a later date. Please see <https://www.heafeyheafey.com> for updates. In lieu of flowers, please send memorials directly to the ACLU <https://www.aclu.org/> or the South Dakota Senior Games <http://www.southdakotaseniorgames.org/>

# YOU ARE INVITED TO JOIN!

## Fellows of the South Dakota Bar Foundation

---

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

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- ☐ Gold Fellow – \$5,000, cumulative.
- ☐ Silver Fellow – \$1,000 per year.
- ☐ Fellow – \$500 per year.

### In Memoriam

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

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

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

Or you can email this form to:  
[tracie.bradford@sdbar.net](mailto:tracie.bradford@sdbar.net) or call 605-224-7554 to set up a payment.

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

The Center for the Prevention of Child Maltreatment and the South Dakota Unified Judicial System are hosting monthly Court Improvement Program (CIP) trainings for attorneys, judges, and other multidisciplinary professionals working with families involved in abuse and neglect cases.

The goal of these trainings is to provide relevant and up-to-date information on the South Dakota child welfare system, while offering unique approaches and standards for best practices when working with children throughout the court process.

#### Future CIP training sessions:

----

Use the linked session titles below to register.

- Wed Sept 22 - Family Considerations during A&N Cases
- Wed Oct 13 - Cultural Awareness in the Courtroom
- Wed Oct 27 - Connecting Families and Clients with Services
- Wed Nov 17 - Stress Triggers on Families, including Holiday Stress
- Wed Dec 29 - Codington County Family Court Pilot Project
- Wed Jan 26 - Implicit Bias
- Wed Feb 23 - Family Time and Sibling/Relative Placement Preferences
- Wed Mar 30 - Conversation with a Foster Family
- Wed Apr 27 - Best Practices on Abuse/Neglect Cases in Conjunction with State Bar

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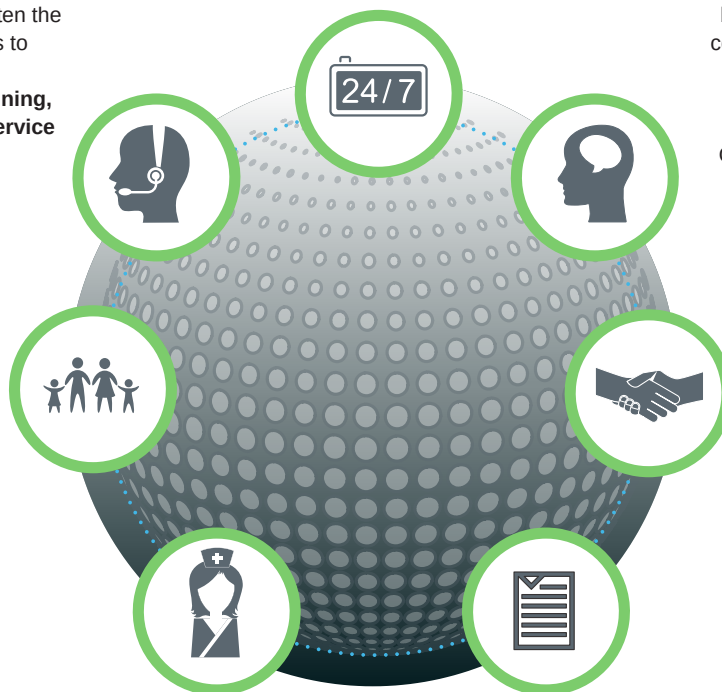
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**WE HELP WITH:** Family Conflict, Couples/Relationships, Substance Abuse, Anxiety, Depression

## WORK/LIFE RESOURCES

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

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

## MEDICAL ADVOCACY

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

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

## LEGAL/FINANCIAL RESOURCES

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

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

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

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

# MY LIFE EXPERT

## Feeling Connected & Supported 24/7/365

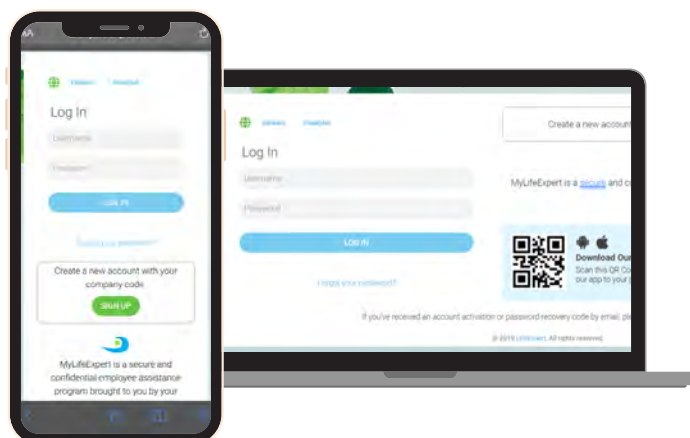
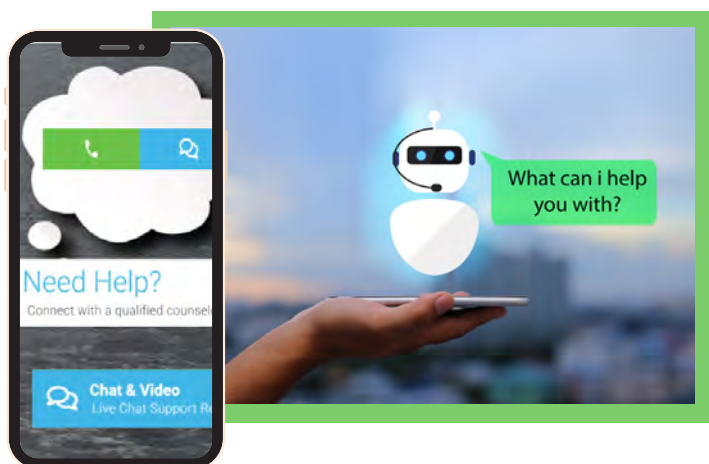
To access this portal you can call our toll-free number or download the app to the home screen of your mobile device without even visiting an app store, by simply visiting [mylifeexpert.com](http://mylifeexpert.com) or scanning the **QR code** at the bottom of this page.

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

### TELEPHONE, CHAT, & VIDEO ACCESS

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



### WORK & LIFE RESOURCES:

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



### HEALTH & LIFESTYLE ASSESSMENTS:

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



### INTERACTIVE CHECKLISTS:

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



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

**Company Code:** sbsd1

**Toll-Free:** 1-888-243-5744



**SANDCREEK** EAP  
An AllOne Health Company



IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

\* \* \* \*

IN THE MATTER OF THE DISCIPLINE	)	JUDGMENT OF SUSPENSION
OF RICHARD SCOTT RHINEHART,	)	
AS AN ATTORNEY AT LAW.	)	#29645
	)	

-----  
WHEREAS on May 26, 2021, a certified copy of an order of the Supreme Court of the State of Iowa in an attorney disciplinary action titled: "Iowa Supreme Court Attorney Disciplinary Board, Complainant v. Richard Scott Rhinehart, Respondent" (Case No. 12-1024) wherein said attorney was suspended from the practice of law in the State of Iowa, and

WHEREAS by order of June 2, 2021, respondent was ordered to show cause pursuant to the provisions of SDCL 16-19-72 and 16-19-74 why identical discipline or such other discipline as the Court would deem appropriate should not be imposed in the State of South Dakota, and

WHEREAS no written showing was filed by respondent, and

WHEREAS a response was filed by the State Bar of South Dakota's Disciplinary Board recommending reciprocal and identical discipline as the minimum discipline to be imposed in the State of South Dakota and,

WHEREAS the Court has considered the decision of the Supreme Court of Iowa and the response of the Disciplinary Board and being fully advised in the premises, and

#29645, Order

WHEREAS the Court has determined that identical discipline should be imposed, now, therefore, it is

ORDERED, ADJUDGED and DECREED that Richard Scott Rhinehart a/k/a R. Scott Rhinehart be and he is hereby suspended from the practice of law in all of the courts of the State of South Dakota for a period of one year retroactive to April 16, 2021.

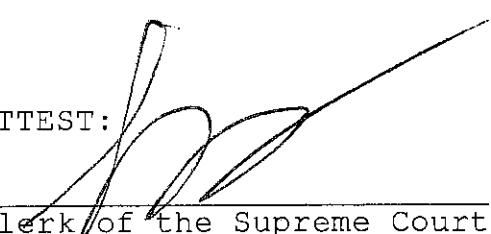
IT IS FURTHER ORDERED that respondent comply with the provisions and requirements of SDCL 16-19-78 through 16-19-80.


IT IS FURTHER ORDERED that respondent Richard Scott Rhinehart shall not be allowed to act as a legal assistant.

DATED at Pierre, South Dakota, this 10th day of August, 2021.

BY THE COURT:

ATTEST:

  
Clerk of the Supreme Court  
(SEAL)

  
Steven R. Jensen, Chief Justice

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

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

10th day of August, 2021.

  
Shirley A. Jameson-Fergel  
Clerk of Supreme Court

Deputy

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

AUG 10 2021

  
Shirley A. Jameson-Fergel  
Clerk

-2-

# HOW THE STATE BAR ETHICS COMMITTEE WORKS

Identifying and responding to ethical issues that arise in practice can be challenging and frightening. The Ethics Committee of the South Dakota Bar is available to help all lawyers in South Dakota through those questions.

It is important to remember that the Ethics Committee is NOT the Disciplinary Board. The Ethics Committee exists not to identify and discipline ethical violations, but to confidentially assist lawyers in achieving compliance with the Rules of Professional Responsibility. As a result, there are some rules about how the Ethics Committee operates that are important to know:



## 2. QUESTIONS MUST RELATE TO YOUR OWN CONDUCT

The Ethics Committee can only provide an opinion about the conduct of the lawyer making the request or another lawyer with whom that lawyer practices in partnership or similar association. Opinions cannot be sought about the conduct of opposing or unaffiliated lawyers lest they be used as swords rather than shields.



## 4. SEND TO CHAIR WITH DEADLINE

Opinion requests can be directed to the chair via email: [Sander.Morehead@woodsfuller.com](mailto:Sander.Morehead@woodsfuller.com) and are then circulated for discussion within the Ethics Committee. The Committee endeavors to be timely, so it is useful to note any time pressures for the opinion.



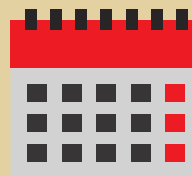
## 1. REQUESTS ARE CONFIDENTIAL

The Ethics Committee will provide an opinion about concrete ethical questions to lawyers admitted to the State Bar of South Dakota. Action taken in reliance on a formal ethics opinion of the Committee is protected against discipline. Opinion requests are held confidential, and formal written opinions are de-identified to the greatest degree possible.



