



State Bar of South Dakota

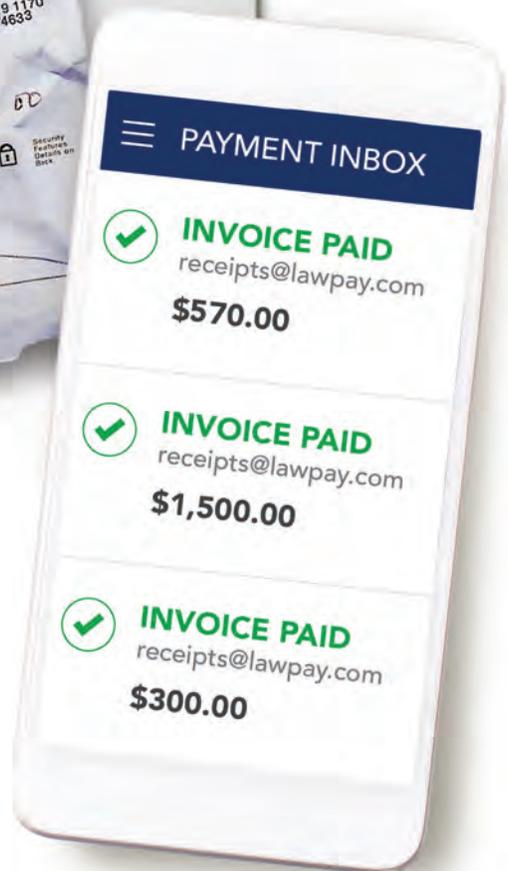
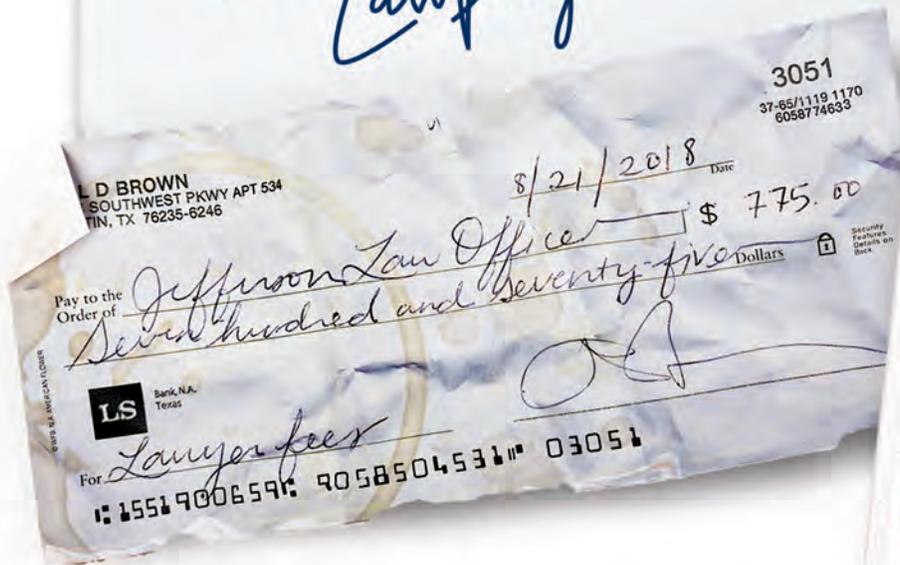


OCTOBER 2019

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State Bar of South Dakota

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President's Corner

Steven K. Huff

For some weeks, I have struggled with the idea for this month's newsletter. It turned out all I needed was a little inspiration. The textbook definition of inspiration is the action or power that moves intellect or emotion. Well then, what would be moving the needle this month? Turns out I did not have to look to far for this month's inspiration.

Meet the Gerlach family from Dell Rapids.



Shane Gerlach is a friend of mine and occasional client who my family and I met not too long after moving to Yankton in September 1999. Shane worked with Tracy at the Yankton HyVee for several years. He and his wife Donelle have one son, Derek who played with my kids when we went over to his house for annual barbeques and when we cooked for fundraisers for local causes like the Yankton Public Library. The Gerlachs moved a few years ago to Dell Rapids but those who know them will always stay in touch.

To say the Gerlach family is inspiring is grand understatement. Imagine knowing anyone that has had to face hard medical or financial challenges? Well, how about the entire family? Shane faces Graves' disease which flares up from time to time unexpectedly. Donelle is recovering from breast cancer. But most challenging has been Derek's stage 4 brain cancer, which no child should have to face, especially a 5th grader.



Making matters even more difficult is that they have and continue to face these medical challenges with a litany of financial and logistical challenges. Those would include just in 2019 roof and pipe problems in their Dell Rapids home to go along with several automobile snafus, all while having to take off time separately or together to get Derek ongoing treatment, now just entering the seventh (7th) round of chemotherapy.

This family has faced it all with grace and grit. Thankfully, this Gerlach group is grounded and determined. Their unique way of overcoming challenges with epic contrasts of humor and frustration sets them apart from most folks who have faced half of what they have had to with far less grace or wisdom. Despite various personal medical or financial challenges, their ability to dig deep and keep family first should be an inspiration to us all.

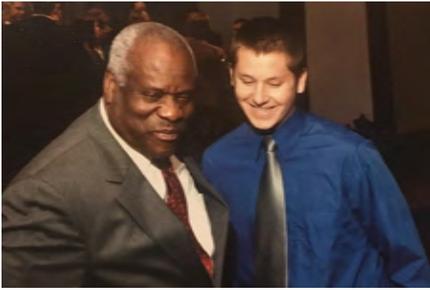
It was hard for me to ask Shane's permission to write this month's newsletter. I did not want to

intrude but I also wanted to help if I could. I spent hours looking at my phone, wondering if this was appropriate or if it would be something best done privately or in some other forum. But sometimes, you just have to decide there are certain things that just need to be done.

