



State Bar of South Dakota

February

Newsletter





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State Bar of South Dakota

February 2019

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President's Corner Reed A. Rasmussen



The Bar Commission needs your input on an important topic. The question I would like you to think about is: Do you believe it is necessary to amend the South Dakota Rules of Professional Conduct to specifically prohibit certain discrimination and harassment by lawyers?

South Dakota Rules of Professional Conduct were adopted by the Supreme Court in 2003 and became effective January 1, 2004. Most of the Rules were adapted from the American Bar Association's Model Rules of Professional Conduct. One ABA Rule, which has not been adopted by South Dakota is Rule 8.4(g). That Rule provides:

It is professional misconduct for a lawyer to:

* * * *

- (g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination based on race, sex, religion, national origin, ethnicity, disability,

age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from misrepresentation under Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.

This Rule has been criticized for various reasons, including possibly violations of First Amendment Rights. Only one state, Vermont, has adopted the Rule as written. Approximately 20 states have adopted a Rule analogous to Rule 8.4(g). For instance, North Dakota Rule 8.4(f) provides that it is misconduct for a lawyer to:

Engage in conduct that is prejudicial to the administration of justice, including to knowingly manifest through words or conduct in the course of representing a client, bias or prejudice based upon race, sex, religion, national origin, disability, age, or sexual orientation, against parties, witnesses, counsel, or others, except when those words or conduct are legitimate advocacy because race, sex, religion, national origin, disability, age, or sexual orientation is an issue in the proceeding.

Some members of the Commission think that South Dakota's Rule 8.4(d), which states it is professional misconduct for a lawyer to "engage in conduct that is prejudicial to the administration of justice," is sufficient when considered along with Comment [3] to the Rules. The Comment provides:

A lawyer who, in the course of representing a client knowingly manifests by words or conduct, bias or

prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socio-economic status, violates paragraph (d) when such actions are prejudicial to the administration of justice. Legitimate advocacy respecting the foregoing factors does not violate (d). A trial judge's finding that preemptory challenges are exercised on a discriminatory basis does not alone establish a violation of this rule.

Other members of the Commission feel a Rule addressing discrimination and harassment should be adopted. During our discussion of this issue, the question came up as to what are the general feelings of our members. That is the reason I am asking for your assistance. Please contact me or one of the members of

the Commission and let your thoughts be known. I am sure the Commission will be addressing the issue again at its meeting in April.

The Legislature is in full swing. Updates regarding bills the Bar is following can be found on the State Bar website.

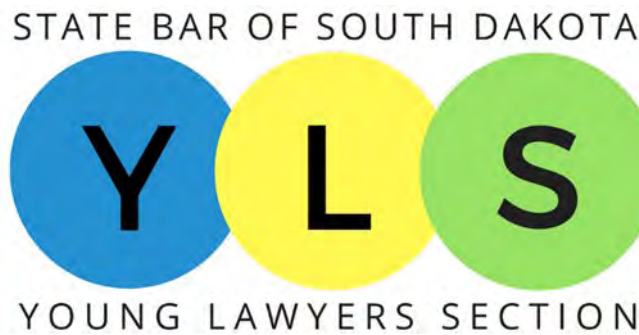
For the first time I can remember, January's meeting of the Bar Commission was held in Aberdeen. My suggestion that all future meetings be in Aberdeen was not met with much enthusiasm by most of the members of the Commission.

February is my birthday month. The picture this month shows me celebrating my third birthday. As you can see, I was exercising my second amendment rights.

Reed Rasmussen
rrasmussen@sbslaw.net
605-225-5420

Groovy Bar Commissioners Spotted in Aberdeen, South Dakota





by: Tamara Nash, YLS President

Greetings!

The #SDYLS Board of Directors traveled to Aberdeen this past month to hold an in-person meeting alongside our bar commission. The purpose of our meeting was to continue our 2018-2019 goal of #engage. During our meeting, we brainstormed how to improve our spring Bootcamp CLE, thought of how to involve rural attorneys in Project Destination, and brainstormed ways to incorporate technology into our Section. Overall, it was a productive and energizing meeting. We look forward to implementing some of our ideas within the #SDYLS and the State Bar.

We are about halfway through the bar year. This is a perfect time to take an evaluation of the year. I am proud of the work the #SDYLS has done! I would like to use this month's newsletter to highlight some notable moments from the year.

We started the year by welcoming 69 new USD 1Ls to the legal profession. In October, we held the Nuts & Bolts CLE where approximately 25 lawyers attended a half-day CLE on a variety of topics. Following the CLE, we held the annual Statewide Swearing-In Ceremony, where 19 new admits took the Oath of Attorney in front of friends, family, and distinguished guests. We sponsored two veteran's clinics in November (in partnership with USD School of Law VLEG). We have matched approximately ten mentees with mentors throughout the state. We maintained active involvement at the national level through the ABA Young Lawyers Division. Lastly, we conducted a statewide membership survey, where we learned a lot about our Section's wants and needs.

Over the past six months, we have learned a lot about the "young lawyer." We know that Young lawyers have

attended events in high numbers. We know young lawyers are, in fact, "joiners" when they care about the cause. Lastly, young lawyers are visible and reliable members of our State Bar leadership. Several young lawyers serve as bar commissioners, and we have even more young lawyers serving on committees and as committee chairs.

The #SDYLS has taken its charge of #engage to heart. We have engaged with technology by revamping our Facebook page. If you haven't viewed the changes, please check it out! In January, we sponsored a new member challenge where we challenged each member to add a new friend to our Facebook group. We also began an attorney spotlight series. Have you seen our featured attorneys? This initiative seeks to feature one young lawyer each month. The spotlight focuses on young attorneys who are not only rock stars in the profession, but who are standouts in their communities! We also created an Instagram account in January. We have been actively posting for all to see. If you have not checked out our profile, please do! Our handle is sd_yls.

Please be on the lookout for #SDYLS events on the horizon! In February the USD Law VLEG group will be hosting two spring veterans legal clinics. They will be held on February 21, 2019, in Watertown at the American Legion Post 17 (1412 9th SW) and February 22, 2019, in Sioux Falls at the DAV (1519 W. 51st Street). If you, or someone you know, is able to assist with the clinics by volunteering your time, please contact Austin Schafer at Austin.Schaefer@coyotes.usd.edu.

This year, our Bootcamp will be held on Friday, March 1, 2019, in both Rapid City and Sioux Falls. The structure of the CLE programming will be in two parts

- we will have a transactional program and litigation program. Over lunch, participants will hear from a judge's panel on the topic of "where do young lawyers fit?" If you are in the Rapid City or Sioux Falls area, I encourage you to attend the Bootcamp. I promise, you will not want to miss this CLE! See the agenda in the Newsletter for more details on speakers/topics.

As we continue to engage with our Section and the State Bar, we ask that you engage with us. We encourage you to reach out to any of our Board members to voice your concerns and ideas. It is important to us that we provide you with quality programming and opportunities. Your 2018-2019 Board of Directors are:

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Warm Regards,
Tamara Nash



Fellows of the South Dakota Bar Foundation

Many South Dakota lawyers have risen to the challenge of making SD Bar Foundation a favorite charity. Such generosity deserves public acknowledgement. Therefore, the Bar of Directors has created a "Fellows" program to not only make such acknowledgement, but also to provide 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 and charities the Foundation supports.

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In Memoriam

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

Changes to Rule 1.6(c)

Article By: Sheila Woodward

In February of 2018, the South Dakota Supreme Court amended Rule 18-06 by adding section (c) which requires attorneys to “make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.” The amendment mirrors the recommended changes to Rule 1.6 made by the ABA’s Ethics 20/20 Commission.

The rule, of course, begs the question: what are “reasonable” efforts? As usual, what is “reasonable” is fact specific, and what might be reasonable in one situation may be unreasonable in another. Comment 18 to Model Rule 1.6 encourages attorneys to review several factors when considering the need to safeguard confidential data, including (a) the sensitivity of the information; (b) the likelihood of disclosure if additional safeguards are not employed; (c) the cost of employing reasonable safeguards; and (d) the extent to which the safeguards would adversely impact the attorney’s ability to represent clients by, for instance, making a device or piece of software very difficult to use. While Rule 1.6 does not require an attorney to use “special security measures” as long as the chosen communication method has a reasonable expectation of privacy, it does require an attorney to “take reasonable precautions to prevent the information from coming into the hands of unintended recipients.” Comment 19.

In reviewing a law firm’s data safeguards, some “reasonable precautions” to consider include:

- Installing email encryption software. These software systems can be relatively inexpensive to install and easy for attorneys, staff, and clients to use.
- Requiring attorneys and staff to turn off the “auto address fill” function in Outlook and instead manually insert the name of the email recipient;
- Requiring strong password protection on all mobile devices;
- Password protecting discs or other means in which discovery is sent via mail or using an encrypted server program to transfer data; and
- Requiring attorneys and staff accessing data from a remote location to use a VPN or other secure network.

Most importantly, talk with your client. Include a provision in your engagement letters acknowledging that communications by email or other electronic means can be compromised. Give your client the opportunity to decline electronic communications or to require greater security measures before it is transmitted. Make sure your client understands that sending email to an account controlled by a third party (e.g., their employer or their spouse) is not secure. Having an understanding with your client – preferably in writing – regarding the use of electronic communications and potential risk of disclosure is the best safeguard for both the client and the attorney.

Law Practice News is an article series by the Law Practice Management Committee of the State Bar of South Dakota bringing you current information and trends in the industry by delivering anecdotes from legal professionals.



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-David Bowie

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- Kristen Kochekian
- Gregg Magera
- Danny Smeins
- Eric Schulte
- Chris Beesley
- Jesse Ronning
- Daniel Pahlke

**AND MUCH THANKS TO SCOTT MOSES FOR HIS
ASSISTANCE ON SD FREE LEGAL ANSWERS THIS
MONTH!**

Are you interested in becoming a legal superhero and member of the A2J Justice Squad? Please send a message to Denise Langley at: access.to.justice@sdbar.net.

2018 YLD Fall Conference Report

The 2018 ABA Young Lawyers Division (YLD) Fall Conference was hosted in Charleston, South Carolina. This conference was jointly held with the ABA GPSolo Section. This conference brought together just under 300 young attorneys and GPSolo practitioners from all across the country. The theme for this meeting was “Tradition Meets Innovation.” The meetings, programming, and CLEs were aimed at finding the balance between innovating the legal profession while paying respect to tradition. The ABA YLD hosted its own programming and networking events. Below is a summary of the events attended by South Dakota Young lawyers: Tamara Nash and Nathan Chicone.

Tamara P. Nash

Tamara serves within the YLD in several capacities. She serves as Chair of the Minorities in the Profession Committee (MIPC), Liaison to the ABA’s Commission on Women in the Profession, she is a member of the Resolutions team, and she was appointed to serve on LORALAB (the YLD’s long-range planning board). Due to her various roles within the YLD, Tamara sits on Council and Cabinet (the decision-making bodies of the YLD).