## 3. NO HYPOTHETICALS PLEASE

Requests for opinions need to be presented in concrete situations, with a description of the operative facts involved. Those facts will be assumed true by the Ethics Committee and the opinion limited to them. It is difficult to address hypothetical questions, so requests need to be tied to an actual factual scenario the requesting lawyer presently faces or is likely to.



## 5. WE ARE HERE TO HELP

Lastly, although formal opinions are common, the Committee is always happy to try to brainstorm an ethical issue with lawyers. Feel free to email or call the chair or another Committee member directly.

Opinions of the Committee over the years are collected on the State Bar Website. They make an excellent starting place to research an ethical question. The Committee also can steer lawyers to ethics opinions from the ABA, other states, and other ethics resources that may be helpful. Most importantly, the Ethics Committee exists to be a resource for members of the Bar. Please never hesitate to get in touch with questions or suggestions of how the Committee can best serve you.

*This message is provided to members of the state bar by Ethics Committee Chair, Sander Morehead. Other members of the committee include: Cameo Anders, James Billion, Jeffrey Bratkiewicz, Tracey Dollison-Decker, Kimberly Dorsett, Dan Fritz, Alecia Fuller, Neil Fulton, Taylor Hayes, Eric Kelderman, Yvette Lafrentz, Christopher Madsen, Donald McCarty, Kimberly Pehrson, Mike Schaffer, Thomas Simmons, Ryan Snell, Cassidy Stalley.*



Question Presented: May a Lawyer file a complaint, petition, or another pleading for relief if the Lawyer believes, after independent evaluation, that the pleading would lack merit?

Short Answer: No.

Rules Implicated: 3.1

### **FACTS**

Lawyer contracts with the County to prepare involuntary commitment (IVC) petitions on the County's behalf. This process often entails Lawyer receiving what amount to complaints or requests from people who believe their friends or family members need the protection of an IVC.

Lawyer has been repeatedly asked by an adult child's parent to petition for IVC of the child. Lawyer is aware the child previously was a substance abuser, and the parent is insisting the adult child is abusing substances again. Lawyer, through County law enforcement, has located the adult child, and law enforcement has confirmed the adult child does not appear to be in imminent danger and does not appear to abuse substances.

Lawyer does not believe the parent's suspicion or concern about substance abuse will support an IVC petition for the adult child. Lawyer inquires how Lawyer should proceed given the parent's continued insistence that Lawyer file a petition.

### **APPLICABLE RULE**

Rule 3.1 clarifies that a lawyer may not "bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law."

### **ANALYSIS**

The Lawyer appears to both subjectively and objectively believe that an IVC petition against the adult child would be factually and legally baseless. That being the case, the Lawyer is correct not to file the IVC petition.

2021 ABA Annual Meeting Report  
South Dakota Young Lawyers Section

Following last year's inaugural virtual ABA Annual Meeting, this year's Annual Meeting was a hybrid of virtual and in-person events. The majority of Young Lawyers Section meetings and events were conducted in the virtual space, allowing many members to participate with ease. YLD hosted Assembly, networking events, and governance meetings over the course of the Annual meeting. Below is a summary of events attended by South Dakota Young Lawyers Tamara Nash (Sioux Falls), Elizabeth Overmoe (Sioux Falls), Holly Farris (Pierre), Anthony Sutton (Sioux Falls), and Ole Olesen (Rapid City).

Tamara Nash

During the 2020-2021 bar year, Tamara served as the ABA YLD Administrative Director. This role afforded her a seat on the YLD Council and Cabinet. Tamara also served on the Long-Range Planning Board and the Strategic Plan Steering Committee. Tamara was also co-chair of the Strategic Plan drafting sub-committee, on this committee she worked with two other members to draft the 2021-2026 YLD Strategic Plan. During this bar year, Tamara also ran a year-long campaign for Secretary of the ABA YLD. At the 2021 Annual Meeting, Tamara was elected to serve the YLD as the incoming Secretary. This role automatically ascends to chair. During the 2023-2024 bar year, Tamara will chair the ABA YLD.

Elizabeth Overmoe

Elizabeth served as the South Dakota Young Lawyers delegate to the ABA House of Delegates, which afforded her a delegate seat in YLD Assembly. Beth attended the ABA YLD Assembly, multiple caucus meetings for the House of Delegates, and the House of Delegates meeting in this capacity. This was Beth's final meeting as the SD young lawyer representative to the ABA HOD. She is grateful to past State Bar presidents Eric Schulte, Pamela Reiter, and Steve Huff for appointing her to the role and she thanks President Bill Garry for appointing Tamara Nash as her successor.

Holly Farris

Holly attended this year's Annual Conference in her capacity as the current District 21 ABA YLD Representative, on behalf of North and South Dakota. She attended both Council and Delegate Assembly meetings.

Anthony Sutton

Anthony is the current SD YLD Vice-President. He attended the meeting in his capacity as a YLS board member, fulfilling one of South Dakota's two delegate positions at the ABA YLD Assembly meeting.

Ole Olesen

Ole is the current SD YLD President and attended the meeting in his capacity as a YLD Board member. Ole fulfilled one of South Dakota's two delegate spots during the ABA YLD Assembly meeting.

YLD Assembly Activities

The ABA Young Lawyers Division Assembly ("Assembly") is the principal policy-making body of the ABA YLD. Assembly convenes during the ABA Midyear and Annual Meetings. During assembly, issues and resolutions proposed by young lawyers about areas of concern or interest are debated and voted upon.

There were 9 items on the Assembly Consent Calendar. The following resolutions were debated by the delegation, consisting of 192 certified delegates from across the nation.

Resolution 21-22YL	This resolution, brought forward by the YLD Assembly Operations Taskforce, amends the Young Lawyers Division bylaws to permit delegates serving pursuant to sections 4.2(a)(2), (3), (4), and (5) to fulfill one-year terms commencing September 1 and concluding August 31 of the following year. Prior to this amendment, delegate assignments were handled on an ad hoc basis, lasting only for the duration of a specific meeting. By providing a fixed term, the administrative burden regarding delegate selection and certification will be reduced.	Passed.
Resolution 21-23YL	<p>This resolution, also initiated by the Assembly Operations Taskforce amends the YLD bylaws to allocate affiliate delegates in amount equal to following, whichever is greater: (1) the total number of delegates the state is entitled to in the House of Delegates pursuant to Articles 6.4(a)-(b) and 6.9 of the ABA Constitution after the adjournment of the preceding annual meeting; or (2) three delegates. No state lost delegates as a result of the amendment.</p> <p>This change addresses substantial decline in the number of authorized Assembly delegates that occurred over the past five years. Increasing the number of participating delegates ensures robust debate on YLD issues that is representative of the various affiliate constituencies.</p>	Passed.
Resolution 21-24YL	Resolution 21-24YL urged law firms to use financial institutions that fund or otherwise invest in infrastructure projects near tribal, low-income, and marginalized communities of color after project owners obtained legal permits with proper tribal consultation and feedback with tribes in surrounding areas, including nation-to-nation consultations with tribal leaders, as required by appropriate federal laws. The resolution further urged law firms to conduct banking with financial institutions that incorporate transparent procedures that review the environmental impacts of infrastructure projects, such as fossil fuel pipelines, on surrounding tribal communities, low-income, and marginalized communities of color.	Passed.
Resolution 21-25YL	This resolution focused on attorney well-being and urged all legal employers to adopt policies and practices that encourage all of its employees to “unplug” at least one week per year without the need to reply to emails/calls or attend virtual meetings by: allowing employees who are taking time away from the office to designate a coworker to handle calls/emails/meetings; and requesting that the designated coworker only reach out to the employee on vacation if there was an emergency; and further urges all law firms to provide billable hour credit equal to 1/52 of the total yearly requirement for employees who take the one week of “unplug” time. This resolution was reflective of the discussions of the ABA National Task Force on Lawyer Well-Being.	Passed.
ABA HOD Resolution 609	The resolution opposed any federal, state, local, territorial, or tribal legislation, regulation, or policy prohibiting transgender students from participating in athletics in accordance with their gender identity.	Passed.



Thank you to the South Dakota Young Lawyers who served as Assembly delegates, and to the SD Young Lawyers Section and the State Bar of South Dakota for their continued support of Young Lawyer involvement in ABA activities.

If you are interested in becoming involved with the South Dakota Young Lawyers or the ABA YLD, please contact YLD Section President Ole Olesen ([ole.olesen@pennco.org](mailto:ole.olesen@pennco.org)) or ABA YLD District Representative Holly Farris ([Holly.Farris@sdbor.edu](mailto:Holly.Farris@sdbor.edu)).

### **2021-2022 ABA YLD CONFERENCE SCHEDULE:**

\*In lieu of a Fall Conference, the YLD will host ongoing virtual programming through fall 2021

ABA Midyear Meeting: February 9-14, 2022 (Seattle, WA)

YLD Spring Conference: May 2022 (Atlanta, GA)

ABA Annual Meeting: Aug 2022 (Chicago, IL)

### **ATTORNEYS - OATH OF ATTORNEY**

*I do solemnly swear, or affirm, that:*

*I will support the Constitution of the United States and the Constitution of the State of South Dakota;*

*I will maintain the respect due to courts of justice and judicial officers;*

*I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;*

*I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;*

*I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with a client's business except from that client or with the client's knowledge or approval;*

*I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;*

*I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any person's cause for lucre or malice.*

# BOARD OF BAR COMMISSIONERS

Minutes, July 23, 2021

State Bar Office

Pierre, South Dakota

President William Garry called the meeting to order at 9:00 a.m. Central Time on Friday, July 23, 2021, in Pierre, South Dakota. Present at the meeting were Garry, President Elect Lisa Marso, Commissioners, Christensen (via Zoom), Dougherty, Foral, Kempema, King, Pickar (via Zoom), Richter, Tiede, and Trefz. Also, present during all or part of the meeting were Executive Director/Secretary-Treasurer Andrew Fergel, Strategic Plan Coordinator Elizabeth Overmoe, Assistant Executive Director Nicole Ogan, Communications Director Tracie Bradford, Access to Justice, Inc. Coordinator Denise Langley, LAP Director Rebecca Porter, Young Lawyer Section President Elect Anthony Sutton, and State Court Administrator Greg Sattizahn.

Minutes of May 20, 2021, Meeting: Commissioner Kempema moved to approve the minutes of the May 20, 2021, meeting held via Zoom. President Elect Marso seconded the motion. Motion passed.

Minutes of June 8, 2021, Special Meeting: Commissioner Foral moved to approve the minutes of the June 8, 2021, Special Meeting. The motion was seconded by Commissioner Trefz. Motion passed.

2021 Annual Meeting Minutes: Commissioner Kempema made a motion to approve the minutes of the 2021 Annual Meeting. The motion was seconded by Commissioner Foral. Motion passed.

Minutes of June 18, 2021, Bar Commission Meeting: Commissioner King moved to approve the minutes of the June 18, 2021, Bar Commission meeting. Commissioner Tiede seconded the motion. Motion passed.