So, one evening I called Shane to ask he and his family's permission to share their story as what inspires me when times are tough. The Gerlachs gave me their blessing and encouraged me to share their facebook link which is under the name 'Shane Gerlach.' I am confident if you wish, you can friend Shane who can then allow you to share his day by day exploits. I promise they do not disappoint and will inspire even the most stony of personalities. Most importantly, you can be inspired to overcome adversity for yourselves, your families and your clients. Perhaps this will swing the good luck meter back in the Gerlach family's favor. Certainly, there are few families more deserving of better luck than Shane, Donelle and especially Derek.

#FightDerekFight.





STATE BAR OF SOUTH DAKOTA
YOUNG LAWYERS SECTION



by: Nathan Chicoine
YLS President

When I met Clarence Thomas, he imparted words of wisdom to me. “Don’t get distracted,” and “Never lose sight of what matters.” It may sound cliché, but I’ll always remember the advice, and it still rings true today. The advice of Thomas boils down to a single word: focus. I find that focus is a key component to a fulfilling life and career. In my view, being focused does not necessarily mean you should stick to the original plan. Surely, most of us are not in the place we envisioned we would be in a decade or a quarter century ago. To me, focus is determining your goals and diligently pursuing them. Focus means adhering to your core values.

Of course, determining one’s core values is half of the battle. The world is not black and white, and there usually is not a clear right and wrong approach. During the summer before my third year of law school, I had the opportunity of interning with an excellent law firm in Rapid City. As an intern, I had the pleasure of sitting through depositions with the legendary Jim Nelson in a sensitive civil lawsuit. I found a dark, inconspicuous corner of the conference room and got comfortable with my legal pad. The well-prepared deponent was asked if his course of action was the right thing to do. The deponent responded with a question of his own, “What do you mean, ‘the right thing to do?’” The plaintiff’s lawyer pointed to the oblivious intern in the corner and proclaimed, “Even HE knows the difference between right and wrong!” The plaintiff’s lawyer believed he had identified a universal wrong that would lead to the defendant’s liability, but the deponent believed his actions were justified by a conflicting right. I left without a clear answer then

and still often refer to the event when I encounter what seems to be a definitive, universal right or wrong but another value conflicts. My challenge to you is to determine your core values and set your professional sights accordingly. Are you an optimist or a skeptic? Are you the kind of lawyer who gives your client a wake-up call or a shoulder to cry on? Are you the kind of lawyer who picks up the phone or turns to the keyboard? Your core values may take you down a path you never expected but toward what fundamentally matters to you.

As a young lawyer, I often struggle to follow my instinct in the face of well-established professional custom. A mentor of mine recently reminded me that you do not need to practice law the same way your colleagues have practiced. You can take a majority of the methods of your colleagues as good advice and employ your own twist on what you may disagree with. Put your values in place and eliminate vexing distractions. Remember to be introspective. What are the distractions in your life that are keeping you from following your core values? A challenging adverse counsel? Hesitancy to argue a motion for fear of losing and disappointing your client? Anticipating happy hour? Fantasy football? Believe in your direction and stay the course.

I am duty bound to remind you of the Young Lawyers events this month. The Young Lawyers representative will be hosting a mixer in your judicial circuit. All ages are welcome. Also, don’t forget about the Nuts & Bolts CLE in Pierre on October 18 followed by the Statewide Swearing-In Ceremony. It is well worth the drive. What better things could you be doing on a Friday afternoon? See you there.



YOUNG LAWYERS SECTION STATE BAR OF SOUTH DAKOTA

August 26, 2019

FOR IMMEDIATE RELEASE

State Bar of South Dakota
University of South Dakota School of Law
TV-Radio Assignment Editors

STATEWIDE SWEARING-IN CEREMONY TO BE HELD OCTOBER 18, 2019

The South Dakota Young Lawyers Section announces annual Statewide Swearing-in Ceremony. This year, some of South Dakota's newest attorneys will be admitted to practice within the South Dakota State Bar on Friday, October 18, 2019, with Chief Justice David E. Gilbertson presiding and administering the Oath of Attorney in the Capitol Rotunda located in Pierre, South Dakota, at 3:00pm.

All of the candidates have passed the South Dakota State Bar examination, a required ethics examination, and have been certified for Character and Fitness.

The statewide swearing-in ceremony is a momentous occasion in the life of a new lawyer. This event provides them with the opportunity to be sworn in by the Chief Justice of the South Dakota Supreme Court, in the presence of family, friends, and other members of the judiciary and leadership of the Bar. The Young Lawyers Section is pleased to organize this event each year to celebrate those who have worked so hard for their admission to the practice of law.

The ceremony is open to family and friends of all new attorneys. A professional photographer will be present, and everyone is invited to take pictures. A reception will follow.

For more information and to RSVP, please contact Young Lawyer Section President-Elect, Caroline Srstka, at Caroline.Srstka@state.sd.us.

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

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In Memoriam

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Or you can email this form to:
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- John Lennon

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- Dick Ericsson
- Brandon Taliaferro
- Craig Thompson
- Dick Travis

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Please send a message to Denise Langley at:
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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;

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Dean's List: News from the Law School



by: *Neil Fulton*
Dean
USD School of Law

As October grew close, a lot of recent law school graduates nervously waited for their bar exam results. I am sure many of us recall nervous weeks waiting for an envelope to arrive and nervous moments once it did and we opened it to read our results. Another rite of passage for lawyers I suppose.

Trends remain good on bar passage. Nationally, the MBE results were the highest they have been in many years. First time takers from USD held pretty close to last year's results. Individual years will inevitably vary, but it is nice to see a couple back to back years of improved results. We will continue to provide resources to those applicants who did not pass this time and hope that the ultimate pass rate of USD graduates continues to move up.

As important as this year's results are, however, I want to write about a bigger picture. So, my column this month is about the Law School's work to prepare applicants for success; I hope you find that interesting and that it helps put the results in context. Three issues are particularly important in the area of bar examinations and law schools today.