Conference highlights for Tamara include:

- **J. Waties Waring and the Dissent That Changed America** (plenary)- This program was presented by United States District Judge Richard M. Gergel. Judge Gergel discussed Briggs v. Elliott, later combined into Brown v. Board of Education. Judge Gergel discussed the historic figure of Judge J. Waties Waring and his dissent in Briggs, in which he denounced segregation as an “evil that must be eradicated.” Attendees were allowed to ask questions of Judge Gergel following the presentation.
- **Mother Emanuel Tragedy: Where Do We Go From Here?** (CLE series) This program focused on the 2015 mass shooting at the Mother Immanuel Church, the Charleston 9. Attendees heard the story of a survivor and then attended three panel discussions relating to the tragedy. This program focused on answering the question, “where do we go from here?” and uniting those in attendance to focus on common goals to move our nation forward.
- **Improving your Oral Advocacy** (coaching session) - This program taught participants how to reduce anxiety and deliver compelling courtroom presentations using improv techniques. Participants learned improv techniques through a series of exercises focusing on a particular skill. Each exercise was followed by a discussion about the practical applications of that improv skill in a law practice.
- **Adapting Legal Services to the Changing Legal Landscape** (opening session) – Speaker Mark Britton spoke to attendees about how innovative new ideas from entrepreneurs, law firms, and law schools seek to topple the traditional means of legal service delivery. He further discussed how innovators face challenges along the way. This program focused on how innovation could impact the legal system and why the legal industry should embrace the change.

Tamara also attended the “innovation labs” where she packed care packages for overseas troops and attended mini-CLEs. (How AI and Analytics are Changing Litigation Practice and Do You Have The Bandwidth? A Holistic Approach to how consumers find and engage with your brand).

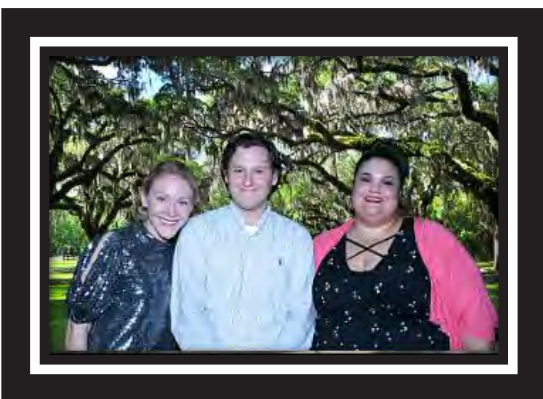
Nathan R. Chicoine

Nathan was a first-time attendee to a YLD conference or ABA event. He enjoyed networking and the following programs:

- **Understanding the Media and Making it Work for You** - This CLE discussed addressing the media for your clients and the use of social media as a marketing tool. Most adults in America use Facebook, Twitter, and LinkedIn. Don’t miss the boat.
- **J. Waties Waring and the Dissent That Changed America** (plenary) –In addition to the highlights noted above, the program featured a discussion on changing jurisprudence. J. Waring knew when society was ready for the rule that segregation is *per se* inequality.
- **Innovation Luncheon with Jack Canfield** – Inspirational speaker and author, Jack Canfield, discussed his success principles and how to incorporate them into our daily lives and practices. Be confident, think positively, take responsibility, and find success!
- **Mother Emanuel Tragedy: Where Do We Go From Here?** (CLE series) This program also highlighted the impact of a hate crime prosecution on a community and the legal profession.
- **Executive Coaching** - This program taught participants how to focus on a desired career path and develop a fulfilling law practice.
- **Winning from the Start Improv Techniques for a Powerful Opening** - This CLE taught participants how to use descriptive terms, tell a story, and emotionally connect with a jury during opening statement.
- **Alternative Fee Arrangements and the Ethics of Flat Fee Billing** - This CLE reviewed flat-fee billing’s ethics, efficiencies, and pitfalls.
- **Legal History Walking Tour** - This program discussed the evolution of our legal system, from colonization to today.

Thank you to the SD Young Lawyers Section and State Bar for your continued support as we grow through involvement in the ABA YLD!

If you have interest in becoming involved in the ABA YLD or the State Bar Young Lawyers Section, please feel free to contact the Section President Tamara Nash. *ABA YLD conferences for the 2018-2019 bar year are the ABA Midyear Conference (Las Vegas, NV; January 24-26), YLD Spring Conference (Washington DC; May 2-4), and ABA Annual Conference (San Francisco, CA; August 8-10).*





YOUNG LAWYERS SECTION STATE BAR OF SOUTH DAKOTA

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January 23, 2019

South Dakota State Bar
University of South Dakota School of Law

STATEWIDE SWEARING-IN CEREMONY HELD IN PIERRE, SOUTH DAKOTA

Chief Justice Gilbertson presided over the ceremony, which was held in the Capitol Rotunda in Pierre, South Dakota on Friday, October 19, 2018. The Chief also administered the Oath of Attorney to 16 new admits and several other attorneys who will be admitted at a later time. Also in attendance were other esteemed members of the South Dakota State Bar, the Judiciary, and the friends and families of the new admittees. Chief Justice Gilbertson, State Bar President Reed Rasmussen, and Young Lawyer President Tamara Nash each welcomed the new admits and offered several pieces of advice.

The Young Lawyers Board would like to thank everyone who took part in the celebration of this special event. The Board would further extend the Class of 2018 well-wishes as they embark on their journey of the practice of law.



JOIN US.
February 21-22, 2019
9:00AM-3:00PM
Watertown & Sioux Falls, SD

Dear South Dakota Bar Member:

The University of South Dakota School of Law Veterans Legal Education Group is holding a two-day drop in clinic for veterans on the east side of the state. On **February 21, 2019**, VLEG will be at the American Legion Post 17 located in Watertown, SD (1412 9th Ave SW). The time of the clinic will be from 9:00AM to 3:00PM. We hope to reach nearly 30 veterans this day.

The second day, **February 22, 2019**, will be at the DAV in Sioux Falls, SD (1519 W 51st St.). The time of this clinic will also be from 9:00AM to 3:00PM. We hope to reach an additional 40 veterans on day two of the clinic.

We currently have law students planning to attend.

We are currently in need of attorneys for both days.

If you would like to volunteer or have any questions about the clinics, please reach out to me at Austin.Schaefer@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,
Austin Schaefer
President, Veterans Legal Education Group

USD SCHOOL OF LAW VETERANS LEGAL EDUCATION GROUP

volunteer

ATTORNEY GENERAL'S NOTICE FOR ELECTRONIC SERVICE

As a reminder, the South Dakota Attorney General's Office has designated the following email address for acceptance of electronic service of documents in state circuit court and the supreme court: atgservice@state.sd.us

Please use that email address when electronically serving documents upon Attorney General Jason Ravnsborg in state circuit court and the supreme court.

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ANNOUNCEMENTS

Effective February 25th, 2019, our office location will change to Belle Fourche. Our new address and telephone numbers are listed below:

Barnaud Law Firm, Prof. LLC

2704 7th Avenue – Second Floor, Suite 201
P.O. Box 2124
Belle Fourche, SD 57717-2124

Telephone: (605) 723-5007
Telephone: (605) 723-5008 2nd line
Facsimile: (605) 723-5009

Please send all correspondence, documents, invoices & payments to the following address effective immediately:

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Belle Fourche, SD 57717-2124

Please note, our phone numbers will not change until February 25th, 2019.

Wade L. Fischer is pleased to announce the opening of

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Mail to: PO Box 698
Pierre, SD 57501

Telephone: (605) 224-7700

wade@fischerlaw.us
office@fischerlaw.us

Wilka & Welter, LLP has changed their name to

Wilka, Welter & Ash, LLP

located at
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Sioux Falls, SD 57104

Telephone: (605) 338-9711
Facsimile: (605) 342-9503

Helsper, McCarty & Rasmussen, P.C. is pleased to announce that

Tere A. Nesvold

joined the firm as an Associate effective January 1, 2019.

Helsper, McCarty & Rasmussen, P.C.
1441 Sixth Street, Suite #200
Brookings, SD 57006

Telephone: (605) 692-7775
Facsimile: (605) 692-4611

tereenesvold@lawinsd.com

Kenneth E. Barker is pleased to announce the opening of

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Belle Fourche, SD 57717

Telephone: (605) 723-8000
Facsimile: (605) 723-8010

kbarker@barkerlawfirm.com

Michael A. Wilson will be Of Counsel for Barker Law Firm, LLC, and may be contacted at BARKER LAW FIRM, LLC, in Belle Fourche, or at mwilson@barkerlawfirm.com.

Boyce Law Firm, L.L.P.
is pleased to announce that

Laura K. Hensley
has become a partner in the firm effective
January 1, 2019.

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Kennedy Pier & Loftus, LLP has changed their name to

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yanktonlawyers.com

Kennedy Pier Loftus & Reynolds, LLP is
pleased to announce that

Thomas P. Reynolds
has become a partner with the firm.

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Yankon, SD 57078

Telephone: (605) 665-3000
Facsimile: (605) 665-2670

treynolds@yanktonlawyers.com

Kasey Olivier & Ashley M. Miles Holtz are pleased
to announce the opening of their new firm

Olivier Miles Holtz, LLP

Olivier Miles Holtz, LLP
4201 S. Minnesota Ave, Suite 113
Sioux Falls, SD 57105

Telephone: (605) 331-0609
Facsimile: (605) 331-1148

Kasey@omhlawfirm.com
Ashley@omhlawfirm.com

*The Estes Campbell Rehorst
Law Firm*

has moved its Rapid City office to
2640 Jackson Boulevard.

The Spearfish office is at
1230 North Avenue, Suite 2.

The Northfield, Minnesota office is at
220 Division Street, Third Floor.

**BOB MARTIN AND
TOM NICHOLSON
(BOB & TOM)
WOULD LIKE TO
ANNOUNCE THAT THE
CLASS OF 1979
WILL BE HOLDING THEIR
40 YEAR(!)
CLASS REUNION**

**DURING
THE
BAR
CONVENTION**

**CLASS
OF**

**WEDNESDAY
6.19.19**

1979

**WE WILL HAVE A TABLE RESERVED AT THE BANQUET
AND GATHER AFTERWARDS FOR MORE FUN AND STORY-TELLING!
IF YOU WOULD LIKE TO JOIN US – PLEASE EMAIL BOB
[RAM@ROBERTMARTINPC.COM] AND TOM [TOM@NICHOLSONANDNICHOLSON.COM].
WE WILL HAVE MORE INFORMATION ABOUT REGISTERING
FOR THE BANQUET IN THE UPCOMING MONTHS!**

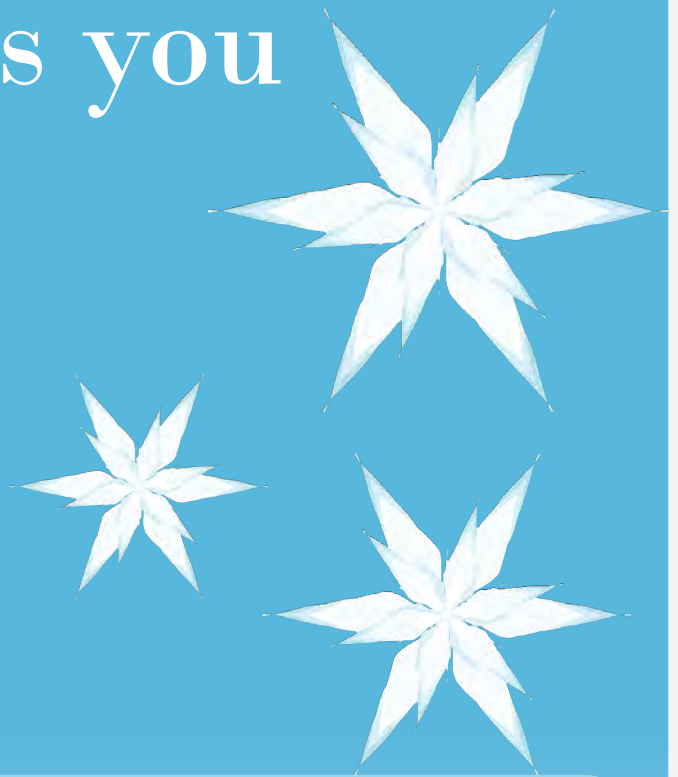
The 6th Circuit Women in Law invites you to join them!