Young Lawyers Section Report: Anthony Sutton, President Elect of the Young Lawyers Section reported on the section's planned activities for the coming fiscal year. After the report President Garry thanked Mr. Sutton and the Young Lawyers Section for all the work they do for the Bar.

Lawyers Assistance Program Report: Rebecca Porter provided a report to the Commission concerning her work as the LAP Director. Ms. Porter's report included statistics concerning the peer-to-peer services of Lawyers Concerned for Lawyers and information about her interaction with UJS members, the USD Knudson School of Law, and South Dakota Bar members to provide educational information about the services available through the Lawyers Assistance Program. Ms. Porter's oral

report to the Commission was supplemented with a detailed written report. Ms. Porter reported that so far this fiscal year, calls to the LAP Director and Lawyers Concerned for Lawyers volunteers for peer-to-peer services total 674.

Strategic Plan Update: Strategic Plan Coordinator Elizabeth Overmoe presented the State Bar of South Dakota 2019-2022 Strategic Plan that highlighted new ideas or activities that resulted from the strategic plan retreat in May that focused on member benefits. In addition, Ms. Overmoe answered questions by Commissioners about the plan and stated that it would be her recommendation to extend the current strategic plan to 2023 as a good deal of work on the current plan was stalled because of the pandemic.

CLE Guidebook: Elizabeth Overmoe presented a “CLE Guidebook” that had been produced and approved by the CLE Committee for the Bar Commission’s consideration and approval. After a brief discussion, a motion was made by Commissioner Trefz that the CLE Guidebook be endorsed and approved as presented. The motion was seconded by Commissioner Kempema. Motion passed.

Supreme Court Commission on Sexual Harassment in the Legal Profession – Discussion about Report and Recommendations of the Commission: State Court Administrator Greg Sattizahn met with the Bar Commission to discuss the recommendations that were made in the report produced by the Supreme Court Commission on Sexual Harassment in the Legal Profession and the process by which the recommendations may be implemented. Mr. Sattizahn indicated the Court has already begun to implement the training requirements suggested in the report for Judges and Unified Judicial System employees. Mr. Sattizahn emphasized that it is important that there be support from the Bar to implement the suggested training requirements in the report for lawyers. Though the Commission did not take any formal action, several members of the Board expressed their support for implementing the recommendations and indicated that they have received some feedback from members in favor of doing so.

Supreme Court Special Rules Hearing to be Held on August 24, 2021: Executive Director Fergel informed the Commission that all the amendments to rules and the State Bar bylaws that were approved by the membership at the annual business meeting in June have been noticed by the Court to be heard on August 24, 2021, at 11:00 a.m. Central Time, in the Courtroom of the Supreme Court.

Bar Commission’s Meeting Schedule for Remainder of FY 2021: After discussion it was determined that the remaining in-person Commission meetings for FY 2021-2022 will take place as follows: October 22, 2021, in Pierre; January 7, 2022, in Sioux Falls; and April 22, 2022, in Deadwood. President Garry informed the Commission that it was his intention to continue to have monthly meetings via zoom/teleconference in those months that the Commission does not have an in-



person quarterly meeting scheduled. The remote meetings will be held on the third Wednesday at 9:00 a.m. Central Time in the months of August, September, November, December, February, March, and May for FY 2021-22. If there is no business to discuss in a specific month the meeting will be cancelled in advance.

Annual Meeting Locations for 2024, 2025, and 2026: Bar staff presented survey information that was collected from Bar members about where the annual convention and business meeting should be held. After the information was presented, there was discussion about the fact that the 2020 annual meeting was supposed to be held at the Pierre Ramkota but was not due to the pandemic. It was suggested that since the Ramkota in Pierre was very accommodating in waiving any guaranteed fees in 2020, the Bar should hold the 2024 annual convention and meeting at the Pierre Ramkota. 2024 being the next open contract year. As part of the meeting materials the Commission members were provided with a contract offer from the Ramkota Hotel & Conference Center in Pierre for its consideration. After presentation of the information collected was complete, a motion was made by Commissioner Kempema to authorize the Executive Director to enter into a contract with the Ramkota Hotel & Conference Center to host the 2024 Annual Bar Convention. The motion was seconded by Commissioner Trefz. Motion passed. Thereafter, it was the consensus of the Commission that Bar staff pursue contracts with facilities to host the 2025 annual meeting in the Black Hills and the 2026 annual meeting in Sioux Falls.

Management Contract Between SDSB and SD Bar Foundation: A contract was presented to the Commission for the State Bar to provide services to the South Dakota Bar Foundation for a nominal fee. A motion was made by Commissioner King to have President Garry execute the contract, as presented, on behalf of the State Bar of South Dakota to be effective August 1, 2021, for FY 2021-2022. The motion was seconded by Commissioner Kempema. Motion passed.

Member Benefits Committee: President Garry announced that he would be appointing members to a Member Benefits Committee for this Bar year soon. After appointment, the Committee's members will be added to the 2021-2022 Committee Assignments List.

Appointment of Young Lawyer Delegate (Tamara Nash) to ABA House of Delegates: President Garry informed the Commission that he has appointed Tamara Nash to serve as the South Dakota Young Lawyer Delegate to the ABA House of Delegates for a two-year term.

Appointment of James Simko to the Disciplinary Board of the State Bar of South Dakota: President Garry informed the Commission that he has appointed James Simko to the Disciplinary Board for one term of 5 years pursuant to SDCL 16-19-24.

Commission's Finance and Audit Committee: President Garry reappointed Commissioners Dougherty, Roby, and Trefz to the Commission's Finance and Audit Committee.

Compensation Committee: President Garry reappointed Commissioners Aasen, Christensen, and Kempema to the Compensation Committee to continue and complete the review of staff compensation started last year.

Darin John Fonder v. State of South Dakota, et. al.: Executive Director Fergel informed the Commission about potential litigation entitled Fonder v. State of South Dakota, et. al. and how defense for the State Bar would be provided.

Current Litigation Around Country Concerning Unified Bars: Executive Director Fergel provided the Commission with a brief overview of litigation various unified bars are facing around the country related to freedom of speech and freedom of association issues. He cited several cases and stated he would post them on the Commissioners community page on the State Bar website for review.

State Bar of South Dakota to Host Jackrabbit Bar Conference in 2022: Executive Director Fergel informed the Commission that it is South Dakota's turn to host the Jackrabbit Bar Conference in 2022. He stated that planning and budgeting for hosting the event needs to start now and requested a motion for the State Bar of South Dakota to host the Jackrabbit Bar Conference in June of 2022. Thereafter, a motion was made by Commissioner Dougherty for the State Bar of South Dakota to host the Jackrabbit Bar Conference in June of 2022. The motion was seconded by Commissioner Kempema. Motion passed.

Executive Session: At 12:15 p.m., the Commission went into executive session to discuss renewal of the Executive Director's contract. The Commission came out of executive session at 12:30 p.m. Thereafter, a motion was made by Commissioner King to authorized President Garry to execute a contract with the Executive Director for a term of 3 years at an annual salary of \$140,000 for FY 2021-2022 with annual COLA increases in salary each of the following two years, and all other provisions of the contract to remain the same as the provisions of the current contract with the Executive Director. The motion was seconded by Commissioner Kempema. Motion passed.

Financial Report: Fergel and Ogan presented a financial report to the Commission that included information about fund balances in all the operational accounts for the State Bar of South Dakota, SD CLE, Inc., and Access to Justice, Inc.

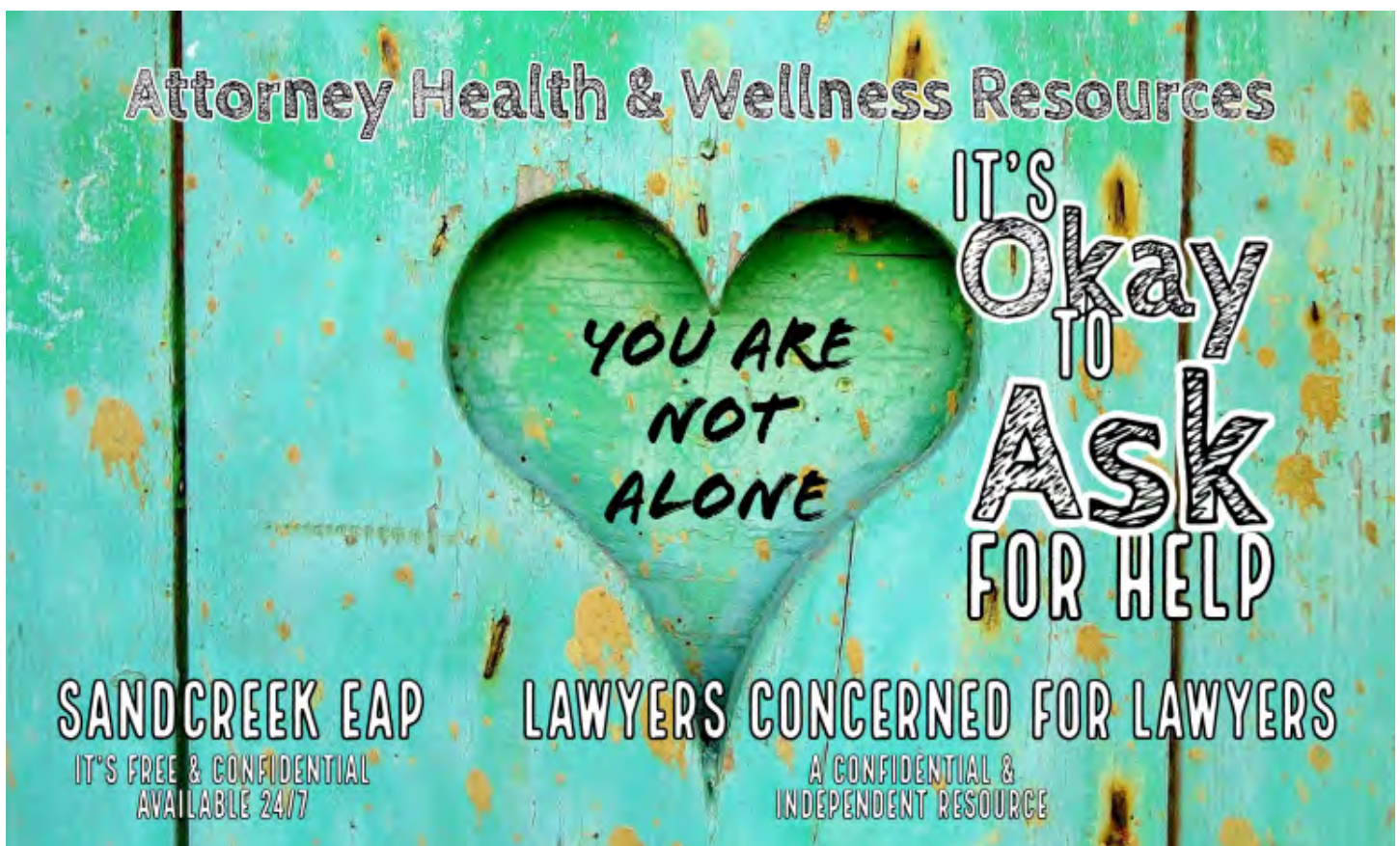
FY 2021-2022 State Bar General Budget: Fergel and Ogan presented the proposed FY 2021-2022 State Bar General Budget for approval after making salary adjustments for the Executive Director. After discussion, President Elect Marso

made a motion to approve the FY 2021-2022 State Bar General Budget as presented. Commissioner Pickar seconded the motion. Motion passed.