First, the ABA Section of Legal Education and Admissions to the Bar recently changed the law school accreditation standard regarding bar passage. The new standard requires that within two years of graduation 75% of all students who sit for a bar exam have passed. This is a change from the prior standard which relied on both a raw passage percentage or having a bar passage rate within a certain percentage of the total bar pass rate in the states. Under that earlier standard, states like South Dakota where most applicants attend one

law school, that law school would almost always be in compliance because it essentially set the total passage number. There is real concern within the legal education community about the new standard. It has only recently gone into effect, so there is more unknown than known at this point.

A second ongoing project is the National Conference of Bar Examiners testing task force study. The task force is engaged in a multi-year review of the multistate bar exam (the multiple-choice question section), multistate essay exam (the closed book essay question section), and multistate practice test (the fixed library reading and drafting problem section). The task force is conducting a series of listening sessions with bar examiners, legal educators, state judiciaries, and other interested stakeholders. They will assess how the bar exam is working and how it could work better. While still on the Board of Bar Examiners I had a chance to participate a listening session and genuinely believe that NCBE is trying to make the bar exam more effective, responsive, and fair. I know that South Dakota's Bar Examiners and members of the Supreme Court are engaged in those conversations and will have a real input. The goal is to produce an exam that effectively identifies those skills lawyers need and that they have basic competence in them. The product of this task force may result in a bar exam that looks considerably different from the current exam. If you are interested in tracking the progress of the task force you can check out their website: www.testingtaskforce.org.

Lastly, law schools are increasingly devoting resources to "bar prep." But it is much more accurate to think about those efforts as preparation for academic success and practice. Successful programs focus on key concepts that are valuable in law school and beyond like critical reading, deep analysis, formulating "cognitive schema" (which you can think of as your own mental map of the information), periodic review and self-testing, and forced recall of information. When I began to read scholarly work about these programs, they were frankly very familiar as things I had done in law school and practice and heard about lawyers I tried

to emulate doing. Our goal at USD is to make our “bar preparation” part of a seamless package over three years of developing cognitive and legal skills that will make great law students, bar applicants, and lawyers.

Timothy Peterkin is our new director of academic success. Everyone at the Law School is working from orientation through bar passage to help students develop the skills that make them better students, better bar applicants, and better lawyers. Professor Peterkin conducted a series of webinars for the incoming Class of 2022 prior to orientation to jump start their understanding of key legal skills and concepts. We revamped our orientation program a bit to shorten it, focus on mock classes and study skills as the centerpiece, and connected incoming students to successful 2Ls and 3Ls as resources about the practical aspects of law school success. More than the results of a particular bar exam, we believe that this focus is crucial to prepare students with the skills to succeed in class, on the bar exam, and in their work. In other words, at the Law School we see investment in teaching these skills not as mere preparation for the bar, but fundamental building blocks of legal education. We believe that they will produce improved and consistent results for our graduates on the bar exam and in their careers. This is not just a “bar prep class,” but rather the careful integration of skills across three years of study that are designed to maximize the ability of our graduates to succeed.

Although the exam results draw the most attention, bar admission also requires addressing character and fitness. I must thank Chief Justice Gilbertson and Judge Sabers who spoke at orientation about professionalism and making a candid and complete bar application. Those presentations give students a day one impression of the importance of being part of a profession and how to live within it; their feedback said they loved those talks. Additionally, we added a presentation by Becky Porter with Professor Mike McKey on recognizing our own addiction and mental health issues and resources

to get help. They also provided guidance on how to identify and support others who may need help and resources to contact to get that help for ourselves or others. We all know that too many folks in our profession have suffered silently and alone with these issues and law students are no different. Going forward, we are working to help students get these issues out in the light, get help to manage them, and avoid character and fitness problems with bar admission. Thank you to all who are helping with that effort.

I hope that you can see that there is a lot going on at the Law School with bar admissions. We are the launching pad for a majority of South Dakota lawyers, and we take seriously our need to help them get a successful start to their careers. As important as bar exam results are, they are not the full picture of what is going on around the important and difficult work of bar preparation, examination, and admission at the Law School or in South Dakota.

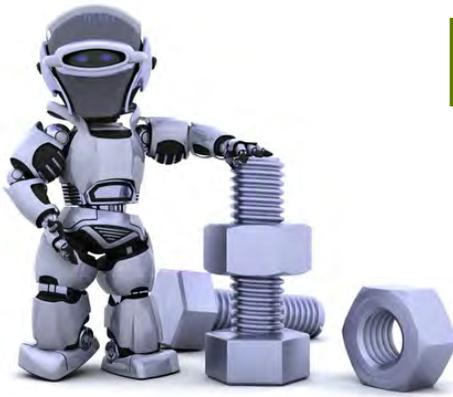


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October 18, 2019

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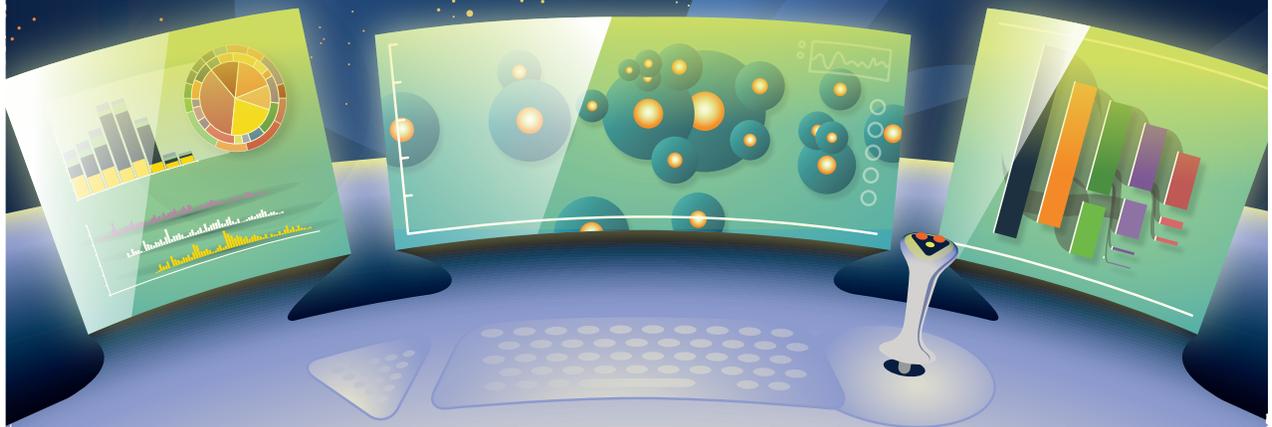
9:30 am – 2:30 pm (prior to the 2019 Swearing In Ceremony)