Justice Janine M. Kern

Friday February 22, 2019

12 p.m.

RedRossa Italian Grille, Pierre SD



The 6th Circuit Women in Law is working to create opportunities for attorneys to advance our profession, learn, network, and serve our community. We have monthly meetings and invite you to join us!

Upcoming Speakers:

March 15, 2019 The Honorable Karen E. Schreier

Questions can be directed to Kirsten Jasper: kejasper@icloud.com

Like us on Facebook: 6th Circuit Women In Law



South Dakota Young Lawyers Section

2019 SIOUX FALLS BOOTCAMP

Transactional Agenda

9:00-9:15AM: Registration (free)

9:15: Welcome (Tamara Nash, President of South Dakota Young Lawyers Section)

9:20-10:05: Working with In-House Counsel (Nicole Tupman, Midco Assistant General Counsel)

10:05-10:50: Power Balance: Utilizing Workplace Staff (Lisa Prostrollo, Redstone Law Firm)

10:50-11:00: #Fit2PracticeSD (Kelsea Sutton, Compliance Officer at First Fidelity Bank)

11:00-11:10: Break

11:10-11:55: Writing in Plain English: Legal Drafting 101 (Rod Tobin, Siegel Barnett & Schutz)

Judges Panel: "Where Do Young Lawyers Fit?"

Justice Mark Salter, U.S. District Judge Roberto Lange, and Judge Susan Sabers

Litigation Agenda

12:45-12:55PM: Registration (free)

12:55: Welcome (Tamara Nash, President of South Dakota Young Lawyers Section)

1:00-1:45: Making Your Record (Lisa Carlson and Carla Dedula, UJS Court Reporters and Ron Parsons, United States Attorney for South Dakota)

1:45-2:30: Advanced Discovery Practice (Jason Sutton, Boyce Law Firm)

2:30-2:40: #Fit2PracticeSD (Alison Ramsdell, Assistant United States Attorney)

2:40-2:50: Break

2:50-3:35: A Clerk's Perspective: What Clerks Want Attorneys to Know (Angelia Gries, Minnehaha County Clerk and Matt Thelen, Clerk of Courts for the U.S. District of South Dakota)

3:35-4:20: Professional Responsibility: Communications with Clients, the Court, & Counsel (Russ Janklow, Johnson, Janklow, Abdallah & Reiter and Eric Schulte, Davenport Evans Law Firm)

FRIDAY, MARCH 1 • 9AM - 4:20 PM
LUMBER EXCHANGE BUILDING, 101 S. REID STREET
SIOUX FALLS, SOUTH DAKOTA

Circuit mixer to follow at Monk's House of Ale

Sponsored by Ballard Spahr LLP

RSVP to Anthony Sutton (anthony@janklowabdallah.com)

South Dakota Young Lawyers Section

2019 RAPID CITY BOOTCAMP

Transactional Agenda

9:00-9:15AM: Registration (free)

9:15: Welcome (Kassie Shiffermiller, South Dakota Young Lawyers Section)

9:20-10:05: Working with In-House Counsel (Amy Koenig, Black Hills Corporation)

10:05-10:50: Power Balance: Utilizing Workplace Staff (Bob Morris, Morris Law Firm)

10:50-11:00: #Fit2PracticeSD (Catherine Chicoine, South Dakota Trust Company)

11:00-11:10: Break

11:10-11:55: Professional Responsibility: Communication with Clients, the Court, & Counsel (Barb Anderson Lewis, Lynn, Jackson, Shultz & Lebrun, P.C.)

Judges Panel: "Where Do Young Lawyers Fit?" Seventh Circuit Judges

Litigation Agenda

12:45-12:55PM: Registration (free)

12:55: Welcome (Kassie Shiffermiller, South Dakota Young Lawyers Section)

1:00-1:45: Making Your Record (Jacque Weller, Rushmore Reporting)

1:45-2:30: Advanced Discovery Practice (Sara Frankenstein, Gunderson, Palmer, Nelson & Ashmore)

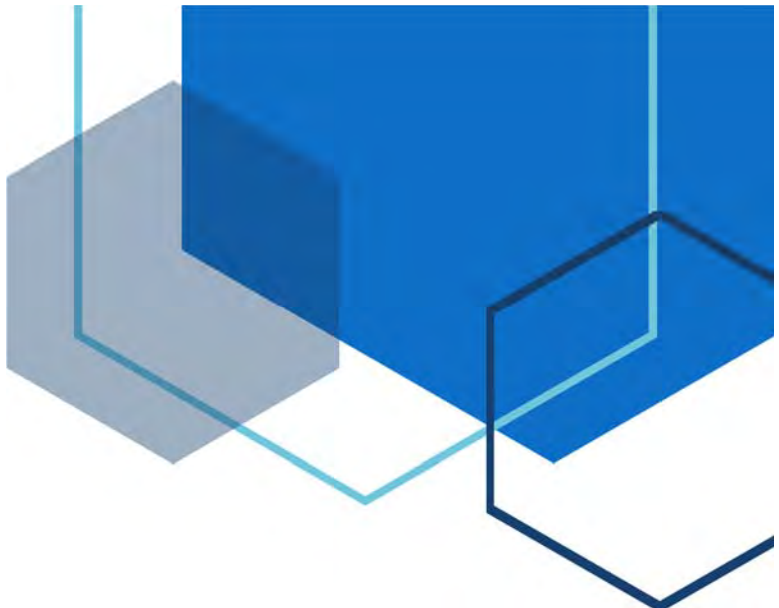
2:30-2:40: #Fit2PracticeSD (Jenny Pederson, Life Coach)

2:40-2:50: Break

2:50-3:35: A Clerk's Perspective: What Clerks Want Attorneys to Know (Pennington County Clerks' Office)

FRIDAY, MARCH 1 • 9AM - 3:35 PM
PENNINGTON COUNTY COURTHOUSE (COURTROOM 7)
315 JOSEPH STREET
RAPID CITY, SOUTH DAKOTA

Circuit mixer to follow at Blind Lion
RSVP to Kassie Shiffermiller (Kshiffermiller@lynnjackson.com)



No longer need a paper copy of the directory?
Email Tracie at the address below if you would
prefer not to receive the mailing. You can
make the subject of your email "Saving Trees"

Membership Directory Updates!

Email your updates to:
tracie.bradford@sdbar.net

The subject of your email should be "Directory Updates"
Address updates needed include:
Firm Name, Address, City, State, Zip Code, Phone, Fax and Email.

Deadline: March 8th

January 23, 2019

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Steven K. Huff, Esq.
Johnson, Miner, Marlow, Woodward & Huff, Prof. LLC
200 West Third Street
Yankton, SD 57078

Dear Steve:

On behalf of the Legal Services Corporation, I am writing to express my gratitude for your 18 years of outstanding service to East River Legal Services, both as a member and as President of its Board of Directors. Congratulations on your election as President of the State Bar of South Dakota!

Thank you for your commitment to serving those in need in South Dakota. You are a remarkable community leader with a generous and tireless spirit. Your long service to East River is proof of your personal commitment to providing access to justice for all, regardless of income. I think you exemplify the highest values of the legal profession, and I am happy but not at all surprised that you have been chosen to lead your state bar.

I wish you continued success and hope that our paths will cross.

Sincerely yours,



James J. Sandman
President

SOUTH DAKOTA DEPOSITION ACADEMY

TO ALL MEMBERS OF THE STATE BAR OF SOUTH DAKOTA

The purpose of this notice is to give the membership of the State Bar an explanation of the second Deposition Academy to be held this summer at the USD Law School on July 18 & 19. The first Deposition Academy was held during the summer of 2014.

Initially, a deposition program was included in the Trial Academy Program but later abandoned to devote more available time to the jury trial. Yet a key component of a successful trial practice includes training in the taking of depositions.

We were again able to partner with National Institute of Trial Advocacy (NITA) to assemble an intensive two-day program which combines instruction with student involvement in the deposition process utilizing a hypothetical fact pattern. Participants are assigned to either the plaintiff or defense side. The student involvement will be critiqued and evaluated by faculty members.

Those attending the program will master NITA's proven Funnel Technique, which provides a process to learn everything the deponent knows about a subject. In addition, participants will learn to apply various forms of questioning to gather information, gain admissions, and test theories. The program also works with participants on ways to appropriately defend a deposition, including making appropriate objections and instructions not to answer.

The South Dakota faculty has yet to be selected but, as in the past, there will be some of our best practitioners selected from plaintiffs and defense lawyers from small and large firms in the State. The USD Law School is again providing the logistic support for the program. Without the faculty and Law School, this program could not be offered.

In addition, we are fortunate to have Peter Hoffman again assisting us in the Deposition Academy. Mr. Hoffman will be giving the majority of the instructive lectures and will assist the other faculty members in their teaching duties. Mr. Hoffman has an impressive resume. Peter is a longtime law school faculty member and practicing attorney. He is also the co-author of the largest selling book on deposition practice. The combination of a national instructor and local knowledge of how depositions in South Dakota are conducted by our faculty promises a rewarding experience to participants.

The cost of the Deposition Academy is \$1,000. The Academy will be limited to 24 so the sooner you cement your spot in this year's Academy the better.

Depositions have evolved to be such an important and intricate part of a successful trial practice. The importance has increased with the evolution of more mediations and fewer trials. Learning effective deposition techniques can only increase a litigator's advantage in the practice of law. Registration requires completion and submission of an application form found in the State Bar Newsletter.

SOUTH DAKOTA STATE BAR TRIAL ACADEMY COMMITTEE

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Thomas J. Welk
David R. Gienapp
Richard Casey
Lonnie Braun
Melanie Carpenter
Gary Jensen
Stephanie Pochop
James Roby
Clint Sargent

Deposition Academy Registration

Sponsored by the State Bar of South Dakota and the National Institute for Trial Advocacy
July 18 to 19, 2019
USD School of Law, Vermillion, SD

Name: _____
Address: _____

Phone: _____
Email: _____
Date: _____

Please register me for the Deposition Academy. I enclose a deposit of \$500 (made payable to SD CLE, Inc.) toward the tuition cost of \$1000. I acknowledge that the deposit, should I be accepted and subsequently am not able to attend, is non-refundable unless a replacement is found. If I am not accepted, I understand that my deposit will be returned to me. I understand that no interest will be payable on returned deposit. I further understand that I will be responsible for motel and meal costs. If I am accepted, I will tender the balance of \$500 no later than July 1, 2019.

I acknowledge that there may be more applicants than available participant slots and that the Deposition Academy is primarily intended for lawyers with limited litigation experience who desire to further develop his or her skills. The following professional information relative to my professional experience will be used by the admissions committee solely to determine whether I will be accepted for the Deposition Academy and the information will be used for no other purpose nor shared with any other entity. In the event that there are more applicants than available space, I recognize that the admissions committee will accept the earlier application with deposit for similarly situated applicants.

Size of law firm: _____

Years of practice: _____

of depositions taken (estimated): _____

Brief description of your current law practice:

Mail this registration form, together with a check in the sum of \$500, payable to SD CLE, Inc. to:

State Bar of South Dakota
222 E. Capitol Ave.
Pierre, SD 57501

Employment Corner

A publication of the Labor & Employment Law Committee

Author: Jennifer Frank

Lynn, Jackson, Shultz & Lebrun, P.C.