There being no further business, President Garry adjourned the meeting.

Respectfully submitted,

Andrew L. Fergel  
Executive Director/Secretary-Treasurer





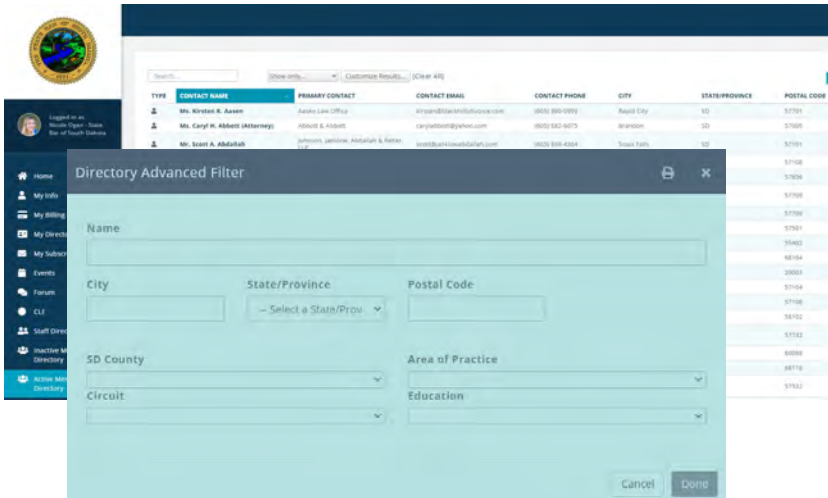


The State Bar **Member Hub** is an online password protected community for our members. This hub allows members to easily access directories, forums and other resources.

# Features

## CLEAN DESIGN

The straightforward layout is built for ease-of-use and finding information quickly.

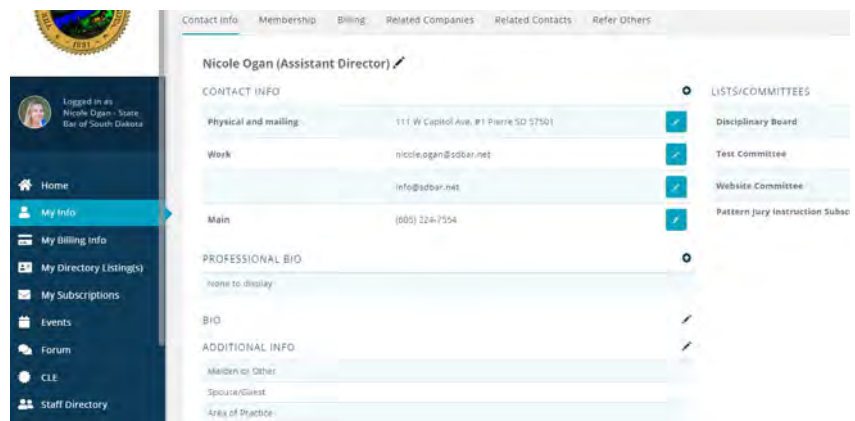


## DIRECTORY

Members can search to find other members and can filter results by city, state, county, etc.

## EASILY UPDATE PROFILE

Update contact information, area of practice, photos and bio.



**ONLINE COMMUNITIES**  
View information about Committees, Sections, Boards, and Related Groups. These groups can access their committee files and forums here as well.

## Ethics

[Back](#)

[Committee Directory](#)

[Committee Member Forum](#)

[Committee Files](#)

### Mission Statement

Interprets the South Dakota Rules of Professional conduct through 16-19-99, case law, ABA Ethics Opinion, etc. practice in order to provide opinions as to whether conduct is professionally proper. Members are invited to present problems to the Committee. The Ethics Committee and the Disciplinary Board enforce the rules.

If you would like to learn more about this committee Chair: [Sander Morehead](#)

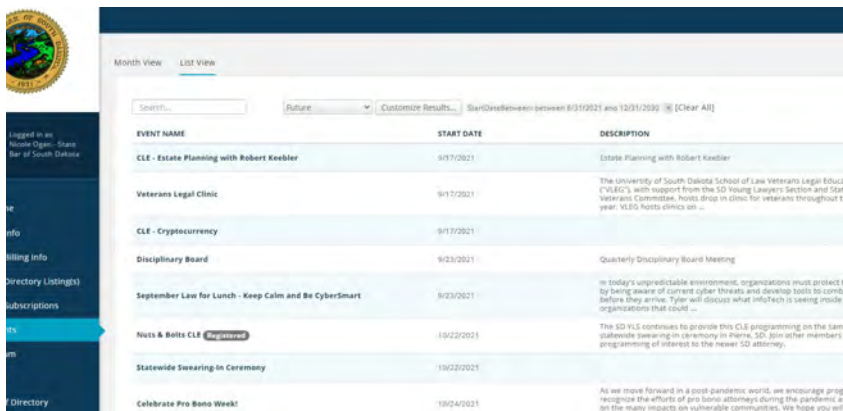
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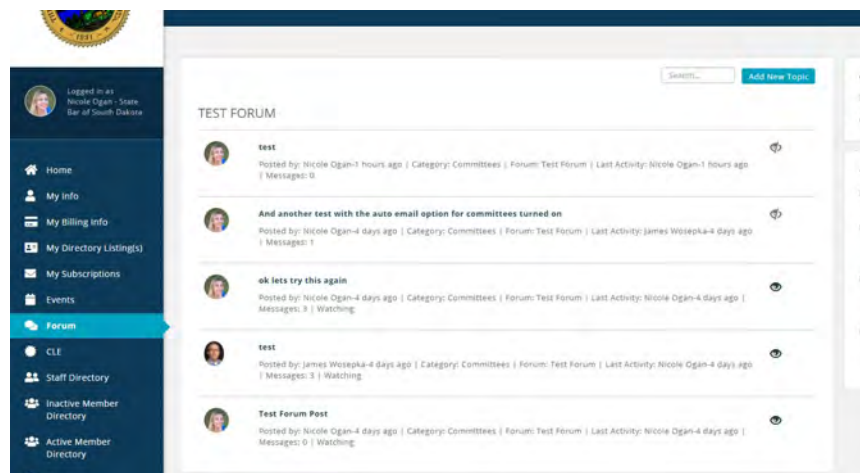
## EVENTS

Find and register for events right in the Member Hub.



EVENT NAME	START DATE	DESCRIPTION
CLE - Estate Planning with Robert Keedler	9/17/2021	Estate Planning with Robert Keedler
Veterans Legal Clinic	9/17/2021	The University of South Dakota School of Law Veterans Legal Education (VLE) with support from the SD Young Lawyers Section and State Veterans Committee. Hosts drop in clinic for veterans throughout the year. VLE hosts clinics on...
CLE - Cryptocurrency	9/17/2021	
Disciplinary Board	9/23/2021	Quarterly Disciplinary Board Meeting
September Law for Lunch - Keep Calm and Be CyberSmart	9/23/2021	In today's unpredictable environment, organizations must protect the by being aware of current cyber threats and develop tools to combat before they arrive. Tyler will discuss what info tech is seeing inside of organizations that could...
Nuts & Bolts CLE	10/22/2021	The SD HLS continues to provide this CLE programming on the same - statewide swearing-in ceremony in Pierre, SD. Join other members of programming of interest to the newer SD attorney.
Statewide Swearing-In Ceremony	10/22/2021	
Celebrate Pro Bono Week!	10/24/2021	As we move forward in a post-pandemic world, we encourage programs recognize the efforts of pro bono attorneys during the pandemic and on the many impacts on vulnerable communities. We hope you will join...

**FORMUS**  
Participate in community discussion from within the Member Hub.




# Features

Didn't get signed in yet?  
Email [info@sdbar.net](mailto:info@sdbar.net).

**JOIN US.**  
**September 17, 2021**

**Dear South Dakota Bar Member:**

The University of South Dakota School of Law Veterans Legal Education Group is holding a drop-in legal clinic for veterans on the west side of the state. On September 17, 2021, VLEG will be in Rapid City, SD at the VFW (420 Main St, Rapid City, SD 57701). The time of the clinic will be from 9:00AM to 3:00PM. We hope to reach nearly 30 veterans on this day.

Law students will be in attendance and will assist in completing intakes with the veterans prior to the veterans sitting down with an attorney.

**WE ARE CURRENTLY IN NEED OF VOLUNTEER  
ATTORNEYS FOR THE LEGAL CLINIC.**

We are requiring all students, attorney's and client wear a mask at all times during this clinic due to COVID. VLEG will provide a mask for anyone that does not have one. We will also be providing hand sanitizer for everyone to use. Lastly, we will put in place a plexiglass partition between each client and student/attorney.

If you would like to volunteer or have questions about the clinics, please reach out to Tye Dybedahl at [Tye.dybedahl@coyotes.usd.edu](mailto:Tye.dybedahl@coyotes.usd.edu)

We continue to appreciate all of the support from the State Bar of South Dakota Veterans Committee, Young Lawyers Section, and our volunteer attorneys. This project would not be possible without you.

**Sincerely,**  
**Tye Dybedahl**  
**President, Veterans Legal Education Group**

USD SCHOOL OF LAW VETERANS LEGAL EDUCATION GROUP

**volunteer**



# Free Drop-In Legal Clinic



UNIVERSITY OF  
SOUTH DAKOTA



State Bar of *South Dakota*

## JOIN US ON:

- **March 19, 2021 from 9am-3pm at the DAV- Sioux Falls Chapter.**  
In-Person and Zoom options available. 1519 W 51st Street, Sioux Falls, SD
- **March 20, 2021 from 9am-3pm at the VFW-Brookings.**  
520 Main Avenue, Brookings, SD

To reserve an hour time slot, please contact the University of South Dakota Knudson School of Law Veterans Legal Education Group via phone or email.