Holly Farris, Chair

Time	Topic	Speaker
9:15-9:45 am	Registration	
9:45-9:55 am	Welcome/Introduction	Nate Chicoine , YLS President - Rapid City
9:55 – 10 am	Teen Court	Kristen Edwards , Public Utilities Commission – Pierre Suzanne Starr , Unified Judicial System – Pierre
10-11 am	Law Practice Management 101	Paul Bachand , Moreno & Bachand - Pierre
11 am – 12 pm	Practice Tips from the Bench	Hon. Bobbi Rank , Presiding Judge, 6 th Circuit - Winner
12-12:45 pm	Lunch	
12:45-1 pm	Lawyers Concerned for Lawyers/Lawyers Assistance	Rebecca Porter , Porter Law Office – Rapid City
1-1:45 pm	Making Good Decisions as a Lawyer	Dean Neil Fulton , University of South Dakota School of Law - Vermillion
1:45-2:30 pm	Panel Discussion: Lawyer/Lobbyist – How to Diversify your Law Degree	Panel Discussion

Swearing In Ceremony: 3 pm – Capitol Rotunda

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ANNOUNCEMENTS

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Dylan R. Bakken

became an associate in the firm effective
September 2019.

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Facsimile (605) 334-0618

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Boyce Law Firm, L.L.P.
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David J. Hieb

became an associate in the firm effective
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Siegel, Barnett & Schutz, LLP
is pleased to announce that

Kristopher A. Reed
has joined the firm.

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415 S. Main St.
Aberdeen, SD 57401

Telephone (605) 225-5420
Facsimile (605) 226-1911

kreed@sbslaw.net

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

Michael J. Srstka
has joined the firm as an associate attorney.

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206 West 14th Street
P.O. Box 1030
Sioux Falls, SD 57101-1030

Telephone (605) 357-1246
Facsimile (605) 335-3639

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Perkins, Fort Pierre,

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Karen Authier, Exchange
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SIXTH CIRCUIT

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Full time state prosecutors and public defenders as well as federal public defenders may qualify for John R. Justice funds. Elected officials and federal prosecutors are not eligible. Be sure to submit a copy of a recent statement for the loan you would like the award to be applied to. You may access the application form and service agreement options at the following website:

<https://atg.sd.gov/OurOffice/JohnJusticeProgram.aspx>

For more information, you may call the Office of Attorney General at (605) 773-3215.

Patrick G. Goetzinger, senior partner at Gunderson, Palmer, Nelson & Ashmore, LLP in Rapid City, South Dakota, has been elected to the American Bar Association (ABA) Board of Governors Board for a three-year term beginning August 2019. The ABA is the largest volunteer professional organization in the world. The Board of Governors is composed of 42 members. It functions as the board of directors governing the work of the ABA.

Pat's desire to give back to his profession is demonstrated by being the founder of Project Rural Practice, an initiative to restock rural main streets with attorneys and improve access to justice in rural areas.

Along with serving on the American Bar Association Board of Governors, Pat is past President of the South Dakota State Bar Association, and the South Dakota Bar Foundation, a Fellow in the American College of Trust and Estate Counsel (South Dakota State Chair), and a Fellow in the American College of Real Estate Lawyers. Pat is listed among the Best Lawyers in America, Great Plains Super Lawyers, and Chambers USA, America's leading Lawyers for Business in the categories of Corporate/Commercial Law and Real Estate Law, and Private Wealth Law.

Through his service to the State Bar Association and the Governor's Task Force on Trust Reform and Administration since its inception in 1997, Pat has been actively involved in drafting and supporting the enactment of trust and business legislation in the South Dakota Legislature.

For more information, visit gpna.com.

THURGOOD MARSHALL LECTURE

USD LAW COURTROOM

Date: October 7, 2019

Time: 3 - 4 p.m.

Speaker: U.S. Senator Heidi Heitkamp



Heidi Heitkamp

 Twitter: @HeidiHeitkamp

**Heitkamp will be discussing
Savanna's Act.**

"When I introduced this bill last year, I wanted to honor the memory of Savanna and a spark a nationwide call to action against the growing crisis of missing and murdered indigenous women and girls."

Excellence. Service. Leadership.

If you have a disability and need assistance to participate, please contact Disability Services 48 hours prior to attendance of the event at 605-677-6389 or email disabilityservices@usd.edu. This document is available in alternative formats, upon request from Disability Services.



Join us for a Texas style BBQ in Spearfish!

October 15, 2019 / 5:30 pm - 7:30 pm

Heritage Business Park (formerly The Sluice Restaurant)
540 Heritage Drive, Ste. 4
Spearfish, SD 57783

RSVP by October 11

Contact Mariah Bloom at (605) 721-7665 or mariah@aspenlegacyplanning.com

Aspen Legacy Planning | Wesolick Law | [Website](#)



Practicing Good Business

*Meet the KTLIP Business Valuation Team
Certified Business Appraisals*

Triggering Events

If your clients are in business with someone (family or unrelated owners), do they know what they will do in the event of a resignation, retirement, disability or death? These are triggering events that should be outlined in a buy-sell agreement. Oftentimes a business owner will “sort of” have an idea of what they want to happen if/when one of those situations occurs; however, most have not really thought through the logistics and economic realities of each. Moreover, most have not discussed with their partners, tax professionals, or attorneys.