#MeToo Still Going Strong: EEOC Releases FY 2018 Sexual Harassment Data

By now, everyone is aware of the #MeToo movement, which began in October 2017 as a backlash against sexual harassment and sexual assault in Hollywood and the entertainment industry. The Equal Employment Opportunity Commission (EEOC), created as part of the Civil Rights Act of 1964, is the federal agency responsible for interpreting and enforcing federal laws prohibiting employment discrimination. In the last 50 years, the EEOC has undertaken substantial efforts to bring attention to, and remediate, workplace discrimination and harassment. In addition to handling administrative charges of discrimination, the EEOC offers a host of resources to employers and small businesses, including workplace training through its Training Institute and low-cost (or no-cost) education and outreach programs.

In June of 2016, after an 18-month study, the EEOC Select Task Force on Sexual Harassment in the Workplace reported that workplace harassment “remains a persistent problem” and frequently goes unreported. The Task Force recommended a change in training, noting that “even effective training cannot occur in a vacuum - it must be part of a holistic culture of non-harassment that starts at the top.” In response to this report, the EEOC “ramped up its efforts” related to workplace harassment, which culminated in the release of an innovative new training program in the fall of 2017, just as #MeToo was gaining ground. The new program, “Respectful Workplaces,” teaches skills for employees and supervisors to promote and contribute to respect in the workplace.

A few months ago, the EEOC released preliminary FY 2018 sexual harassment data, which showed an increase in charges and in EEOC activity. The following are just a few examples of the increased activity:

- Charges filed with the EEOC alleging sexual harassment increased by more than 12% from FY 2017 – this is the highest level of sexual harassment claims since FY 2012;

- The EEOC filed 66 harassment lawsuits, 41 of which included allegations of sexual harassment. This shows a 50% increase in suits alleging sexual harassment over FY 2017;
- Overall, the EEOC recovered almost \$70 million for the victims of sexual harassment through litigation and enforcement, up from \$47.5 million in FY 2017; and
- Hits on the EEOC's sexual harassment page of the Agency's website more than doubled in the past year.

Practitioners representing employers have the opportunity to help organizations ensure compliance through well-drafted policies, improve workplace culture, and promote awareness of potentially problematic circumstances or behaviors. This can be done through proactive training, ongoing advice and counsel at early stages of an emerging problem, advising the client to provide multiple reporting procedures in the case of a complaint, and having an open-door policy where all employees feel supported in bringing their concerns forward. Employers who take proactive steps with the assistance of counsel are much less likely to have the EEOC knocking at their proverbial door.



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**BECAUSE BAD THINGS CAN
HAPPEN TO
GOOD LAWYERS**

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**STATE BAR
COMMITTEE PREFERENCE
REQUESTS**

GET INVOLVED!

**COMPLETE YOUR
COMMITTEE PREFERENCE FORM
HERE**

DUE APRIL 1, 2019

For more information on the committee appointment process, please contact Elizabeth Overmoe at elizabeth.overmoe@sdbar.net

NORTHERN PLAINS WEATHER SERVICES

Dr. Matthew Bunkers of Northern Plains Weather Services is a certified consulting meteorologist (CCM) and forensic meteorologist with over 25 years of weather analysis and forecasting experience. He can provide reports, depositions, and testimony in the areas of weather and forecasting, severe summer and winter storms, flooding, applied climatology and meteorology, agriculture meteorology, and statistics. More information is provided at <http://npweather.com>, and you can contact Matt at nrnplsweather@gmail.com or 605.390.7243.

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.

CERTIFICATE OF COMPLIANCE

INSTRUCTIONS

The certificate of compliance for the year 2018 must be submitted by **January 31, 2019**.

IMPORTANT INFORMATION concerning compliance with trust accounting records and procedures, including the reporting form, appear immediately following this notice. All ACTIVE members of The State Bar of South Dakota must file the compliance form with The State Bar not later than January 31, 2019. This rule includes retired lawyers, lawyers engaged in teaching, banking, insurance, full-time government employees, etc. This reporting requirement does NOT include inactive lawyers nor does it include Judges (Federal or Unified Judicial System) who are full time and did not have private clients.

Andrew L. Fergel
Secretary-Treasurer

TRUST ACCOUNT COMPLIANCE FORM INSTRUCTIONS

Immediately following these instructions, a model form has been reproduced. The form may be modified to accommodate multiple signatures where a number of or all partners in a law firm utilize a single trust account. Please type the name of the sole practitioner or, if using a common firm trust account, the names of all lawyers utilizing the trust account. For the balance of the form, fill in the blanks, check the spaces, or leave blank or mark n/a where appropriate.

1 - check (a), (b), or (c) if applicable

2 - self explanatory (usually appropriate for inactive or retired members)

3 - self explanatory (usually exclusive or full-time corporate, legal aid, or public sector lawyer. Please identify the employer.)

3(a)- self explanatory (usually appropriate for part-time Bankruptcy trustees)

4 - self explanatory (usually appropriate for the employee or associate of a law firm who does not have trust account writing authority.) At this point, inactive, retired, full-time corporate, legal aid, or public sector lawyers, and associates without trust account check writing authority may sign the form and stop.

All others should have trust accounts and must provide the following information:

5 - state the name, address, and account number of trust account financial institution

6 - the blanks should be completed with the most recent monthly trust account reconciliation.

Keep in mind monthly reconciliations are required. For example, if this form were completed on 12-15-10, you would insert the closing date of the most recent bank statement (i.e. 11-30-10).

6(a)-(h), and 7 - type or print yes or no in space provided. If you can answer "yes" to each of these questions, you are in compliance with the Supreme Court Rule 91-10. If you must answer any of these in the negative, you need to make changes in your trust accounting system. A negative answer will result in further inquiry.

8 - This question merely requires you to confirm that a monthly reconciliation was performed and if there were errors/inconsistencies in the reconciliation, to explain same. I remind you that the effective date of this rule was July 1, 1991. It is not too late to perform the monthly reconciliations from and after July 1, 1991, through the date of completion of this form; however, monthly reconciliations must be performed prospectively.

I have heard from a number of lawyers who have said that their trust account has an odd amount, such as \$4.54, which has been in the account for ages and the client has disappeared. The compliance report should so note the amount and reason (lawyer unable to disperse the sum of \$4.54 belonging to a client because client is not able to be located).

Thereafter, if the amount remains constant (\$4.54 as in this example), no further explanation is necessary in subsequent compliance forms.

The rule does not require nor do we want the amounts held in trust, the identities of clients, or any other confidential information. If all partners in a law firm use a common trust account, one form may be submitted provided all partners sign the form. Please type your name under your signature. This will avoid nuisance phone calls or letters trying to ascertain who signed the forms.

All lawyers must submit the compliance form no later than January 31, 2019. Please submit compliance forms after reviewing your December bank statements. If you have questions, please give me a call. ALF

2018 CERTIFICATE OF COMPLIANCE

TO: The Secretary-Treasurer, The State Bar of South Dakota, 222 East Capitol Avenue, Pierre, SD 57501

Dear Sir: I/we (Please list all persons signing the form here) _____

member(s) of the State Bar of South Dakota certify that during the 12-month period preceding the date of this report:
(check the following items where applicable and/or fill in the blanks)

1. I (we) have engaged in the private practice of law in South Dakota as:

_____ (a) a sole practitioner;

_____ (b) a partner or shareholder of a firm practicing under the name of _____;

_____ (c) an associate of a sole practitioner or of a firm, as the case may be, practicing under the name of _____

and I maintain separate books, records and accounts showing all legal business performed by me.

_____ 2. I have not engaged in the practice of law in South Dakota, and I have neither handled nor been responsible for either clients' trust funds or clients' trust property in South Dakota.

_____ 3. I have practiced law in South Dakota exclusively as an employee of (designate name of government agency, corporation, or other non-member of the Bar) _____

and I do not handle or become responsible for money or property in a lawyer-client relationship, other than money or property received in the course of official duties and disposed of in accordance with regulations and practices of (designate name of government agency).

_____ a. I have served as a trustee in one or more cases under Title 11 of the United States Code, and I am accountable for all funds I handled in connection therewith to the Office of the United States Trustee, which office is statutorily charged with the responsibility for reviewing and supervising my trust operations; therefore, my handling of such funds is not separately accounted for herein in connection with my private practice of law, and I further certify that I am in compliance with all such accounting requirements of said Office.

_____ 4. I have engaged in the practice of law in South Dakota as an employee or as an associate of a sole practitioner or of a firm, as the case may be, practicing under the name of _____

and to the best of my knowledge all legal business performed by me is shown in the books, records and accounts of such sole practitioner or firm.

(Only lawyers checking categories 2, 3, 3a, or 4 may sign below. See instructions.)

(Signature)

Full Name (Print or Type)

Business Address

City, State, Zip

Date _____, 2019

Please state the total number of hours of pro bono service, as defined by the South Dakota Rules of Professional Conduct 6.1, that you (or the whole firm) provided in 2018. Enter 0 if none. Total Hours: _____.

Rule 6.1. Voluntary Pro Bono Publico Service

A lawyer should render public interest legal service.

A lawyer may discharge this responsibility by: (a) providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations; or (b) by service without compensation in public interest activities that improve the law, the legal system or the legal profession; or (c) by financial support for organizations that provide legal services to persons of limited means.

(Attorneys checking categories 1a, 1b, or 1c must answer the following questions. See instructions.)

5. My (our) trust account(s) or the trust account(s) of the firm or association of which I am a partner or shareholder is (are) at the (name and address of banking institution) _____

(and bears the following name(s) and number(s) _____

6. During the fiscal period ended __ December 31, 2018 _____, to the best of my (our) knowledge I (we), or the firm of which I am a member, as the case may be, maintained books, records and accounts to record all money and trust property received and disbursed in connection with my/our practice, and as a minimum I/we maintained:

- a. A separate bank account or accounts located in *South Dakota, in the name of the lawyer or law firm and clearly labeled and designated a "trust account." _____ (Yes or No)
- b. Original or duplicate deposit slips and, in the case of currency or coin, an additional cash receipts book, clearly identifying the date and source of all trust funds received, and specific identification of the client or matter for whom the funds were received. _____ (Yes or No)
- c. Original canceled checks or copies of both sides of the original checks produced through truncation or check imaging or the equivalent, for all trust disbursements. _____ (Yes or No)
- d. Other documentary support for all disbursements and transfers from the trust account. _____ (Yes or No)
- e. A separate trust account receipts and disbursements journal, including columns for receipts, disbursements, and the account balance, disclosing the client, check number, and reason for which the funds were received, disbursed or transferred. _____ (Yes or No)
- f. A separate file or ledger, with an individual card or page for each client and matter, showing all individual receipts, disbursements and any unexpended balance. _____ (Yes or No)
- g. All bank statements for all trust accounts. _____ (Yes or No)
- h. Complete records of all funds, securities and other properties of a client coming into my/our possession, and rendered appropriate accounts to my/our clients regarding them. _____ (Yes or No)

7. During the same fiscal period identified in section 6 above, I, or the firm of which I am a member, complied with the required trust accounting procedures, and as a minimum I/we prepared monthly trust comparisons, including bank reconciliations and an annual detailed listing identifying the balance of the unexpended trust money held for each client or matter. _____ (Yes or No)

8. In connection with section 7 above, I or the firm of which I am a member, have completed the following procedures during the fiscal period herein: compared each month the total of trust liabilities and the total of each trust bank reconciliation, and there were (check one of the following)

- _____ no differences between the totals, excepting those determined to be the result of bank error;
- _____ differences. (Give full particulars below, identifying the months in which there were differences, the amounts involved, and the reason for each item contributing to a difference. Attach additional pages if necessary.)