Phone: 605-658-3530

Email: [vleg@usd.edu](mailto:vleg@usd.edu)

**Join the Veterans Legal Education Group and the South Dakota Low Income Taxpayer Clinic for a FREE LEGAL CLINIC. Legal professionals, along with student attorneys, will be on site to address and support the Military community and their families with any legal questions and needs.**

*Assistance will be provided for military issues, tax issues, family law, criminal law, civil matters, etc. Wills and trusts can be created and executed on site.*

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

### EVENT CONTACT:

USD Law Veterans Legal Education Group

Phone: 605-658-3530

Email: [VLEG@usd.edu](mailto:VLEG@usd.edu)

### SUPPORTED BY:

State Bar of South Dakota Veterans  
Committee and Young Lawyers Section

**Social Distancing guidelines will be followed and masks are required at all clinics. Masks and hand sanitizer will be available upon request.**

## For September 2021 Newsletter

### Notice of Public Hearing on Proposed Child Support Guideline Changes Sioux Falls

The Commission on Child Support will conduct a public hearing on September 30, 2021 in the Rushmore Room of the DSS office at 811 E 10th St, **Sioux Falls**, SD 57103, from 6-8 p.m. CDT, to gather public input on potential changes to South Dakota's child support guidelines and related statutes.

The Child Support Commission is conducting the review of South Dakota's child support guidelines required by SDCL 25-7-6.12. The Commission is comprised of representatives of custodial and non-custodial parents, family law attorneys, the judiciary, the legislature, and the Department of Social Services (DSS). The Commission may recommend changes reflecting adjustments in the costs of raising children and other related issues. The Commission will submit its report and recommendations to Governor Kristi Noem and the legislature by December 31, 2021, to be considered during the 2022 legislative session.

Discussions during the public hearing will be limited to potential changes to the child support guidelines and statutes. The hearing is not intended to address individual child support cases, parenting time, or custody concerns.

Members of the public have several options to present public testimony:

- Written comments may be submitted at any time for consideration by the full Commission by mailing them to the Department of Social Services, Attn: Child Support Commission, 700 Governors Drive, Pierre, SD 57501-2291. All written comments must be received by Monday, November 1, 2021.
- Email comments to [DCS@state.sd.us](mailto:DCS@state.sd.us). All emailed comments must be received by Monday, November 1, 2021.
- Members of the public may attend and testify at the hearing in person
- Members of the public may also attend and testify remotely. To provide adequate time and ensure individuals who wish to be heard have the

opportunity to speak, individuals wishing to testify remotely for the public hearing must register at <https://dss.sd.gov/docs/childsupport/commissionpublictestimony.pdf> by September 23, 2021.

Additional public hearings will be held on the following dates:

- Wednesday, October 27, 2021, from 6-8 p.m. MDT in the Angostura Room at the DSS office at 510 N Cambell St, Rapid City. Individuals wishing to testify remotely for the public hearing must register at <https://dss.sd.gov/docs/childsupport/commissionpublictestimony.pdf> by October 20, 2021.

For Persons with Disabilities, this hearing will be located at a physically accessible place. Please contact the Department of Social Services at least 48 hours before the public hearing if you have special needs for which special arrangements can be made by calling 605.773.3641.

The Commission's final report will be available on the DSS website at [dss.sd.gov](https://dss.sd.gov).



IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

\* \* \* \*

IN THE MATTER OF THE AMENDMENT )                    RULE 21-07  
ARTICLE IV, SECTION 4.5 OF THE )  
APPENDIX TO SDCL CHAPTER 16-17 )  
-----

A hearing was held on August 24, 2021, at Pierre, South Dakota, relating to the amendment of Article IV, Section 4.5 of the Appendix to SDCL Chapter 16-17 and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that Article IV, Section 4.5 of the Appendix to SDCL Chapter 16-17 - The State Bar of South Dakota Bylaws be and it is hereby amended to read in its entirety as follows:

**Article IV, Section 4.5 of the Appendix to SDCL  
Chapter 16-17 - The State Bar of South Dakota Bylaws**

**4.5. Membership Fees.** The State Bar may annually impose upon the Members approved State Bar dues ("Dues"), CLE Fee, and Client Assistant Fee (collectively "Membership Fees"). Membership Fees will be set to meet the State Bar's financial obligations. The Bar Commission may set the Membership Fees based upon membership type or other criteria. The Executive Director will assess Membership Fees on a calendar-year basis. Members must pay the Membership Fees in advance each January 1<sup>st</sup>.

a. **Approval.** The Supreme Court must approve Membership Fees proposed by the Bar Commission before the Executive Director may assess them on the Members.

b. **Active Member Dues.** Active Member Dues are:

i. **Calendar Year of Admission.** Waived for newly admitted Members the calendar year of admission unless, in a prior year, that Member was a member of another state bar or practiced law in another state or jurisdiction without mandatory bar membership; in either of those cases, the newly admitted Member will pay Dues based on years in practice specified in Paragraph 4.5.b.ii, or 4.5.b.iii, below.

**Rule 21-07**

- ii.      **2<sup>nd</sup> - 4<sup>th</sup> Calendar Years after Admission Year.**  
         ~~\$190~~\$290, except Members electing Emeritus Status  
         will pay ~~\$100~~\$125.
  - iii.      **5<sup>th</sup> Calendar Year after Admission Year and Thereafter.**  
         ~~\$315~~\$415, except Members electing Emeritus Status  
         will pay ~~\$100~~\$125.
- c.      **Inactive Member Dues.**    Inactive Member Dues are ~~\$100~~\$125.
- d.      **Continuing Legal Education.**    Each Active Member, except  
         Supreme Court Justices, Circuit Court Judges, Magistrate  
         Judges, and Members electing Emeritus Status, must pay a  
         ~~\$100~~\$125 Continuing Legal Education program fee ("CLE  
         Fee").
- e.      **Client Assistance Fund.**    The State Bar may charge each  
         Active Member, after the calendar year of admission, a  
         Client Assistance Fund fee of \$25 ("Client Assistance  
         Fee"). The State Bar will hold this fee in a separate  
         Client Assistance Fund. The State Bar will charge the  
         Client Assistance Fee whenever the fund balance is less  
         than \$80,000 and will continue to charge the fee until  
         the Client Assistance Fund balance reaches \$100,000. The  
         State Bar will not charge the Client Assistance Fee when  
         the fund balance is \$100,000 or greater. Federal Judges,  
         Supreme Court Justices, Circuit Court Judges, and  
         Magistrate Judges will be exempt from the Client  
         Assistance Fee. The Bar Commission may use the Client  
         Assistance Fund to pay premiums on a group insurance  
         policy should the Commission determine that the purchase  
         of such coverage would be an appropriate use of the fund.
- f.      **Failure to Pay.**    The Bar Commission may suspend any Member  
         who does not pay the Membership Fees when due, and upon  
         suspension, that Member will not be in good standing with  
         the State Bar. A suspended Member may, at any time within  
         five years of the suspension date, be reinstated upon  
         payment of all delinquent and current Membership Fees  
         ("Delinquent Fees") together with any penalties imposed by  
         the Bar Commission. Penalties imposed by the Bar  
         Commission may not exceed double the Delinquent Fees  
         amount ("Delinquency Penalty"). After five years, a  
         Member may only be reinstated as specified in Paragraph  
         4.3.

Rule 21-07

IT IS FURTHER ORDERED that this rule shall become effective January 1, 2022.

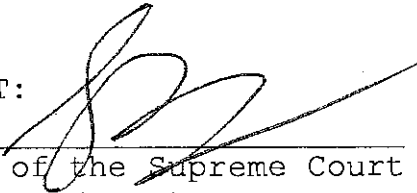
DATED at Pierre, South Dakota, this 1st day of September, 2021.

BY THE COURT:



Steven R. Jensen, Chief Justice

ATTEST:



Clerk of the Supreme Court  
(SEAL)

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

SEP - 1 2021

  
Clerk

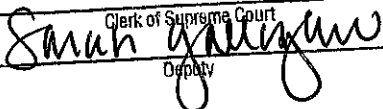
STATE OF SOUTH DAKOTA

In the Supreme Court

I, Shirley A. Jamason-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

1 day of September, 2021

Clerk of Supreme Court

  
Deputy



IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

\* \* \* \*

IN THE MATTER OF THE ADOPTION OF        )                    **RULE 21-08**  
THE PREAMBLE AND SCOPE TO THE RULES    )  
OF PROFESSIONAL CONDUCT, OF THE        )  
APPENDIX TO SDCL CHAPTER 16-18        )

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A hearing was held on August 24, 2021, at Pierre, South Dakota, relating to the adoption of the Preamble and Scope to the Rules of Professional Conduct, of the Appendix to SDCL Chapter 16-18 and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED the adoption of the Preamble and Scope to the Rules of Professional Conduct of the Appendix to SDCL Chapter 16-18 be and they are hereby adopted to read in their entirety as follows.

**PREAMBLE: A LAWYER'S RESPONSIBILITIES**

[1] A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice.

[2] As a representative of clients, a lawyer performs various functions. As advisor, a lawyer provides a client with an informed understanding of the client's legal rights and obligations and explains their practical implications. As advocate, a lawyer zealously asserts the client's position under the rules of the adversary system. As negotiator, a lawyer seeks a result advantageous to the client but consistent with requirements of honest dealings with others. As an evaluator, a lawyer acts by examining a client's legal affairs and reporting about them to the client or to others.

[3] In addition to these representational functions, a lawyer may serve as a third-party neutral, a nonrepresentational role helping the parties to resolve a dispute or other matter. Some of these rules apply directly to lawyers who are or have served as third-party neutrals. See, e.g., Rules 1.12 and 2.4. In addition, there are rules that apply to lawyers who are not active in the practice

## **RULE 21-08**

of law or to practicing lawyers even when they are acting in a nonprofessional capacity. For example, a lawyer who commits fraud in the conduct of a business is subject to discipline for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation. See Rule 8.4.

[4] In all professional functions a lawyer should be competent, prompt and diligent. A lawyer should maintain communication with a client concerning the representation. A lawyer should keep in confidence information relating to representation of a client except so far as disclosure is required or permitted by the Rules of Professional Conduct or other law.

[5] A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.

[6] As a public citizen, a lawyer should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession. As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law and work to strengthen legal education. In addition, a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority. A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel. A lawyer should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest.

[7] Many of a lawyer's professional responsibilities are prescribed in the Rules of Professional Conduct, as well as substantive and procedural law. However, a lawyer is also guided by personal conscience and the approbation of professional peers. A lawyer should strive to attain the highest level of skill, to improve the

## **RULE 21-08**

law and the legal profession and to exemplify the legal profession's ideals of public service.

[8] A lawyer's responsibilities as a representative of clients, an officer of the legal system and a public citizen are usually harmonious. Thus, when an opposing party is well represented, a lawyer can be a zealous advocate on behalf of a client and at the same time assume that justice is being done. So also, a lawyer can be sure that preserving client confidences ordinarily serves the public interest because people are more likely to seek legal advice, and thereby heed their legal obligations, when they know their communications will be private.