If you are working with a client in setting up a buy-sell agreement, please contact us to assist with the valuation component of such agreement.



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

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.

October 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

Board of Bar Commissioners:

President – Steven K. Huff, Yankton

President Elect – Terry G. Westergaard, Rapid City

Executive Director & Secretary/Treasurer –

Andrew L. Fergel, Pierre

1st Circuit - Marilyn Trefz, Vermillion

2nd Circuit - Renee Christensen, Sioux Falls

3rd Circuit - Mathew Roby, Watertown

4th Circuit - Kellen Willert, Belle Fourche

5th Circuit - Rodrick Tobin, Aberdeen

6th Circuit - Brent Kempema, Pierre

7th Circuit - Kirsten Aasen, Rapid City

At Large - Dusty Ginsbach, Buffalo

Edward S. Hruska III, Pierre

Aaron Pilcher, Huron

Jennifer Williams, Rapid City

Joshua Wurgler, Aberdeen

Colleen Zea, Sioux Falls

19TH ANNUAL

COMMUNITY RESPONSE TO CHILD ABUSE CONFERENCE

OCTOBER 3 AND 4, 2019



CONFERENCE REGISTRATION NOW OPEN

Overview

In its 19th year, the Community Response to Child Abuse Conference is expected to gather over 700 attendees from across South Dakota and beyond. This two-day, multi-disciplinary conference provides opportunities for continuing education, networking, learning, and collaboration for those who work to prevent and respond to child maltreatment. Please join us on October 3 and 4, 2019.

Intended Audience

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

- Medical Providers
- Nurses
- Behavioral Health
- Social Workers
- Educators
- Counselors
- Criminal Justice
- Law Enforcement
- Community Advocates

Date

Thursday, Oct 3, 2019
8:00 AM – 5:00 PM CDT

Friday, Oct 4, 2019
8:00 AM – 4:00 PM CDT

Location

Sioux Falls Convention Center
1201 Northwest Avenue
Sioux Falls, SD 57104

Register Now!

www.sdcpcm.com/conference

October 3 and 4, 2019 Sioux Falls Convention Center

COMMUNITY RESPONSE TO CHILD ABUSE CONFERENCE

Keynote Speakers

Sasha Joseph Neulinger - Voice for the Kids

Sasha's life journey has brought him from sexual abuse victim, to survivor, to advocate. As part of this advocacy work, he travels the nation sharing his story and providing a voice for children who experience abuse. Sasha works to empower survivors to look inward and find their strength, and find a path forward toward healing.

Kay Glidden and Beth Reynolds Lewis - Compassion Resiliency

Kay and Beth offer interactive trainings for trauma informed care, compassion fatigue, and vicarious trauma resiliency. Kay and Beth have trained several thousand people with skills, strategies and resources to prevent compassion fatigue. When organizations recognize signs and symptoms of vicarious trauma they can then improve employee satisfaction and reduce turnover.

Conference Partners

Building a stronger South Dakota through joint educational opportunities:

- Unified Judicial System
- Center for the Prevention of Child Maltreatment
- Child's Voice at Sanford Health

Registration Costs

Early Bird Registration (Through September 15th)

- Two Day - \$99
- One Day - \$59

Late Registration (September 15th - October 1st)

- Two Day - \$119
- One Day - \$69

Student Registration (Through October 1st)

- Student Two Day - \$60
- Student One Day - \$35

Continuing Education

Applications have been made for the following*:

- Addiction and Prevention Professionals
- Counselors and Marriage and Family Therapists
- Dental
- CME
- CNE
- Social Work
- Education

*For full CEU application information and disclosures, visit www.sdcpm.com/conference

Register Now!

www.sdcpm.com/conference

For questions regarding registration, please email CPCM@usd.edu

PUBLIC NOTICE

REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE

The current appointment of Magistrate Judge Marya Tellinghuisen is due to expire on January 8, 2020. Magistrate Judge Marya Tellinghuisen serves in the Seventh Judicial Circuit.

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

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

Chief Justice David Gilbertson
Supreme Court
500 East Capitol
Pierre, SD 57501

Comments must be received by October 20, 2019

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 can 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.

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.

CARIBOU COFFEE CLUB



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.

Sand Creek

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

Ralph C. Hoggatt

Ralph C. Hoggatt, 80, of Deadwood, passed away peacefully on Aug. 5, 2019, at Sturgis Regional Senior Care.

Ralph lead a full life of quiet service to his state, local municipalities, and community as a lawyer and as a leader/volunteer.

Ralph has served as the Lead Deadwood Kiwanis Club President in 1999-2000 and served as the third longest serving Kiwanis Club Secretary from 1969–1976. Ralph was a strong civic leader and he volunteered at many major events such as the Methodist Church's Biker Breakfast and the Michaelson Trail Marathon. He was a Toastmasters Club member for over 55 years and has held all the officer positions up to and including regional governor.

A true South Dakotan through and through, Ralph was born May 6, 1939, in Lead, to a mining family. As a young man, he learned to hunt for game and fish in most of the creeks and lakes of the Black Hills. He attended the local Lead schools and graduated from Lead High School in 1957. He then attended the South Dakota Law School in Vermillion, S.D. After obtaining his law degree on Aug. 16, 1963, he returned to Lead and Deadwood to practice law as a private attorney, city attorney, magistrate, and state's attorney. Ralph was the longest practicing lawyer in South Dakota while he practiced law.

Ralph's passion was basketball. Ralph enjoyed following college and professional basketball; he was a virtual repository of basketball history. Not only did he enjoy watching this sport, but he played intermural basketball with high school students, college students, and other local players even into his 70s. It took a significant health issue to stop him from continuing playing.