9. a. _____ *The undersigned lawyer(s) do not have professional liability insurance; or

b. _____ The undersigned lawyer(s) have professional liability insurance, the name of the insurance carrier, policy number and limits are as follows: _____

(*An out of state member may strike "South Dakota" and insert the state where his/her trust account is located.)

10. If you are a solo practitioner, have you made arrangements with another lawyer to secure your files and trust account and protect your clients in the event of your death or disability? Yes _____ No _____*

*This is not currently a requirement, but very much encouraged. Please check out the state bar website for checklists and forms for solo practitioner planning for unexpected death or disability.

I am a member of the State Bar of South Dakota filing this report, and to the best of my knowledge and belief the facts as reported herein are accurate, and I certify that I have at all material times been in compliance with Rule 1.15 of the Rules of Professional Conduct entitled Safekeeping Property and SDCL 16-18-20.1 and 16-18-20.2. (All partners, shareholders, or associates checking categories 1a, 1b, or 1c must sign here.)

(Signatures)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

_____, 2019

Date

*Additional signature and attachment is needed if responding lawyer checked box 9(A) : The undersigned lawyer(s) not having insurance, do hereby certify that pursuant to Rule 1.4(c), I have advised my clients of the lack of professional liability insurance during the reporting period and I have attached hereto a copy of my law office letterhead disclosing the lack of insurance, in the required format, pursuant to Rule 7.5 of the Rules of Professional Responsibility.

All Responding Lawyer Signatures:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

_____, 2019

Date

***If you checked box 9(A), you must attach a representative copy of the letterhead you used to disclose the lack of insurance to your clients.**

STRESS and DEPRESSION HELP

Contact information for the regional mental health centers in South Dakota is located at www.statebarofsouthdakota.com ("For SDBAR Members" Under the Health & Wellness tab, click on the Stress/Depression/Addiction link. We have reached an understanding with all these centers and all will honor our agreement. If you are stressed out or you believe that you may be suffering from depression, the State Bar encourages you to seek a professional evaluation. If you don't have insurance or otherwise lack the financial resources, the State Bar project, funded by ALPS and the SD Bar Foundation, will cover the evaluation and several follow-up counseling sessions if indicated. You need only schedule the appointment and show them your 2018 active membership card. This is a confidential project. Counseling records are not, repeat, are not made available to the State Bar. We just pay the bill for those who can't afford it, up to the limit of \$500 per lawyer.

If you have a law partner or lawyer friend that you believe may be suffering from stress and depression, visit with them. Encourage this lawyer to consider having an evaluation. Depression caught at the early stages prior to becoming chronic is much, much easier to address. In just a few counseling sessions, you/your friend can learn techniques to deal with the stress more effectively in our lives, whether personal or professional.



SOLACE PROGRAM

If you are aware of anyone within in the South Dakota Legal Community (lawyers, law office personnel, judges, courthouse employees, or law students) who have suffered a sudden and/or catastrophic loss due to an unexpected event, illness, or injury, the South Dakota SOLACE Program may be able to assist. Please contact solace@sdbar.net if you, or someone you know, could benefit from this program.

We have a statewide (and beyond) network of generous South Dakota attorneys willing to get involved and help. We do not solicit cash but can assist with contributions of clothing, housing, transportation, medical community contacts, and a myriad of other possible solutions through the thousands of contacts available through the State Bar of South Dakota and its membership.

February 2019

Official Publication of the State Bar of South Dakota

If you wish to advertise in our publication or post job opportunities, please contact:

Tracie at tracie.bradford@sdbar.net.

The deadline for submissions in the newsletter is the 26th of each month, excluding December and February when it is the 23rd of the month. If the deadline falls on a weekend, the deadline is the Friday prior.

Address Changes:

email tracie.bradford@sdbar.net or log in to your profile at www.statebarofsouthdakota.com

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4th Circuit - Kellen Willert, Belle Fourche

5th Circuit - Rodrick Tobin, Aberdeen

6th Circuit - Rich Williams, Pierre

7th Circuit - McLean Thompson Kerver, Rapid City

At Large - Dusty Ginsbach, Buffalo

Jennifer Williams, Rapid City

Joshua Wurgler, Aberdeen

Edward S. Hruska III, Pierre

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Colleen Zea, Sioux Falls

Experience Matters

Meet the KTLLP Business Valuation Team

Certified Business Appraisals

Still preparing your own calculations for cases with business valuation issues?

Simply applying an earnings multiple to estimate the value of your client's business may no longer be appropriate. Why risk leaving money on the table? After all, it is your client's "table." An experienced analyst will review the myriad of components of a business to properly determine the value. Moreover, such analyst can provide additional services such as reviewing the opposing expert's report, writing deposition/cross-examination questions, providing business consultation from an analyst's perspective. Why "go it alone?"

Contact us to help with business valuation and consultation needs.



Ericka Heiser,
MBA, CVA, Director
ericka@ktllp.com

Paul Thorstenson,
CPA/ABV, CVA, Partner
paul@ktllp.com

Ketel Thorstenson, LLP

Certified Public Accountants/Business & Personal Consultants

ktllp.com

810 Quincy Street | Rapid City | 605-716-8997  609 Mount Rushmore Road | Custer | 605-673-3220
123 East Jackson Boulevard, Suite 2 | Spearfish | 605-642-7676  305 S. Garner Lake Rd., Ste. A | Gillette | 307-685-4433

A photograph of a clear incandescent lightbulb sitting on a dark chalkboard. Several white chalk circles of varying sizes are drawn around the lightbulb. The lightbulb is unlit, but its glass is clear, showing the internal filament.

**CLE
APRIL
2019**

TOPICS:

Administrative Law

Labor & Employment Law

Public Sector Law

Education Law

**SPECIFIC
PROGRAMS
ARE BEING
DEVELOPED!**

Ramkota Hotel, Rapid City | April 12, 2019

REGISTRATION WILL OPEN IN FEBRUARY AND WILL BE ADVERTISED AT THAT TIME.



LAWYERS CONCERNED FOR LAWYERS LAWYERS ASSISTANCE COMMITTEE

Your Bar Leadership has been concerned that members needing help with chemical dependency or mental health issues may be reluctant to call State Bar Headquarters to inquire where to seek help. Phone calls seeking help for themselves or a loved one or a partner have always and will continue to be kept strictly confidential. That said, Bar Leadership has determined that a referral agency independent of the State Bar staff may reduce any reluctance to call. Thus, beginning July 1st, we have entered into a contract with Disability Rights South Dakota. Both LCL and LAC committees have provided names and contact information for referrals. You will be provided with the names and phone numbers and proceed to call whomever you select from the appropriate list.

Disability Rights South Dakota: 605-224-8294 or
toll free 800-658-4782

Phone calls to Disability Rights of SD are kept strictly confidential.



Caribou Coffee Club

A group of Sioux Falls and Rapid City area attorneys are holding informal peer-led meetings of lawyers who have faced or are dealing with depression, anxiety and/or similar issues.

Attendance is limited to lawyers.

The groups generally meet twice a month and have confidentiality policies.

For more information or to receive blind copies of group announcements, send an email to:
cariboucoffeeclub@gmail.com



**The Caribou Coffee Club is not affiliated with The State Bar of South Dakota, the Second Circuit Bar Association, or the Pennington County Bar Association.



WORKPLACE WELLNESS

To: All Members of
The State Bar of South Dakota
From: The State Bar of South Dakota

We all have problems. And, most often, we manage to solve them ourselves, but sometimes we can't handle them alone. Recognizing that attorneys can develop personal problems that may jeopardize their health, family structure or employment, the State Bar of South Dakota provides members with the Sand Creek Member Assistance Program.

Sand Creek is a confidential telephonic counseling service that can help members solve personal and work related problems before they grow into serious and costly crises.

Employee Assistance Services (EAP) are provided by a staff of professional counselors, clinical psychologists, and social workers skilled at helping you identify and hand handle problems such as marital and family issues, chemical dependency, mental and emotional disorders and educational or career problems.

Free confidential telephonic services provided to you by Sand Creek include: problem assessment, action planning, and follow up along with 24-hour crisis telephone services. To access these services - see the box to your right.

The Sand Creek website, www.sandcreekeap.com,

is a useful resource designed to help make your life easier. On the website you will find: Child care and elder care referrals; hundreds of articles on important mental and emotional health issues; work-related resources to help manage stress, cope with job changes or deal with a difficult boss; wellness resources including a comprehensive exercise, nutrition and healthy living portal that has hundreds of articles, recipes and tips for healthy living.

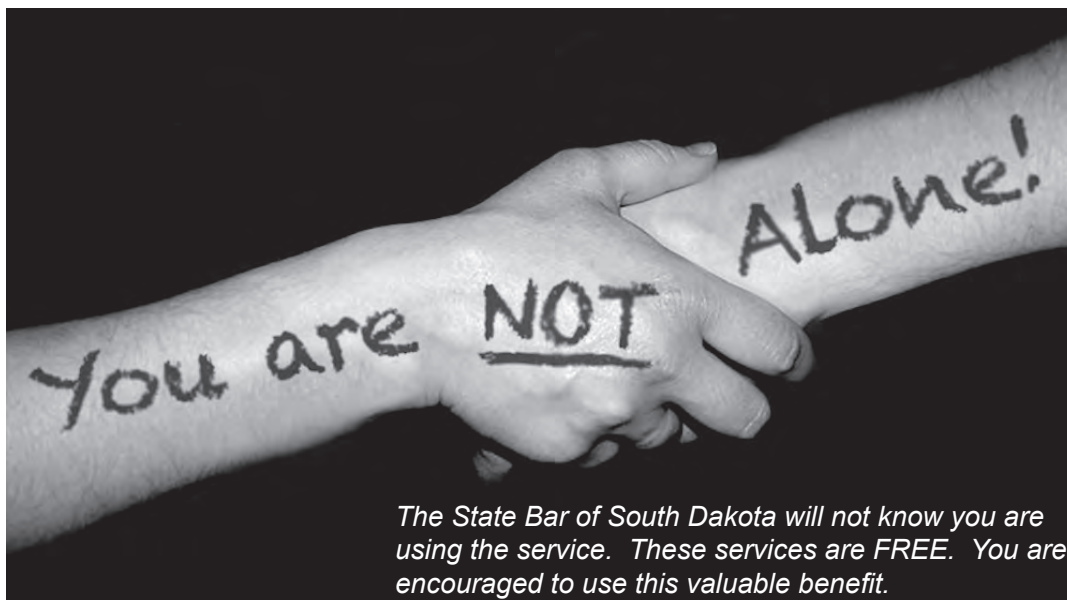
Confidentiality is the bedrock of a Member Assistance Program. All discussions and services are kept strictly confidential. The State Bar of South Dakota will not know that you are using the services. We encourage you to use this valuable benefit.

Sand Creek is a HIPPA compliant service.

Go to www.sandcreekeap.com
Click the Work Life Wellness Login Link
Our Company ID is sbsd1
Or call 800-632-7643
Monday-Friday, 7:30am-5pm CT

Immediate, Confidential Support
24 hours a day/7 days a week:
888-243-5744

*All discussions and services are kept
strictly confidential.*



The State Bar of South Dakota will not know you are using the service. These services are FREE. You are encouraged to use this valuable benefit.