[9] In the nature of law practice, however, conflicting responsibilities are encountered. Virtually all difficult ethical problems arise from conflict between a lawyer's responsibilities to clients, to the legal system and to the lawyer's own interest in remaining an ethical person while earning a satisfactory living. The Rules of Professional Conduct often prescribe terms for resolving such conflicts. Within the framework of these Rules, however, many difficult issues of professional discretion can arise. Such issues must be resolved through the exercise of sensitive professional and moral judgment guided by the basic principles underlying the Rules. These principles include the lawyer's obligation zealously to protect and pursue a client's legitimate interests, within the bounds of the law, while maintaining a professional, courteous and civil attitude toward all persons involved in the legal system.

[10] The legal profession is largely self-governing. Although other professions also have been granted powers of self-government, the legal profession is unique in this respect because of the close relationship between the profession and the processes of government and law enforcement. This connection is manifested in the fact that ultimate authority over the legal profession is vested largely in the courts.

[11] To the extent that lawyers meet the obligations of their professional calling, the occasion for government regulation is obviated. Self-regulation also helps maintain the legal profession's independence from government domination. An independent legal profession is an important force in preserving government under law, for abuse of legal authority is more readily challenged by a profession whose members are not dependent on government for the right to practice.



[12] The legal profession's relative autonomy carries with it special responsibilities of self-government. The profession has a responsibility to assure that its regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns of the bar. Every lawyer is responsible for observance of the Rules of Professional Conduct. A lawyer should also aid in securing their observance by other lawyers. Neglect of these responsibilities compromises the independence of the profession and the public interest which it serves.

[13] Lawyers play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship to our legal system. The Rules of Professional Conduct, when properly applied, serve to define that relationship.

#### **SCOPE**

[14] The Rules of Professional Conduct are rules of reason. They should be interpreted with reference to the purposes of legal representation and of the law itself. Some of the Rules are imperatives, cast in the terms "shall" or "shall not." These define proper conduct for purposes of professional discipline. Others, generally cast in the term "may," are permissive and define areas under the Rules in which the lawyer has discretion to exercise professional judgment. No disciplinary action should be taken when the lawyer chooses not to act or acts within the bounds of such discretion. Other Rules define the nature of relationships between the lawyer and others. The Rules are thus partly obligatory and disciplinary and partly constitutive and descriptive in that they define a lawyer's professional role. Many of the Comments use the term "should." Comments do not add obligations to the Rules but provide guidance for practicing in compliance with the Rules.

[15] The Rules presuppose a larger legal context shaping the lawyer's role. That context includes court rules and statutes relating to matters of licensure, laws defining specific obligations of lawyers and substantive and procedural law in general. The Comments are sometimes used to alert lawyers to their responsibilities under such other law.

[16] Compliance with the Rules, as with all law in an open society, depends primarily upon understanding and voluntary compliance, secondarily upon reinforcement by peer and public opinion and finally, when necessary, upon enforcement through disciplinary proceedings. The Rules do not, however, exhaust the moral and ethical considerations that should inform a lawyer, for no

## RULE 21-08

worthwhile human activity can be completely defined by legal rules. The Rules simply provide a framework for the ethical practice of law.

[17] Furthermore, for purposes of determining the lawyer's authority and responsibility, principles of substantive law external to these Rules determine whether a client-lawyer relationship exists. Most of the duties flowing from the client-lawyer relationship attach only after the client has requested the lawyer to render legal services and the lawyer has agreed to do so. But there are some duties, such as that of confidentiality under Rule 1.6, that attach when the lawyer agrees to consider whether a client-lawyer relationship shall be established. See Rule 1.18. Whether a client-lawyer relationship exists for any specific purpose can depend on the circumstances and may be a question of fact.

[18] Under various legal provisions, including constitutional, statutory and common law, the responsibilities of government lawyers may include authority concerning legal matters that ordinarily reposes in the client in private client-lawyer relationships. For example, a lawyer for a government agency may have authority on behalf of the government to decide upon settlement or whether to appeal from an adverse judgment. Such authority in various respects is generally vested in the attorney general and the state's attorney in state government, and their federal counterparts, and the same may be true of other government law officers. Also, lawyers under the supervision of these officers may be authorized to represent several government agencies in intragovernmental legal controversies in circumstances where a private lawyer could not represent multiple private clients. These Rules do not abrogate any such authority.

[19] Failure to comply with an obligation or prohibition imposed by a Rule is a basis for invoking the disciplinary process. The Rules presuppose that disciplinary assessment of a lawyer's conduct will be made on the basis of the facts and circumstances as they existed at the time of the conduct in question and in recognition of the fact that a lawyer often has to act upon uncertain or incomplete evidence of the situation. Moreover, the Rules presuppose that whether or not discipline should be imposed for a violation, and the severity of a sanction, depend on all the circumstances, such as the willfulness and seriousness of the violation, extenuating factors and whether there have been previous violations.

RULE 21-08

[20] Violation of a Rule should not itself give rise to a cause of action against a lawyer nor should it create any presumption in such a case that a legal duty has been breached. In addition, violation of a Rule does not necessarily warrant any other non-disciplinary remedy, such as disqualification of a lawyer in pending litigation. The Rules are designed to provide guidance to lawyers and to provide a structure for regulating conduct through disciplinary agencies. They are not designed to be a basis for civil liability. Furthermore, the purpose of the Rules can be subverted when they are invoked by opposing parties as procedural weapons. The fact that a Rule is a just basis for a lawyer's self-assessment, or for sanctioning a lawyer under the administration of a disciplinary authority, does not imply that an antagonist in a collateral proceeding or transaction has standing to seek enforcement of the Rule. Nevertheless, since the Rules do establish standards of conduct by lawyers, a lawyer's violation of a Rule may be evidence of breach of the applicable standard of conduct.

[21] The Comment accompanying each Rule explains and illustrates the meaning and purpose of the Rule. The Preamble and this note on Scope provide general orientation. The Comments are intended as guides to interpretation, but the text of each Rule is authoritative.

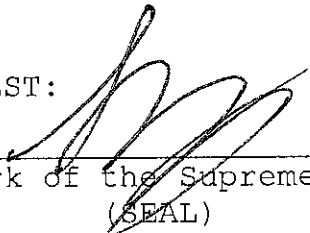
IT IS FURTHER ORDERED that this rule shall become effective immediately.

DATED at Pierre, South Dakota, this 1st day of September, 2021.

BY THE COURT:

  
Steven R. Jensen, Chief Justice

ATTEST:

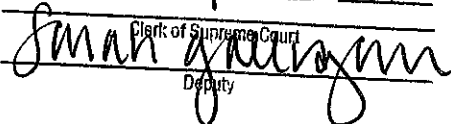
  
Clerk of the Supreme Court  
(SEAL)

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

SEP - 1 2021

  
Clerk

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  
1 day of September, 2021

  
Clerk of Supreme Court  
Deputy

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

\* \* \* \*

IN THE MATTER OF THE AMENDMENT )                    RULE 21-09  
APPENDIX TO SDCL CHAPTER 16-18, )  
THE RULES OF PROFESSIONAL CONDUCT, )  
RULE 1.2. SCOPE OF REPRESENTATION )  
AND ALLOCATION OF AUTHORITY BETWEEN )  
CLIENT AND LAWYER )

-----  
A hearing was held on August 24, 2021, at Pierre, South Dakota, relating to the amendment of Appendix to SDCL Chapter 16-18, the Rules of Professional Conduct, Rule 1.2. Scope of Representation and Allocation of Authority Between Client and Lawyer and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that amendment of the Appendix to SDCL Chapter 16-18, the Rules of Professional Conduct, Rule 1.2. Scope of Representation and Allocation of Authority Between Client and Lawyer be and it is hereby amended to read in its entirety as follows:

**Appendix to SDCL Chapter 16-18, the Rules of Professional Conduct, Rule 1.2. Scope of Representation and Allocation of Authority Between Client and Lawyer.**

(a) Subject to paragraphs (c) and (d), a lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.

(b) A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities.

(c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.



Rule 21-09

(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

(e) Notwithstanding subsection (d), a lawyer may counsel or assist a client regarding conduct expressly permitted by South Dakota Cannabis laws, even if the same conduct violates federal law, but the lawyer must inform the client that the conduct violates federal law and advise the client about the legal consequences under federal law of the client's proposed course of conduct.

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

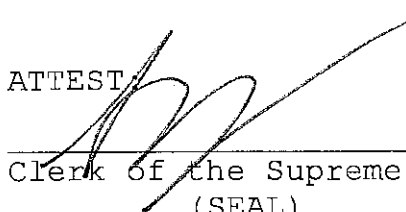
DATED at Pierre, South Dakota, this 1st day of September, 2021.

BY THE COURT:



Steven R. Jensen, Chief Justice

ATTEST



Clerk of the Supreme Court  
(SEAL)

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

SEP - 1 2021



Clerk

STATE OF SOUTH DAKOTA  
In the Supreme Court

I, Shirley A. Jamison-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

1 day of September 21, 2021



Clerk of Supreme Court

Deputy

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

\* \* \* \*

IN THE MATTER OF THE AMENDMENT            )            RULE 21-10  
OF SDCL 19-19-404(b)                        )

-----  
A hearing was held on August 24, 2021, at Pierre, South Dakota, relating to the amendment of SDCL 19-19-404(b) and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 19-19-404(b) be and it is hereby amended to read in its entirety as follows:  
be and it is hereby amended to read in its entirety as follows:

**SDCL 19-19-404(b) .**

**(b)        Other Crimes crimes, wrongs, or ~~other~~ acts.**

- (1) Prohibited Uses. Evidence of a any other crime, wrong, or ~~other~~ act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.
- (2) ~~Permitted uses; notice in a criminal case.~~ This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident. ~~On request by a defendant in a criminal case, the prosecutor must:~~
- (3) Notice in a criminal case. In a criminal case, the prosecutor must:
  - (A) Provide reasonable notice of the general nature of any such evidence that the prosecutor intends to offer at trial, so that the defendant has a fair opportunity to meet it; and
  - (B) Articulate in the notice the permitted purpose for which the prosecutor intends to offer the evidence and the reasoning that supports the purpose; and
  - (C) Do so in writing before trial - or in any form during trial if the court, for good cause, excuses lack of pretrial notice.

RULE 21-10

IT IS FURTHER ORDERED that this rule shall become effective January 1, 2022.

DATED at Pierre, South Dakota, this 1st day of September, 2021.

BY THE COURT:



Steven R. Jensen, Chief Justice

ATTEST:



Clerk of the Supreme Court  
(SEAL)

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

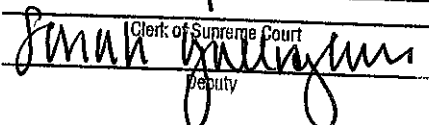
SEP - 1 2021

  
Clerk

STATE OF SOUTH DAKOTA  
In the Supreme Court

I, Shirlay 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

1 day of September, 2021

  
Clerk of Supreme Court  
Deputy

\* \* \* \*

A hearing was held on August 24, 2021, at Pierre, South Dakota, relating to the amendment of SDCL 19-19-807 and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

SDCL 19-19-807. Residual exception.