Ralph served the community quietly but with a strong commitment to his beliefs. These beliefs include service to others, respect of persons, and the golden rule.



Carolyn Thompson

Carolyn Thompson, 49, of Brandon, South Dakota, passed away peacefully September 28, 2019 after a long and courageous battle with leukemia. Carolyn died with the confidence she would wake up in heaven.

Carolyn will live forever in the hearts of her children Taylor, Rachel, and Will. They were the loves of her life, her perfect gifts from God, as she called them. Carolyn often said she was sure that God had taught her more through her kids than He had taught them through her. Carolyn will also live on in the heart of her beloved special friend, Mike Luken; her parents, Art Stevens and Trudy Stevens; sister Cheryl Stevens-Pool (Chuck) and nephew Bob and niece, Laura Beth. Carolyn was preceded in death by her nephew Michael. Carolyn will also be lovingly remembered by her aunts, uncles, cousins and a myriad of friends.

Carolyn's first love was Jesus Christ. Her purpose in life was to know, experience and share His unconditional, unlimited, and surpassing love.

Carolyn was raised in Parkston, South Dakota, graduating from high school in 1988. In 1991 she received her undergraduate degree from Northern State University. She passed the uniform CPA exam in 1992, and then attended the University of South Dakota Law School. Carolyn began her law career in 1995. In 2003, using Proverbs 3:5 as guidance, Carolyn founded Thompson Law, PC.

Carolyn was honored, humbled, and blessed to assist thousands of families with their estate planning needs. Her goal was always to listen to each person's story and hear their desires and then help them find ways to be stewards and to leave a legacy. She also strove to make the workplace at Thompson Law one where each staff member knew they were valued as individuals.

Carolyn enjoyed playing racquetball, walking, running, biking and hiking. She often joked that her primary form of exercise was 'power talking.' Carolyn found great joy in getting to know people and having conversations that went to deeper spiritual levels.

Carolyn was active on select community boards, national entrepreneurial think tanks, and exclusive national estate planning groups. She authored the book 'Cutting to the Core.'

Carolyn will be greatly missed and lovingly remembered by many.

AMERICAN BAR ASSOCIATION

STATE DELEGATE REPORT

SOUTH DAKOTA

Dick Travis

dtravis@mayjohnson.com

2019 Annual Meeting in San Francisco

The American Bar Association convened for its 142nd Annual Meeting in San Francisco, California, on August 7 – August 13, 2019. San Francisco was once again a great host city. Association members from across the country attended programs, special events, luncheons and receptions which allowed them to meet and greet and share ideas. There were wonderful networking opportunities as well. Those included the member’s refreshing SideBar, the President’s reception at the Contemporary Jewish Museum, and a concert for the Legal Services Corporation (“LSC”) - one of the best nonpartisan events at the conference. It included noted Broadway, cabaret, and other entertainers doing a song or performance interspersed with speakers and clients who told inspiring stories about how LSC made a difference for their lives. Highlights from the conference included:

- *The General Assembly:* The processional of ABA State Delegates with state/territorial flags opened the event. ABA President Carlson introduced the keynote speaker, the Honorable Sidney R. Thomas, Chief Judge, U.S. Court of Appeals for the Ninth Circuit, and presented the [ABA Medal to Dale Minami](#) to recognize his exceptional distinguished service to the cause of American jurisprudence.
- *Excellent Programming:* The member’s favorite “CLE in the City”, provided another home run. It featured more than 50 CLE programs topics including immigration, domestic and sexual violence, social media, ethics, malpractice, child welfare, cybersecurity, legalization of recreational cannabis, the 19th amendment, partisan gerrymandering, climate change and natural disasters, U.S. infrastructure trends, criminal justice, model rules of professional conduct, the U.S. Supreme Court, responding to the national opioid crisis, #MeToo, etc. The ABA Forum also knocked the ball out of the park with its program discussion and screening of the ABA Silver Gavel award-winning documentary “And Then They Came for Us: The Perils of Silence” which provided a searing reminder that lawyers cannot remain silent when democracy and the rule of law is under attack.
- *Honors and Awards:* In addition to Dale Minami being awarded the 2019 ABA Medal, throughout the week many others were recipients of awards at special events. To name a few, the Thurgood Marshall Award Dinner where the legendary [Congressman John Lewis – one of the original 13 Freedom Riders](#) was honored, five notable women lawyers from California each received the [2019 Margaret Brent Award](#), Judge Margaret McKeown of the U.S. Court of Appeals for the Ninth District was bestowed the [2019 John Marshall Award](#), and the [Pro Bono Publico Awards Luncheon](#) awarded lawyers and law firms for demonstrating outstanding commitment to volunteer legal services for the poor and disadvantaged.
- *The Membership Meeting:* Candidates seeking officer positions answered questions of the membership, and the Nominating Committee voted on a revised proposal to present to the House to amend the current Principles and Guidelines on the Election of Officers.
- *House of Delegates Proceedings:* The House met for 1½ days. The [Daily Journal](#) of the actions of the House and the [Select Committee Report](#), can be found on the [House of Delegates Webpage](#). The House gavel was passed to President [Judy Perry Martinez of Louisiana](#), and the House welcomed its newly elected officer, [President-Elect, Patricia Lee Refo of Arizona](#), and the [new Board of Governors](#) which included Pat Goetzinger of Rapid City, SD as the District 10 representative to the Board of Governors. Pat will join the South Dakota delegation in the House at the Midyear Meeting in Austin, Texas. The House also voted on amendments to the Association’s Constitution, Bylaws and House Rules of Procedures, including the principles and guidelines on the election process for officers of the association. The House also considered many resolutions on an array of topics and issues of law including, administrative law judiciary, civil rights and social justice, criminal justice, domestic and sexual violence, environment,

energy, and resources, ethics and professional responsibility, gun violence, health law, homelessness and poverty, human rights, immigration, intellectual property, international law, law and aging, legal education, legal services, trust and estate law, professional regulation, sexual orientation and gender identity, specialization, women in the profession, well-being in the legal profession, young lawyers, and youths at risk. The House provided important video presentations, which included a [Stigma Video](#) addressed lawyers who have had mental health and substance abuse issues and urged those who need help to seek it. There was also an award [winning video from the 2019 Resolution and Impact Video Challenge](#), produced by the Young Lawyers Division, which featured U.S Senator Tammy Duckworth of Illinois regarding the bill she is supporting for lactation rooms in the courts and airports for mothers

Please visit the [ABA Home page](#) to see the most current news on issues impacting our profession and how you can help make a difference, and be sure to view [ABA Member Advantage](#), the benefits discount program exclusively for ABA members where you can find products and services of value for your practice, your home and your leisure time.