In Memoriam

Ted L. McBride

July 5, 1949 -

December 16, 2018

McBride earned an Undergraduate Degree in Theatre Arts and a Doctorate in Law from the University of South Dakota. He then made South Dakota his permanent home. A Federal Prosecutor, McBride was known by friends as "Ted the Fed." He served as an Assistant US Attorney for the U.S. Dept. of Justice in South Dakota; as a Criminal Education Coordinator at the Department of Justice in Washington DC; as the US Attorney for South Dakota in the Clinton Administration; in a private law firm; as a SD State Assistant Attorney General; and once again as an Assistant US Attorney. In recent years McBride served on the South Dakota Judicial Qualifications Commission.

Upon his retirement in 2017 Ted McBride was presented with a Life Time Achievement Award by the South Dakota Lawyers Association, and a Governor's Proclamation naming November 12, 2017 as "Ted McBride Day."

McBride was active in Black Hills Playhouse, Group Theatre, Sioux Falls Playhouse, and Black Hills Community Theatre among others. He performed in an incredible number of plays and dramatic presentations in his lifetime. McBride also belonged to the SD Bar Association, First Congregational United Church of Christ, Friends of SD Public Broadcasting, West Boulevard Neighborhood Association, SD Wildlife Association, and Pet Partners. Many will recall seeing McBride walking his white standard poodle, Manley, on West Boulevard and in downtown Rapid City.

McBride enjoyed acting, reading, cooking, bicycling, and gardening. He was admired for his thorough knowledge of wine. He patronized theatre arts; symphonic, chamber, jazz, and blue grass concerts; and



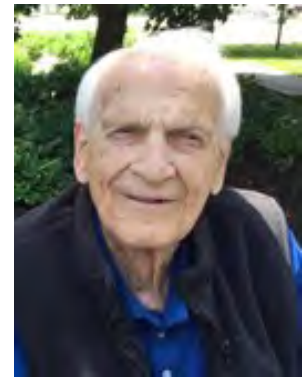
local musicians' performances. Although he enjoyed many forms of music, he was partial to classical music and to The Grateful Dead. In travels with his wife, McBride especially savored opera productions and fine dining. His family and friends will remember Ted McBride as a Renaissance Man.

The family has suggested memorials to either the Black Hills Community Theater or WAVI (Working Against Violence Inc).

Joe Willis Cadwell

Joe Willis Cadwell of Sioux Falls, SD died Monday, January 14, 2019 at Luther Manor in Sioux Falls after a short illness.

Joe was born in Broken Bow, Nebraska to Gaius and Avis Cadwell on October 21, 1918.



Joe attended high school in Huron, South Dakota. He attended the University Of South Dakota School Of Law and received his law degree in 1941. While attending USD, he was a member of ROTC and graduated as a 2nd Lieutenant. The day after graduation, Joe left to serve his country. He ascended to the rank of Major in the United States Army, honorably serving his country during World War II in England, Africa, Italy, France and Belgium until 1945.

After the war, Joe settled in Sioux Falls where he humbly and consistently served his community for 75 years becoming a founding member of the Cadwell Sanford Deibert and Garry law firm and the first and only 75 year member of the South Dakota Bar Association. He went to the office daily through his 90's and then semi-retired and went to the office once or twice a week until recently.

Joe was a member of the South Dakota Bar Association, St. Mary Catholic Church, VFW and the American Legion.

Joe was united in marriage to Ruth Fogel on April 28th, 1945 and together they had four children. On

June 14, 1967 Joe was united in marriage to Jean Van Anne (Schreurs) and added three children to this union.

In lieu of flowers, the family kindly asks that memorials be directed to St. Mary School Tuition Assistance fund.

Comet Henry John Haraldson

February 11, 1949 -
January 13, 2019

Comet Haraldson died Sunday, January 13th, near Salem, South Dakota, in an airplane accident. He was 69 years old.



Comet was born on February 11, 1949, in Sharon, ND, the first son of Comet and Olive (Ruud) Haraldson. He attended school in Harvey ND, Aberdeen SD, and graduated in 1967 from Pierre SD High School. Comet was an accomplished football and basketball player, and participated in track and field. He was also an excellent pitcher for the Pierre American Legion baseball team. In 1967, the team won the State title.

Comet attended USD in Vermillion on a baseball scholarship. He earned a BA and MA. While living in Vermillion, he was a member of 'the Villagers', a folk singing group. They played around the area, not only earning them a little extra spending money, but occasionally guaranteeing king crab legs at Bogners on a Friday night.

Comet loved music, and was a self-taught guitar player. He played in several bands, including the Great Wizard Band in San Jose CA. After his little brother, Steve, graduated from high school, Comet formed his own band, 'Dakota Morning', which included Steve and Nick Schwebach. Their first 'gig' was in Trent SD. From there, they played several places around SD, then sang their way thru Colorado, Montana, and Wyoming, spending several months playing in Jackson Hole. He also played in various bands around Sioux Falls, most notably Arlie's All Stars, a group composed of Sioux Falls area professionals whose

annual performances have raised more than \$800,000 for charitable causes.

He began law school at USD in the fall of 1976 and graduated with a JD in 1979. After graduation, he was employed as a law clerk for Judge Wollman in Pierre for one year. He joined the law firm of Woods, Fuller, Shultz and Smith in 1980 and worked there until his death.

He married Tena Anderson in 1981, and they have 2 sons: Andrew and John.

Comet dearly loved his boys, and loved spending time with them. They spent many summer weekends camping in Yankton, and riding the jet ski around Gavins Point. In the winter, he would take them snow skiing to Great Bear; as they got older, to Copper Mountain and Keystone CO. He was very proud and supportive of his boys.

Comet's hobbies included singing, playing the guitar, reading, traveling, flying his own airplane, and touring on motorcycles. He was a voracious reader. He loved his annual 'rituals': attending the Osh Kosh Air Show, the Sturgis Motorcycle Rally, and the Sioux Falls Jazz Fest.

Another ritual was his annual trip with the 'Golf Guys'. Every spring, he and his buddies would head to Florida, where they golfed many of their courses under the guidance of their fearless leader, Brad Grossenburg. Their love of the sport eventually brought them to the birth place of golf - St Andrews, Scotland. They also golfed many courses around Ireland.

In 1997 he met Naomi Keiser. Together they shared everything from their love of travel, friendship, music, movies, good food, reading...to the simple pleasures of a cup of coffee in the morning, and watching the sun set across the beautiful SD sky at night.

Comet loved life! Every morning he woke up happy and eager to start the day! Coffee, a bowl of raisin bran, and he was 'good to go'. He rarely complained, and never took life for granted. He lived each day to the fullest. He heartily embraced every adventure that crossed his path...and many folks he met along the way would ultimately become lifelong friends. He will be sorely missed.



January 22, 2019

Gary P. Thimsen
Gary.Thimsen@woodsfuller.com
Extension 677

VIA FAX TRANSMISSION
rrasmussen@sbslaw.net

Reed Rasmussen
President
South Dakota State Bar Association
222 E. Capitol Avenue #3
Pierre, SD 57501

Dear President Rasmussen:

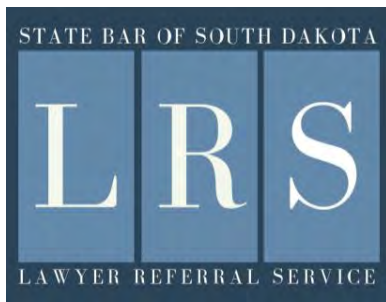
On behalf of the attorneys and staff at Woods Fuller Shultz & Smith, P.C., I would like to thank the members of the State Bar of South Dakota for their outpouring of sympathy and compassion on account of the death of our dear partner, Comet Haraldson. It is truly gratifying to know that the network of the South Dakota Bar maintains such a spirit of care and respect for one another.

Yours very truly,

WOODS, FULLER, SHULTZ & SMITH P.C.

A handwritten signature in blue ink that reads 'Gary P. Thimsen'. The signature is fluid and cursive, with the first name 'Gary' being particularly prominent.

Gary P. Thimsen
President



South Dakota Lawyer Referral Service ENROLLMENT AGREEMENT

Mail completed form and payment to:
State Bar of South Dakota - SDLRS
222 East Capitol Avenue, #3
Pierre, SD 57501

Or pay online at: www.findalawyerinsd.com

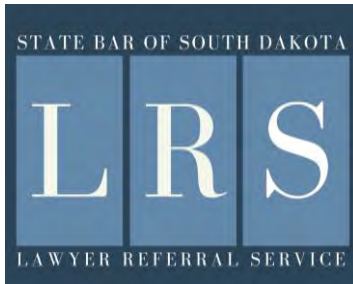
If you pay online, scan and email this completed form to: findalawyer@sdbar.net

1. I am an active member in good standing of the State Bar of South Dakota.
2. I wish to be a member of the South Dakota Lawyer Referral Service ("SDLRS") and agree to pay a \$50 service fee on an annual basis.
3. Once I receive notice that my payment to SDLRS was received and processed, I will create my referral profile at www.findalawyerinsd.com.
4. The service fee is invoiced to participating attorneys in August. I understand that failure to pay the \$50 fee within 30 days will result in a suspension of referrals until the fee is received.
5. In the event I am suspended from the SDLRS for nonpayment of the invoiced amount, I agree that in order to be reinstated to the SDLRS I will pay the balance owed.
6. My practice is covered by Errors and Omissions Insurance totaling at least \$100,000/\$300,000. My policy is issued through:
Name: _____
Dates of coverage: _____
Limits of coverage: \$_____ \$_____
I will maintain such insurance at all times while participating in SDLRS. (You will be required to upload a pdf copy of your insurance declaration page to the SDLRS website to begin receiving referrals.)
7. I will promptly inform the State Bar of South Dakota Bar of any change in my address or phone number.
8. Enclosed is the total amount of \$50, to cover the registration fee for the following Practice Panels:
 1. _____
 2. _____
 3. _____
9. I would like to add the following Practice Panels at the rate of an additional \$20 per panel:
 1. _____ (add \$20)
 2. _____ (add \$20)
 3. _____ (add \$20)
10. If any of the following occur, I hereby agree to a suspension of referrals until final resolution of the matter:
 - a. My license to practice law is suspended for any reason;
 - b. I transfer to inactive status for any reason;
 - c. Formal disciplinary proceedings are initiated against me; or
 - d. A criminal complaint is filed or an indictment returned against me alleging a serious crime as defined in SDCL 16-19-37.
11. In the event I receive a referral through the SDLRS that results in attorney fees, I understand it is strongly encouraged I contribute 7% of those fees to the SD Bar Foundation.

I have read the foregoing and hereby certify that the answers are complete and true to the best of my knowledge.