(1) The statement has equivalent circumstantial guarantees of trustworthiness is supported by sufficient guarantees of trustworthiness--after considering the totality of circumstances under which it was made and evidence, if any, corroborating the statement; and

(2) ~~It is offered as evidence of a material fact;~~  
~~(3) It is more probative on the point for which it~~  
 is offered than any other evidence that the  
 proponent can obtain through reasonable  
 efforts, ~~and.~~

(b) **Notice.** The statement is admissible only if, ~~before the trial or hearing,~~ the proponent gives an adverse party reasonable notice of the intent to offer the statement ~~and its particulars, including the declarant's name and address,~~ --including its substance and the declarant's name-- so that the party has a fair opportunity to meet it. The notice must be provided in writing before the trial or



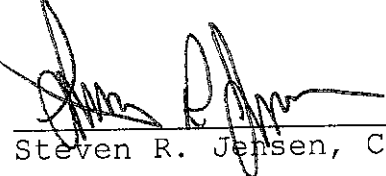
Rule 21-11

hearing--or in any form during the trial or hearing if the court,  
for good cause, excuses a lack of earlier notice.

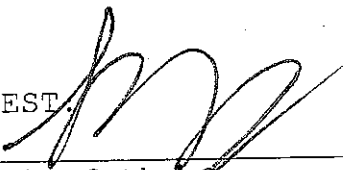
IT IS FURTHER ORDERED that this rule shall become  
effective January 1, 2022.

DATED at Pierre, South Dakota, this 1st day of September,  
2021.

BY THE COURT:

  
Steven R. Jensen, Chief Justice

ATTEST

  
Clerk of the Supreme Court  
(SEAL)

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

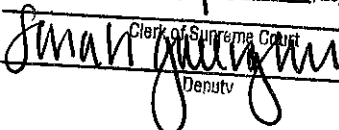
SEP - 1 2021

  
Clerk

STATE OF SOUTH DAKOTA  
In the Supreme Court

I, Sherry 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

1 day of September, 2021

  
Clerk of Supreme Court  
Deputy

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

\* \* \* \*

IN THE MATTER OF THE AMENDMENT )  
SDCL 23A-44-5.1 )

RULE 21-12

)

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A hearing was held on August 24, 2021, at Pierre, South Dakota, relating to the amendment of SDCL 23-44-5.1 and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 23A-44-5.1 be and it is hereby amended to read in its entirety as follows:

**SDCL 23A-44-5.1. Time allowed for disposition of criminal case--Periods excluded--Dismissal.**

- (1) Every person indicted, informed or complained against for any offense shall be brought to trial within one hundred eighty days, and such time shall be computed as provided in this section.
- (2) Such one hundred eighty day period shall commence to run from the date the defendant has first appeared before a judicial officer on an indictment, information or complaint.
- (3) If such defendant is to be tried again following a mistrial, an order for a new trial, or an appeal or collateral attack, such period shall commence to run from the date of the mistrial, filing of the order granting a new trial, or the filing of the mandate on remand.
- (4) The following periods shall be excluded in computing the time for trial:

(a) The period of delay resulting from other proceedings concerning the defendant, including but not limited to an examination and hearing on competency and the period during which he is incompetent to stand trial; the time from filing until final disposition of pretrial motions of the defendant, including motions brought under § 23A-8-3; motions for a change of venue; and the time consumed in the trial of other charges against the defendant;

**RULE 21-12**

(b) The period of delay resulting from a continuance granted at the request or with the consent of the defendant or his counsel provided it is approved by the court and a written order filed. A defendant without counsel shall not be deemed to have consented to a continuance unless he has been advised by the court of his right to a speedy trial and the effect of his consent;

(c) The period of delay resulting from a continuance granted by the court at the request of the prosecuting attorney if the continuance is granted because of the unavailability of evidence material to the state's case, when the prosecuting attorney has exercised due diligence to obtain such evidence and there are reasonable grounds to believe that such evidence will be available at the later date and provided a written order is filed;

(d) The period of delay resulting from the absence or unavailability of the defendant;

(e) A reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and there is good cause for not granting a severance. In all other cases the defendant shall be granted a severance so that he may be tried within the time limits applicable to him;

(f) The period of delay resulting from a change of judge or magistrate obtained by the defendant under chapter 15-12; and

(g) The period of delay during the declaration of a judicial emergency by the Supreme Court pursuant to chapter 16-3 which shall be retroactive to the date the judicial emergency is declared; and

(h) Other periods of delay not specifically enumerated herein, but only if the court finds that they are for good cause. A motion for good cause need not be made within the one hundred eighty day period.

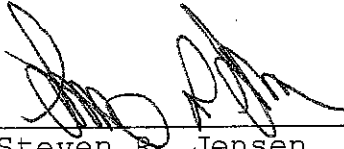
(5) If a defendant is not brought to trial before the running of the time for trial, as extended by excluded periods, prejudice to the defendant is presumed. Unless the prosecuting attorney rebuts the presumption of prejudice, the defendant shall be entitled to a dismissal with prejudice of the offense charged and any other offense required by law to be joined with the offense charged.

Rule 21-12


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

DATED at Pierre, South Dakota, this 1st day of September, 2021.

BY THE COURT:

  
Steven R. Jensen, Chief Justice

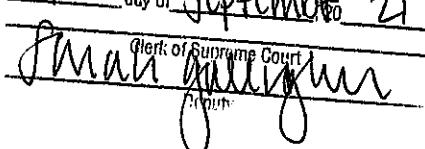
ATTEST:

  
Clerk of the Supreme Court  
(SEAL)

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

SEP - 1 2021

  
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  
1 day of September 21, 2021  
  
Shirley A. Jameson-Fergel  
Clerk of Supreme Court



## **PUBLIC NOTICE**

### **REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE**

The current appointment of Magistrate Judge Abigail Howard is due to expire on January 29, 2022. Magistrate Judge Howard serves in the Third 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 Abigail Howard 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 October 31, 2021.**

# Disability *Rights*

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South Dakota

Disability Rights South Dakota is *seeking an attorney to fill an upcoming vacancy on its Protection & Advocacy for Individuals with Mental Illness (PAIMI) Program Advisory Council.*

◀The role of the advisory council is to advise the PAIMI Program on policies and priorities to be carried out in protecting and advocating for the rights of individuals with mental illness. Composition of the Council members include attorneys; mental health professionals; individuals from the public who are knowledgeable about mental health; a provider of mental health services; individuals who have or are receiving mental health services, and family members of such individuals.

If you are interested in serving on this advisory council, please complete a PAIMI Advisory Council Application by accessing [www.drSDLaw.org/PAC/](http://www.drSDLaw.org/PAC/). Information about the PAIMI Program and the role of an advisory council member can be found at this site, also. Deadline for applications is September 30, 2021.

For any questions, please feel free to call 605-342-2575 or toll free at 1-800-658-4782.

Our Mission:

Disability Rights South Dakota is the non-profit legal services agency dedicated to protecting and advocating for the rights and inclusion of South Dakotans with disabilities.

# Career Center

STATE BAR OF SOUTH DAKOTA CLASSIFIEDS

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



## Attorney - Rapid City

Clayborne, Loos & Sabers, LLP, a growing Rapid City, SD, law firm is looking to add an attorney. The practice area is litigation, with particular needs in the areas of insurance defense and domestic relations. Applicants must be licensed to practice in South Dakota or willing to be admitted. Experience in litigation is preferred. Part-time options and other arrangements can be considered under the right circumstances.

Completely confidential inquiries can be directed to [BSehr@clslawyers.net](mailto:BSehr@clslawyers.net).

## Deputy State's Attorney – Clay County

The Clay County State's Attorney's Office invites applications for a full-time Deputy State's Attorney to perform professional legal services on behalf of the State of South Dakota, Clay County and county departments in criminal and civil court, as well as administrative proceedings. This position serves under the general direction of the Clay County State's Attorney. Duties vary but include the prosecution of criminal cases, juvenile crimes, and juvenile abuse and neglect cases.

Minimum Qualifications: Graduation from a college of law. Attainment of a Juris Doctorate degree from an accredited law school. Admission by the Supreme Court of South Dakota to practice law in the state of South Dakota; or be licensed to practice law in any other state and able to take the next available South Dakota bar examination; or be a recent or imminent law school graduate, eligible to sit for the next available

South Dakota bar examination. Working knowledge of civil and criminal law and methods and practices of pleadings; court procedures and rules of evidence; principles, methods, materials and practices utilized in legal research; and general law and established precedents. Ability to prosecute cases. Ability to manage large case volume and respond quickly and effectively to changing circumstances. Ability to speak and write effectively in the preparation and presentation of legal matters. Ability to establish and maintain effective working relationships with coworkers, other agencies and the public. Ability to maintain professional appearance and demeanor. Must successfully complete pre-employment background process.

Clay County offers a comprehensive benefit package including health, dental and vision insurance, SD Supplemental Retirement insurance and paid time off (vacation, sick and holiday).

See more details and apply at: <https://jobs.ourcareerpages.com/job/636455?source=newsletter>

## Assistant Federal Public Defender - Fargo, ND

The Federal Public Defender for the Districts of South Dakota and North Dakota seeks an attorney to join our branch office in Fargo, North Dakota. Our office provides high-quality representation to people charged with federal crimes who cannot afford to hire an attorney. We operate under the authority of the Criminal Justice Act.

Position Description: Assistant Federal Public

Defenders zealously and professionally represent clients in a fast-paced, challenging, diverse, and rewarding work environment. Responsibilities include managing a caseload; working with clients; interviewing witnesses and family members; developing release plans; reviewing discovery; preparing pleadings, motions, and briefs; developing litigation strategies; working with experts; advising CJA panel attorneys; and in-court litigation through all stages of a criminal case. Some travel is necessary. Attorneys in our office may not engage in the private practice of law.

**Qualifications:** Required: (1) graduation from an accredited law school; (2) admission to practice in good standing before the highest court of a state or the District of Columbia; (3) admission to practice in the US District Court for the District of North Dakota by the time of entrance on duty; (4) willingness to become admitted to the North Dakota Bar within a year of beginning employment; and (5) US citizenship or work authorization.

Above all we are looking for applicants with a demonstrated commitment to indigent defense, and an ability to work well in a team environment. We value court experience, creativity, and superior research and writing skills.

**Salary and Benefits:** The salary range is commensurate with experience within a range of \$70,821-166,173. The position is full-time with federal benefits, including health and life insurance, retirement, and the Thrift Savings Plan. Salary is paid bi-weekly and only by direct deposit. A final offer of employment is subject to funding and a background check.