I hope you will be able to join us for the **ABA 2020 Midyear Meeting in Austin, Texas, February 12 – February 18, 2020**. Click here for details on how to register.

As always, if you have any questions or comments, or if Sarah Theophilus, Beth Overmoe or I can be of assistance helping you navigate the many programs and benefits of our Association, please send an e-mail.

Regards,
Dick Travis
ABA South Dakota State Delegate

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, rain and snow estimates, fire weather, flooding, applied climatology and meteorology, agriculture meteorology, and statistics. More information is provided at <http://npweather.com>. Contact Matt at nrnplnsweather@gmail.com or 605.390.7243.



IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT) RULE 19-16
TO SDCL 15-6-45 (b))

A hearing was held on August 26, 2019, at Pierre, South Dakota, relating to the amendment to SDCL 15-6-45(b) and the Court having considered the proposed adoption, oral and written presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-6-45(b) be and it is hereby amended to read in its entirety as follows:

SDCL 15-6-45(b). Subpoena for production of documentary evidence. A subpoena may also command the person to whom it is directed to produce the books, papers, documents, or tangible things designated therein, regardless of whether the attorney also notices the person's deposition or commands the presence of the person to which it is directed to give testimony at a hearing or trial. Before a subpoena commanding the production of documentary evidence is served on the person to whom it is directed, a notice and copy of the subpoena must be served on each party to the matter pending. The court, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may:

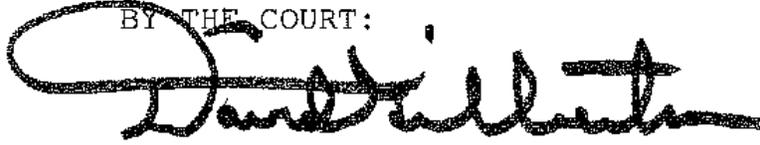
(1) Quash or modify the subpoena if it is unreasonable and oppressive; or

(2) Condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

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

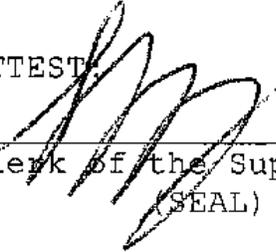
DATED at Pierre, South Dakota, this 6th day of September, 2019.

BY THE COURT:



David Gilbertson, Chief Justice

ATTEST:



Clerk of the Supreme Court
(SEAL)

**STATE OF SOUTH DAKOTA
In the Supreme Court**

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

6th day of Sept, 20 19

Shirley A. Jameson-Fergal
Clerk of Supreme Court

Deputy

**SUPREME COURT
STATE OF SOUTH DAKOTA
FILED**

SEP - 6 2019


Clerk

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT) RULE 19-17
TO SDCL 15-26A-75)

A hearing was held on August 26, 2019, at Pierre, South Dakota, relating to the amendment to SDCL 15-26A-75 and the Court having considered the proposed adoption, oral and written presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-26A-75 be and it is hereby amended to read in its entirety as follows:

SDCL 15-26A-75. Time for serving and filing

briefs. (1) **Appellant's brief.** If a transcript is obtained prior to appeal, or if no transcript is ordered, the appellant's brief shall be due within forty-five days after service of the notice of appeal. If a transcript is ordered but not received prior to appeal, or if procedures pursuant to § 15-26A-54 or 15-26A-55 are followed, the appellant's brief shall be due within forty-five days after service of the transcript or filing of the statements provided for in § 15-26A-54 or 15-26A-55.

(2) **Appellee's brief.** The appellee's brief shall be due for service and filing within forty-five days after service of the appellant's brief, or in the case of multiple appellants, within forty-five days after service of the last appellant's brief.

(3) **Appellant's reply brief.** The appellant's reply brief shall be due for service and filing within ~~fifteen~~ thirty days after service of the appellee's brief, or in the case of multiple appellees, within ~~fifteen~~ thirty days after service of the last appellee's brief.

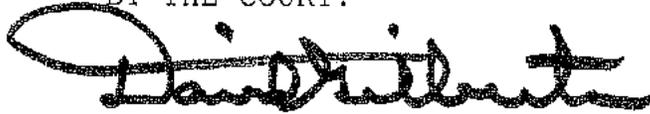
In any appeal from a judgment or order in an adoption or an abuse and neglect proceeding, including a judgment or order terminating parental rights, all time periods under subdivisions (1) and (2) of this section shall be reduced to twenty-five days, and the time period under subdivision (3) shall be reduced to fifteen days.

Rule 19-17

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

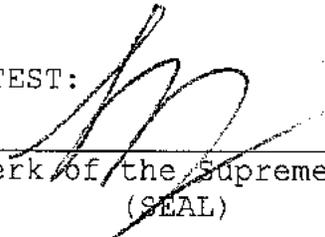
DATED at Pierre, South Dakota, this 6th day of September, 2019.