Name: _____
(Signature) (Print or Type)

Date: _____ Member No.: _____ Amount Enclosed: _____



South Dakota Lawyer Referral Service PANEL & SUB-PANEL LIST

BANKRUPTCY

- ☐ Business Bankruptcy(Creditor)
- ☐ Business Bankruptcy (Debtor)
- ☐ Personal Bankruptcy (Creditor)
- ☐ Personal Bankruptcy (Debtor)

BENEFITS & ADMINISTRATION

- ☐ Medicaid/Medicare
- ☐ Municipal or Local Government
- ☐ Professional Licensing
- ☐ Social Security
- ☐ State Government
- ☐ Unemployment
- ☐ Utilities
- ☐ Veterans Benefits

BUSINESS

- ☐ Antitrust litigation
- ☐ Business dissolution
- ☐ Business formation
- ☐ Business litigation or dispute
- ☐ Buy-sell agreements
- ☐ Compliance
- ☐ Contracts
- ☐ Franchise Agreements or purchase of franchise
- ☐ Gaming Law
- ☐ Non-profit formation
- ☐ Online business law
- ☐ Partnership agreements
- ☐ Securities
- ☐ Trade regulation
- ☐ Business mediation

CONSUMER & DEBT

- ☐ Collection Practices & Creditor Harassment
- ☐ Car repair/lemon law
- ☐ Credit Reports
- ☐ Debt Collections (Creditor)
- ☐ Debt Collection (Debtor)
- ☐ Identity Theft
- ☐ Predatory Lending Practices
- ☐ Small Claims Court
- ☐ Unfair and Deceptive Sales and Practices

CRIMINAL

- ☐ Appeals
- ☐ Criminal Record
- ☐ DWI/DUI
- ☐ Drugs
- ☐ Federal Criminal Defense
- ☐ Felony (non-homicide)
- ☐ Homicide
- ☐ Juvenile Delinquency
- ☐ Misdemeanor
- ☐ Probation Violation
- ☐ Property Forfeiture
- ☐ Traffic

DISPUTE RESOLUTION

- ☐ Arbitration
- ☐ Mediation

EDUCATION

- ☐ Academics
- ☐ Access (including bilingual and testing)
- ☐ Bullying
- ☐ Discipline (including Expulsion and Suspension)
- ☐ Special Education & Learning Disabilities
- ☐ Teachers and Other Educational Professionals

EMPLOYMENT

- ☐ Civil Service
- ☐ Employee Benefits
- ☐ Employer Representation
- ☐ Employment Contracts
- ☐ Employment Discrimination
- ☐ Medical Leave
- ☐ Non-compete/Non-disclosure Agreements
- ☐ Professional Licensing
- ☐ Safe Working Conditions
- ☐ Separation Agreement
- ☐ Sexual Harassment
- ☐ Wage and Labor Standards
- ☐ Whistleblower
- ☐ Wrongful Termination

FAMILY

- ☐ Adoption
- ☐ Alimony/Marital Support
- ☐ Annulment
- ☐ Child Abuse and Neglect
- ☐ Child Support and Custody
- ☐ Divorce (complex/contested)
- ☐ Divorce (simple/uncontested)
- ☐ Domestic Violence/Protection Order (Petitioner)
- ☐ Domestic Violence/Protection Order (respondent)
- ☐ Emancipation
- ☐ Family Mediation
- ☐ Guardianship
- ☐ Conservatorship
- ☐ Interstate/International
- ☐ Name Change
- ☐ Parental Rights Termination
- ☐ Paternity
- ☐ Post-nuptial Agreement
- ☐ Pre-nuptial Agreement
- ☐ Separation
- ☐ Visitation

HOUSING & APARTMENT

- ☐ Home Construction/Improvement
- ☐ Housing Discrimination
- ☐ Landlord Representation
- ☐ Mortgage Foreclosures (Not Predatory Lending)
- ☐ Predatory Mortgage Lending Practices
- ☐ Tenant Representation

IMMIGRATION

- ☐ Asylum
- ☐ Consular Practices
- ☐ Criminal Issues
- ☐ Employer Sanctions
- ☐ Employment-based immigration
- ☐ Family-based immigration
- ☐ Investors
- ☐ Naturalization
- ☐ Juvenile Status
- ☐ Removal Defense

INDIAN LAW

- ☐ Business
- ☐ Family Law
- ☐ Federal Government
- ☐ Housing
- ☐ Land
- ☐ Probate/Will
- ☐ Tribal Court
- ☐ Tribal Enrollment/Status
- ☐ Tribal Government

INSURANCE

- ☐ Automobile/Property Insurance
- ☐ Bad Faith
- ☐ Employer-provided insurance (disability, health, life, accident)
- ☐ Health Insurance
- ☐ Homeowner Insurance
- ☐ Life Insurance

INTELLECTUAL PROPERTY

- ☐ Copyrights
- ☐ Patents
- ☐ Trademarks

LOBBYING

- ☐ Federal
- ☐ State

PERSONAL INJURY & RIGHTS VIOLATIONS

- ☐ Accountant Malpractice (Defendant)
- ☐ Accountant Malpractice (Plaintiff)
- ☐ Animals
- ☐ Assault and Battery (Defendant)
- ☐ Assault and Battery (Plaintiff)
- ☐ Auto Collision (Defendant)
- ☐ Auto Collision (Plaintiff)
- ☐ Civil Rights
- ☐ Discrimination
- ☐ False Arrest/false imprisonment
- ☐ Jail/Prison Injuries
- ☐ Legal Malpractice (Defendant)
- ☐ Legal Malpractice (Plaintiff)
- ☐ Libel, Slander, or harassment (Defendant)
- ☐ Libel, Slander, or harassment (Plaintiff)
- ☐ Medical Malpractice (Defendant)
- ☐ Medical Malpractice (Plaintiff)
- ☐ Negligence (Defendant)
- ☐ Negligence (Plaintiff)
- ☐ Police misconduct
- ☐ Product liability (Defendant)
- ☐ Product liability (Plaintiff)
- ☐ Property Damage (Defendant)
- ☐ Property Damage (Plaintiff)
- ☐ Slip, trip and fall (Defendant)
- ☐ Slip, trip and fall (Plaintiff)
- ☐ Toxic tort (Defendant)
- ☐ Toxic tort (Plaintiff)
- ☐ Wrongful death or catastrophic injuries (Defendant)
- ☐ Wrongful death or catastrophic injuries (Plaintiff)

REAL ESTATE

- ☐ Commercial real estate litigation
- ☐ Commercial real estate transactions
- ☐ Condemnation, eminent domain & annexation
- ☐ Land Use & Zoning
- ☐ Natural Resources
- ☐ Neighborhood, Coop & Condominium Associations
- ☐ Residential real estate litigation
- ☐ Residential real estate transactions

TAX

- ☐ Business
- ☐ Personal
- ☐ Estate Tax
- ☐ Tax Litigation/Audits

WILLS, TRUSTS, ELDER

- ☐ Conservatorship
- ☐ Elder Abuse/Neglect
- ☐ Estate Administration
- ☐ Estate Court/Probate
- ☐ Estate Planning
- ☐ Estate Tax
- ☐ Guardianship
- ☐ Living Will/Advanced Directive
- ☐ Medicaid/Medicare/Nursing Home Planning
- ☐ Power of Attorney
- ☐ Simple Will
- ☐ Specialty Trusts
- ☐ Estate Dispute (Petitioner)
- ☐ Estate Dispute (Respondent)
- ☐ Trust Dispute (Petitioner)
- ☐ Trust Dispute (Respondent)

WORKERS COMPENSATION

- ☐ Federal Employee
- ☐ Private Employee
- ☐ Private Employer
- ☐ State Employee

IS THE LAWYER REFERRAL SERVICE RIGHT FOR ME?

LRS Committee

Are you looking for new clients? If so, the Lawyer Referral Service is right for you! The Lawyer Referral Service is not a free or reduced-fee legal service program. We are simply the right website for clients to find the right lawyer.

In the past, potential clients seeking legal representation were encouraged to call the State Bar Office for a referral. We have replaced that outdated system. Now, potential clients will be directed to our new website at www.findalawyerinsd.com.

Since launching the website in late June, thirty-two lawyers have enrolled. And while we have not yet released our public media campaign (this is coming soon), potential clients are already using our website and have been matched with enrolled lawyers in their area.

Ready to give it a try? Enrolling is easy:

- Send your completed enrollment form to the State Bar Office along with a \$50 payment for the annual service fee
- Create your referral profile on our website at www.findalawyerinsd.com
- Choose up to three practice panels, and an unlimited number of subpanels within your practice panel group (additional practice panels may be added for \$20 per panel)
- Begin receiving matches in your area

Enrollment in the Lawyer Referral Service is a great way to grow your practice, help potential clients seeking legal representation, and support the mission of the State Bar.



www.findalawyerinsd.com



CAREER CENTER

OFFICE OF ATTORNEY GENERAL CIVIL LITIGATION POSITION

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

OFFICE LOCATION: This position will be stationed in Pierre.

STARTING SALARY: Entry level salary is \$63,259.09 annually or greater, depending upon experience and funding availability. The State of South Dakota has an excellent benefit package including retirement, employee insurance coverage and paid leave.

QUALIFICATIONS: Applicants must have a JD degree and be licensed to practice law in South Dakota. The person eligible for this position must be a motivated self-starter, have strong research and writing capabilities, be able to communicate well to clients and the courts, and have strong legal advocacy skills. Prior litigation experience is preferred but not required.

APPLICATION PROCESS AND DEADLINE DATE: Interested persons should send a resume containing three references, a writing sample and a letter describing their qualifications **by March 1, 2019**, to the following:

JASON RAVNSBORG, OFFICE OF ATTORNEY GENERAL, 1302 E. HIGHWAY 14, SUITE 1, PIERRE, SOUTH DAKOTA 57501.

OFFICE OF ATTORNEY GENERAL APPELLATE POSITION

DETAILS: The Office of Attorney General seeks an attorney for an appellate position in the Pierre office. An appellate attorney is responsible for representing the state in criminal and civil appeals and for providing legal advice to many state agencies, boards and commissions. Assistant Attorneys General are required to maintain high moral character; have strong legal advocacy skills; have effective research and writing capabilities; and be able to communicate with clients and the courts.

OFFICE LOCATION: This position will be stationed in Pierre.

STARTING SALARY: Entry level salary is \$ 63,259.09 annually or greater, depending upon experience and funding availability. The State of South Dakota has an excellent benefit package including retirement, employee insurance coverage and paid leave.

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

APPLICATION PROCESS AND DEADLINE DATE: Interested persons should send a resume containing three references, a writing sample and a letter describing their qualifications **by March 1, 2019**, to the following:

JASON RAVNSBORG, OFFICE OF ATTORNEY GENERAL, 1302 E. HIGHWAY 14, SUITE 1, PIERRE, SOUTH DAKOTA 57501.

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For more information, visit www.attpromote.com/243/SD or call RhodesAnderson Insurance at (605) 225-3172 or (800) 658-3362.



The products and coverages advertised herein are not currently available in all states; future availability may be subject to regulatory approval. A.M. Best rating as of 7/21/16. Product availability varies based upon business and regulatory approval and differs between companies. All products administered by Attorney Protective and underwritten by National Liability & Fire Insurance Company or its affiliates. Visit attorneyprotective.com/affiliates for more information. © 2017 Attorney Protective. All Rights Reserved.

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501

Phone (605) 773-3215

Fax (605) 773-4106

TTY (605) 773-6585

<http://atg.sd.gov/>

MARTY J. JACKLEY
ATTORNEY GENERAL

CHARLES D. McGUIGAN
CHIEF DEPUTY ATTORNEY GENERAL

December 17, 2018

Mr. Andrew Fergel
Secretary-Treasurer
State Bar of South Dakota
222 E. Capitol
Pierre, SD 57501

RE: **Vacancy on the Board of Pardons and Paroles**

Dear Mr. Fergel,

As of January 31, 2019, there will be a vacancy on the Board of Pardons and Paroles.

Accordingly, the Office of Attorney General takes this opportunity to announce that any attorney interested in serving as a member of the Board of Pardons and Paroles is invited to indicate that interest by advising the Attorney General.