**How to Apply:** Apply by emailing a letter of interest, resume, three references, and a recent writing sample in a single pdf document to [NDX\\_JOBS@fd.org](mailto:NDX_JOBS@fd.org). Position is open until filled. Priority consideration if application received by September 1, 2021. More than one vacancy may be filled from this announcement.

The Federal Public Defender for the Districts of South Dakota and North Dakota is an Equal Opportunity Employer. Women and minorities encouraged to apply. Email: [NDX\\_JOBS@fd.org](mailto:NDX_JOBS@fd.org)  
Vacancy Announcement: July 28, 2021

## **Deputy State's Attorney – Codington County**

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

### **Qualifications:**

Applicants must possess a Juris Doctorate degree from an accredited law school and be licensed to practice in South Dakota or willing and qualified to sit for the next available South Dakota bar examination. Working knowledge of civil and criminal law and methods and practices of pleadings; court procedures and rules of evidence; principles, methods, materials and practices utilized in legal research; and general law and established precedents.

**Salary:** Starting salary \$72,164.00. Codington County also offers a comprehensive benefits package including vacation leave, sick leave and paid holidays; health, dental and life insurance and inclusion in the South Dakota Retirement System (SDRS).

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

Opening and Closing dates: July 6, 2021 – until filled.

## **Assistant United States Attorney, Criminal Division - Sioux Falls**

### **About the Office:**

The United States Attorney's Office, District of South Dakota includes a main office located in Sioux Falls, South Dakota and two branch offices located in Pierre and Rapid City. South Dakota encompasses a large and diverse geographical area of 77,123 square miles and a population of about 884,659 people.

More information about the U.S. Attorney's Office,



South Dakota can be found at: <http://www.justice.gov/usao/sd/>

#### Job Description:

The U.S. Attorney's Office for the District of South Dakota is seeking an experienced attorney to fill one Assistant United States Attorney (AUSA) position in the Criminal Division of its Sioux Falls office. AUSAs in the Criminal Division advise federal law enforcement agents on criminal investigations, present criminal cases to the grand jury, prepare and argue a broad range of motions, and try criminal cases before the United States District Court. Candidates should be capable of handling a variety of significant and complex criminal prosecutions, including Major Crimes Act violations involving murder, child sex abuse, rape; white collar and economic crime; narcotics and immigration.

#### Qualifications:

Required qualifications: Applicants must possess a J.D. degree, be an active member of the bar (any U.S. jurisdiction) and have at least one year of post-JD legal or other relevant experience. Be a U.S. citizen or National. In addition, applicant must also be a member, or be eligible to become a member, of the federal district court bar. If the successful candidate is not a member of the South Dakota Bar, he or she must become a member of the South Dakota Bar within twelve months.

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

#### Salary:

Assistant United States Attorneys pay is administratively determined based, in part, on the number of years of professional experience. The range of basic pay is \$55,756 to \$145,836, plus a locality payment of 15.95%.

#### Type of Position:

All initial attorney appointments to the Department of Justice are made on a 14 month (temporary) basis pending favorable adjudication of a background investigation.

#### Travel:

Employment will require occasional travel to court at designated sites within and outside the district. Travel is also required for training at the Department of Justice's National Advocacy Center, Columbia, SC.

#### Application Process:

Provide cover letter, resume, writing sample (not to exceed 20 pages), and list of three professional references with contact information. All documents should be submitted electronically in one continuous .pdf attachment and include the announcement number (21-SD-CRIM-005) in the subject line of your email. Email address for application package:

[USASD.applications@usdoj.gov](mailto:USASD.applications@usdoj.gov)

Application Deadline: Applications must be received by Wednesday, September 15, 2021.

Note: The District of South Dakota cannot be responsible for lost/misrouted or delayed email transmissions.

Relocation Expenses: Relocation expenses will not be authorized.

Number of Positions: Multiple positions could be filled.

This and other attorney vacancy announcements can be found at:

<http://www.usdoj.gov/oarm/attvacancies.html>.

### **Assistant United States Attorney, Criminal Division - Rapid City**

#### About the Office:

The United States Attorney's Office, District of South Dakota includes a main office located in Sioux Falls, South Dakota and two branch offices located in Pierre and Rapid City. South Dakota encompasses a large and diverse geographical area of 77,123 square miles

and a population of about 884,659 people.

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

#### Job Description:

The U.S. Attorney's Office for the District of South Dakota is seeking an experienced attorney to fill one Assistant United States Attorney (AUSA) position in the Criminal Division of its Rapid City office. AUSAs in the Criminal Division advise federal law enforcement agents on criminal investigations, present criminal cases to the grand jury, prepare and argue a broad range of motions, and try criminal cases before the United States District Court. Candidates should be capable of handling a variety of significant and complex criminal prosecutions, including Major Crimes Act violations involving murder, child sex abuse, rape; white collar and economic crime; narcotics and immigration. The majority of the cases prosecuted in this position will involve violent crime in Indian Country. While work will certainly vary; the applicant should expect to primarily prosecute violent crimes in Indian Country.

#### Qualifications:

Required qualifications: Applicants must possess a J.D. degree, be an active member of the bar (any U.S. jurisdiction) and have at least one year of post-JD legal or other relevant experience. Be a U.S. citizen or National. In addition, applicant must also be a member, or be eligible to become a member, of the federal district court bar. If the successful candidate is not a member of the South Dakota Bar, he or she must become a member of the South Dakota Bar within twelve months.

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

#### Salary:

Assistant United States Attorneys pay is administratively determined based, in part, on the number of years of professional experience. The range of basic pay is \$55,756 to \$145,836, plus a locality payment of 15.95%.

#### Type of Position:

All initial attorney appointments to the Department of Justice are made on a 14 month (temporary) basis pending favorable adjudication of a background investigation.

#### Travel:

Employment will require occasional travel to court at designated sites within and outside the district. Travel is also required for training at the Department of Justice's National Advocacy Center, Columbia, SC.

#### Application Process:

Provide cover letter, resume, writing sample (not to exceed 20 pages), and list of three professional references with contact information. All documents should be submitted electronically in one continuous .pdf attachment and include the announcement number (21-SD-CRIM-006) in the subject line of your email. Email address for application package:

[USASD.applications@usdoj.gov](mailto:USASD.applications@usdoj.gov)

Application Deadline: Applications must be received by Wednesday, September 15, 2021.

Note: The District of South Dakota cannot be responsible for lost/misrouted or delayed email transmissions.

Relocation Expenses: Relocation expenses will not be authorized.

Number of Positions: Multiple positions could be filled.

This and other attorney vacancy announcements can be found at:

<http://www.usdoj.gov/oarm/attvacancies.html>.

## **General Legal Counsel - Lower Brule**

Position Class: DOE

Job Summary: Under the Direction of the Lower Brule Sioux Tribal council, provides legal advice and representation to the Lower Brule Sioux Tribe on a wide range of issues affecting the Lower Brule Sioux Tribe; works with tribal, federal, state officials as well as national-state-level tribal advocacy groups, other tribes, private individuals and entities; maintains confidentiality of all privileged information.

### **ILLUSTRATIVE DUTIES:**

The General Counsel performs a full range of legal services requiring substantial knowledge and understanding of the Lower Brule Sioux Tribe, its departments and businesses, and a general understanding of Indian Law and tribal-federal-state relationships.

Environmental, water and land use laws, including land acquisitions, placing lands into trust, right-of-way and easements for utility purposes.

Infrastructure development including and advising the Lower Brule Sioux Tribe on proposed contracts with third-parties, right-of-way and lease agreements, utility agreements and other related land use, housing and commercial development matters.

Corporate transactions and compliance.

Includes all matters pertaining to representation of the tribal government.

Advice to and representation of the Lower Brule Sioux Tribe, its officers and entities including in tribal federal, and state courts, administrative tribunals, and before federal and state legislative bodies and agencies; drafting of ordinances, regulations, and policies; negotiation and review of intergovernmental agreements, contracts, and commercial transaction.

### **REQUIRED EDUCATION, LICENSURE & EXPERIENCE:**

Education: Juris Doctorate degree from an accredited law school, minimum years of experience; six years as a practicing attorney; no discipline in an jurisdiction; background investigation required.

Licensure: State bar Licensed, active status, and in good standing, preferably South Dakota.

To Apply:

You must submit tribal application and Resume with references and a writing sample to:

Lower Brule Sioux Tribe  
Personnel Office

187 Oyate Circle

Lower Brule, SD 57548

Phone: 605-473-5561

Fax: 605-473-5515

Closing Date: Until filled

## **Juvenile Division, Assistant State's Attorney – Peoria, IL**

The Peoria County State's Attorney's Office is seeking an energetic attorney for the position of Chief of the Juvenile Division. This office wants a lawyer with a passion to prosecute in the courtroom and the desire to make a meaningful difference in the lives of those in their community. This person will gain strong courtroom and supervisory experience. Duties include supervising the Assistant State's Attorneys in the Juvenile Division, making charging decisions on juvenile matters, managing JA & JD dockets with the court and meeting with law enforcement, DCFS and other juvenile agencies. Salary commensurate with experience. Benefits include health, dental and life insurance, IMRF retirement, Deferred Compensation program, paid holidays, vacation and sick leave, and paid ARDC dues. Please send cover letter and resume to Linda Hood, Office Administrator, at [lhood@peoriacounty.org](mailto:lhood@peoriacounty.org).

## **Assistant State's Attorney, Criminal Division - Peoria, IL**

Salary \$55,000-65,000

The Peoria County State's Attorney's Office is seeking an energetic attorney for the position of Assistant State's Attorney for our Criminal Division. This office wants a lawyer with a passion to prosecute in the courtroom and the desire to make a meaningful difference in the lives of those in their community. This person will gain strong courtroom experience. Duties include meeting with law enforcement, witnesses, negotiating and prosecuting all types of criminal cases from initial filing to jury trials. Benefits include health, dental and life insurance, IMRF retirement, Deferred Compensation Program, paid holidays, vacation and sick leave, and paid ARDC dues. Please send cover letter and resume to Linda Hood, Office Administrator, at [lhood@peoriacounty.org](mailto:lhood@peoriacounty.org).

# UPCOMING EVENTS

SEPTEMBER 17 | ESTATE PLANNING CLE AM | RAMKOTA HOTEL, SIOUX FALLS

SEPTEMBER 17 | CRYPTOCURRENCY CLE PM | RAMKOTA HOTEL, SIOUX FALLS

SEPTEMBER 17 | VETERANS LEGAL CLINIC | VFW, RAPID CITY

SEPTEMBER 23-24 | DISCIPLINARY BOARD MEETING | RAMKOTA HOTEL, RAPID CITY

SEPTEMBER 23 | SEPTEMBER LAW FOR LUNCH | WEBINAR

OCTOBER 22 | NUTS AND BOLTS CLE | PIERRE

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