Letters should be directed to:

Chief Deputy Attorney General Charles D. McGuigan
Office of Attorney General
1302 E. Highway 14, Suite 1
Pierre, SD 57501

Sincerely,

A handwritten signature in dark ink, appearing to read "Charles D. McGuigan", with a stylized flourish at the end.

Charles D. McGuigan
Chief Deputy Attorney General

CDM/lde

CAREER CENTER

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

ATTORNEYS

Associate Attorney: Aberdeen

Richardson, Wyly, Wise, Sauck & Hieb, LLP, Aberdeen, SD is seeking to hire an associate attorney with 1-5 years of experience. An ideal candidate will possess strong oral and written skills as well as courtroom experience. Confidential inquiries, including resume, cover letter, and academic transcript, should be sent to Stacy M. Johnson, Richardson, Wyly, Wise, Sauck and Hieb, LLP, P.O. Box 1030, Aberdeen, SD 57402-1030 or sjohnson@rwwsh.com.

Multiple Attorney Positions : Mitchell

MorganTheeler LLP has multiple attorney positions available for attorneys. Morgan Theeler will consider all qualified candidates to include experienced attorneys or attorneys with one to five years of experience. Ideal candidates will have experience in a multiple practice areas including litigation, business transactions and health law. Excellent communication skills with both staff and clients is required. Salary and benefits will be commensurate with experience but will likely include: 401(k), profit sharing, group health insurance, cell phone allowance and paid vacation. Please submit applications to 1718 N. Sanborn Blvd, Mitchell, SD 57301 or kclaussen@morgantheler.com. No calls please.

Associate Attorney – Rapid City

The law firm of Thomas Braun Bernard & Burke, LLP in Rapid City is seeking an attorney with 1-5 years' litigation experience. The ideal candidate will possess strong oral and written skills, legal research proficiency, and courtroom experience. Confidential inquiries including cover letter, resume, writing sample (less than 15 pages), and an academic transcript should be sent to John W. Burke, Thomas Braun Bernard & Burke, LLP, 4200 Beach Drive – Suite 1, Rapid City, SD 57702 or may be e-mailed to jburke@tb3law.com.

STAFF ATTORNEY – SIOUX FALLS

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Temporary Staff Attorney position in our Sioux Falls, South Dakota, office which can possibly turn into a permanent position. The Sioux Falls office serves primarily Native Americans in the vicinity of Sioux Falls and in the eastern half of South Dakota. This job may require travel during the day.

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

SALARY: Competitive, depending on experience.

DPLS has excellent fringe benefits, including generous leave benefits and employee insurance coverage (medical, dental, life, disability).

CLOSING DATE: January 31, 2019.

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

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

In-House Commercial Lending Attorney: Sioux Falls

Great Western Bank is seeking an In-House Commercial Lending Attorney with experience in commercial and agricultural lending, workouts and collections, and bankruptcy to join its in-house Legal Department. Primary duties will include supporting internal staff (such as lenders, the credit department,

workout and collections, and loan documentation and closing services staff) in dealing with questions and issues as they arise in connection with structuring and closing commercial loans, workouts and collections. Other duties will include assisting in various administrative functions, such as management of outside counsel.

Interested candidates should apply on our website:
<https://www.greatwesternbank.com/about-us/careers/>.

Family Law Attorney: Sioux Falls

Swier Law Firm, Prof. LLC is seeking a FAMILY LAW ATTORNEY in its Sioux Falls office. Candidates must possess outstanding oral and written skill and a desire to excel. Attracting and retaining top talent is the key to Swier Law Firm's success. Our compensation structure rewards contributions to our clients and reflects the competitiveness of the legal market. This is an opportunity for a top candidate to become part of a growing law firm with a state, regional, and national client base. Please send a resume and cover letter to Executive Director Sara Travis at sara@swierlaw.com. All inquiries will remain confidential.

Deputy State's Attorney I, Brookings County

The Brookings County State's Attorney's Office has an immediate opening for a Deputy State's Attorney I to perform routine professional legal work in the prosecution of civil and criminal crimes, juvenile crimes, and juvenile abuse and neglect cases in Brookings County. Responsibilities of the Deputy State's Attorney I vary and may include reviewing offenses and evidence to make determination on charges and prosecuting violations of state law; reviewing requests for petitions and determining appropriate course of action; making recommendations for child custody and parental rights; and attending legal proceedings. Annualized compensation for appointment as a Deputy State's Attorney will be \$66,044.00.

To apply: Interested applicants should submit a cover letter, resume, law school transcript and writing sample to: Dan Nelson, Brookings County State's Attorney, 520 3rd St., Suite 330, Brookings, SD 57006 or electronically at Dnelson@brookingscountysd.gov. Deadline for applications is 3/1/19. Brookings County is an Equal Opportunity Employer.

In-House Legal Counsel: Sioux Falls School District

Education/Experience: Juris Doctorate Degree. Admitted to practice law in SD with at least three (3) years of related experience.

The essential functions of in-house legal counsel include the following:

Oversees the development and implementation of District policies; Assists with the review and revisions of District contracts with vendors and outside service providers; Interprets the employee groups' negotiated contract language for executive administration; Assists with the nonrenewal, reduction in force, termination, discipline and other personnel procedures for certificated and non-certificated personnel; Represents the District at grievance hearings. Investigates and provides counsel to arbitration, unemployment hearings, unfair labor practices and discrimination hearings; Serves as the Civil Rights Officer and Title IX Coordinator; Provides counsel to the Director of Special Services on the interpretation and adherence to special education law; Represents the District in Due Process, State Complaint or OCR proceedings; Manages student discipline, suspensions and expulsions; Keeps informed of and interprets court decisions, regulations, statutes, rules and policies affecting education, employee groups and student affairs; Manages communication with outside legal counsel and confers with outside counsel on pertinent legal issues as needed; Performs other duties as assigned.

Calendar: 12-month (year-round) position

Compensation: 111,042 annually + depending on experience

Screening for the position begins February 12 and continues until the position is filled.

Candidates must apply online at www.sf.k12.sd.us.

Please include a resume with the online application.

Questions: Sioux Falls School District - HR

Department, 605-367-7661, sfsdhrdepartment@k12.sd.us

STAFF ATTORNEY: MISSION

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

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

SALARY: Competitive, depending on experience.

DPLS has excellent fringe benefits, including generous leave benefits and employee insurance coverage (medical, dental, life, disability).

CLOSING DATE: Open until filled.

APPLICATION INFORMATION: Please submit a letter of interest and resume to: John J. Buchy, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, dpls1@gwtc.net.

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

MANAGING ATTORNEY: EAGLE BUTTE

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Managing Attorney position in our Eagle Butte, South Dakota, branch office. The Eagle Butte office serves Cheyenne River Indian Reservation in South Dakota and Dewey, Haakon, Potter and Ziebach counties in South Dakota.

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

significant caseload touching on many different areas of law with regular appearances in court; must demonstrate an interest in poverty law and working with Native American and low income clients.

Applicant must have at least one year's experience in the practice of poverty law or Indian law, with trial and appellate experience in state and federal courts or two years' experience in the general practice of law. If Applicant does not possess this experience we would consider Applicant for a staff attorney position until qualified to be a Managing Attorney.

SALARY: Competitive, depending on experience.

DPLS has an excellent fringe benefits package including generous leave benefits and employee insurance coverage (medical, dental, life, disability).

CLOSING DATE: Open until filled.

APPLICATION INFORMATION: Please submit a letter of interest and resume to: John J. Buchy, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, dpls1@gwtc.net

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

ATTORNEY: SIOUX FALLS

Advanced Asset Alliance in Sioux Falls, SD is seeking an Attorney to fill the position of General Counsel.

Applicants must have a JD and be licensed to practice, or by reciprocity be able to obtain license to practice, in SD. Additional licensing in IA, NE, ND, and/or MN is beneficial. Ideal candidates will have 1-5 years of experience with a background in insurance law, health-care law, employment law, contract law, litigation, compliance or collections. Excellent communication skills with staff, clients, and the courts is required.

Salary: Competitive, depending on experience, flexible schedule, employee insurance coverage (medical, dental, life, disability).

Closing date: Open until position is filled.

Duties and responsibilities: Oversight of legal staff, monitor and liaison with out-of-state counsel working on behalf the company, responsible for multi-state licensing and corporate and statutory compliance, appear for all legal proceedings on behalf of the company and clientele, advise and offer counsel to upper management and clientele on all legal matters, investigate and respond to regulatory complaints, liaison with industry and trade interest groups and lobbyists,

review and execute all legal pleadings on behalf of the company, provide training to employees and clientele on legal matters.

Please send resumes to chris@advancedassetalliance.com and kade@advancedassetalliance.com.

EXECUTIVE DIRECTOR

EXECUTIVE DIRECTOR: MISSION

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, is accepting applications for the Executive Director position in our Mission, South Dakota, office.

GENERAL RESPONSIBILITIES: The Executive Director has overall responsibility for the operation of Dakota Plains Legal Services, including general administration of the program, its fiscal affairs, the securing of funds and the maintaining of funding levels sufficient to meet programmatic needs, personnel management, working with the organized Bar throughout the state, implementing programmatic policies, and providing necessary litigation support.

QUALIFICATIONS: Applicants must be admitted to practice in any jurisdiction for a minimum of four years; must be admitted to practice law or applying for admission to practice law in South Dakota; must have a minimum of two years administrative experience at a policy making level in legal services or a legal services program; and must be bondable.

SALARY: Competitive and negotiable depending on

experience. DPLS has an excellent fringe benefits package including generous leave benefits and employee insurance coverage (medical, dental, life, disability).

CLOSING DATE: January 31, 2019.

APPLICATION/INFORMATION: Persons interested in being considered for this position should submit a letter of introduction along with a resume and references to: Dalene Bettelyoun, Administrator, Dakota Plains Legal Services, P.O. Box 727, Mission, SD 57555 or to dpls2@gwtc.net. For further information, or to request a copy of the full job description for this position, please contact Dalene Bettelyoun at (605) 856-4444.

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

PARALEGAL

Paralegal Position: Sioux Falls

Legacy Law Firm, P.C. is seeking a paralegal to add to our team. One or more years of experience is preferred, along with strong academic credentials and excellent communication skills. Qualified applicants interested in this opportunity should send a cover letter and resume to Felan Link at felan@legacylaw-firmpc.com. All applications will be kept confidential. For more information, visit our website www.Legacy-LawFirmPC.com.



DeRouchey Agriculture
Legal Consulting

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

- 34 years Farm Business Instructor at Mitchell Tech
- 3 years of Ag Lending
- 9 years Researching, Deposition, Testifying
- Expert witness on agriculture issues

www.deroucheyagriculturealllegalconsulting.com/services.html

FEBRUARY

East River Veterans Clinics	February 21.....	American Legion Post, Watertown
East River Veterans Clinics	February 22.....	DAV, Sioux Falls
YLS BootCamp.....	March 1.....	Pennington County Courthouse (Courtroom 7), Rapid City
YLS BootCamp.....	March 1.....	Lumber Exchange Building, 101 Reid St., Sioux Falls
Disciplinary Board.....	April 4-5.....	Clubhouse, Sioux Falls
Bar Commission Meeting.....	April 11.....	Ramkota, Rapid City
April Blend CLE.....	April 12.....	Ramkota, Rapid City
Strategic Planning Meeting.....	May 9-10.....	Sioux Falls
2019 Annual Meeting.....	June 19-21.....	Ramkota, Rapid City