BY THE COURT:



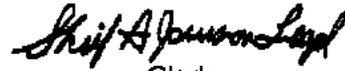
David Gilbertson, Chief Justice

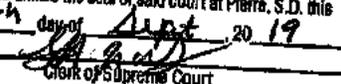
ATTEST:


Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

SEP - 6 2019


Clerk

STATE OF SOUTH DAKOTA
In the Supreme Court
I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of
South Dakota, hereby certify that the within instrument is a true
and correct copy of the original thereof as the same appears
on record in my office. In witness whereof, I have hereunto set
my hand and affixed the seal of said court at Pierre, S.D. this
6th day of Sept, 20 19

Clerk of Supreme Court
Deputy

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT)
TO SDCL 19-19-502) RULE 19-18

A hearing was held on August 26, 2019, at Pierre, South Dakota, relating to the amendment to SDCL 19-19-502 and the Court having considered the proposed adoption and written presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 19-19-502 be and it is hereby amended to read in its entirety as follows:

SDCL 19-19-502. Lawyer-client privilege.

(a) Definitions. As used in this section:

(1) A "client" is a person, a fiduciary of a trust or estate, public officer, or corporation, limited liability company, association, or other organization or entity, either public or private, who is rendered professional legal services by a lawyer, or who consults a lawyer with a view to obtaining professional legal services from him;

(2) A representative of the client is one having authority to obtain professional legal services, or to act on advice rendered pursuant thereto, on behalf of the client;

(3) A "lawyer" is a person authorized, or reasonably believed by the client to be authorized, to engage in the practice of law in any state or nation;

(4) A "representative of the lawyer" is one employed by the lawyer to assist the lawyer in the rendition of professional legal services;

(5) A communication is "confidential" if not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication.

(b) General rule of privilege. A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client:

(1) Between himself or his representative and his lawyer or his lawyer's representative;

(2) Between his lawyer and the lawyer's representative;

(3) By him or his representative or his lawyer or a representative of the lawyer to a lawyer or a representative of a lawyer representing another party in a pending action and concerning a matter of common interest therein;

(4) Between representatives of the client or between the client and a representative of the client; or

(5) Among lawyers and their representatives representing the same client.

(c) Who may claim privilege. The privilege may be claimed by the client, his guardian or conservator, the personal representative of a deceased client, or the successor, trustee, or similar representative of a corporation, association, or other organization, whether or not in existence. The person who was the lawyer or the lawyer's representative at the time of the communication is presumed to have authority to claim the privilege but only on behalf of the client.

(d) Exceptions. There is no privilege under this section:

(1) Furtherance of crime or fraud. If the services of the lawyer were sought or obtained to enable or aid anyone to commit or plan to commit what the client knew or reasonably should have known to be a crime or fraud;

(2) Claimants through same deceased client. As to a communication relevant to an issue between parties who claim through the same deceased client, regardless of whether the claims are by testate or intestate succession or by inter vivos transaction;

Rule 19-18

(3) Breach of duty by a lawyer or client. As to a communication relevant to an issue of breach of duty by the lawyer to his client or by the client to his lawyer;

(4) Documents attested by a lawyer. As to a communication relevant to an issue concerning an attested document to which the lawyer is an attesting witness;

(5) Joint clients. As to a communication relevant to a matter of common interest between or among two or more clients if the communication was made by any of them to a lawyer retained or consulted in common, when offered in an action between or among any of the clients.

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

DATED at Pierre, South Dakota, this 6th day of September, 2019.

BY THE COURT:

David Gilbertson, Chief Justice

ATTEST:

Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

SEP - 6 2019

Clerk

STATE OF SOUTH DAKOTA
In the Supreme Court
I, Sheryl A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this
6th day of Sept, 2019

Deputy



Supreme Court of South Dakota

OFFICE OF THE CLERK
500 East Capitol Avenue
Pierre, South Dakota 57501-5070
(605) 773-3511

Shirley A. Jameson-Fergel
Clerk

Laura J. Graves
Chief Deputy

Amy Hudson
Deputy Clerk

Sarah L. Gallagher
Deputy Clerk

September 6, 2019

TO: UNITED STATES DISTRICT JUDGES; CIRCUIT JUDGES;
MAGISTRATE JUDGES; CLERKS OF COURT; CLERK OF THE
UNITED STATES SUPREME COURT; CLERK OF THE UNITED
STATES EIGHTH CIRCUIT COURT OF APPEALS and CLERK
OF THE UNITED STATES DISTRICT COURT (S.D.)

Re: #28764, IN THE MATTER OF THE DISCIPLINE OF
JOHN A. STIELOW, AS AN ATTORNEY AT LAW.

Pursuant to SDCL 16-19-76. Please find attached a
certified copy of the Court's Judgment of Disbarment.
The disbarment became effective September 6, 2019.

Encl.

STATE OF SOUTH DAKOTA

In the Supreme Court

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

IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

6th day of Sept, 20 19
Shirley A. Jameson-Fergel
Clerk of Supreme Court

Deputy

* * * *

In the Matter of the Discipline)
of JOHN A. STIELOW,)
as an attorney at law.)

JUDGMENT OF DISBARMENT

#28764

A complaint against John A. Stielow (Respondent) alleging violations of the Rules of Professional Responsibility was filed with the Disciplinary Board of the State Bar of South Dakota (Board).

The Board held disciplinary proceedings and submitted findings of fact, conclusions of law, and a recommendation for formal discipline to this Court.

The findings related to Respondent's failures to: respond to subpoenas for trust account information; appear or timely appear for noticed hearings before the Board; receive and return certified mailings of notices to appear for Board hearings; deposit a cash retainer in a trust account; provide a statement, invoice, or requested accounting for fees; intelligibly respond to Board inquiries during Board hearings; and Respondent's delay and obfuscation in response to the Board's investigation. The Board recommended a sanction of public censure.

Respondent filed an answer, objecting to the Board's recommendation and requesting that the matter be referred to a referee to allow Respondent to present additional "mitigating evidence."

#28764, Judgment of Disbarment

Respondent was ordered to appear for a hearing before this Court on Wednesday, February 20, 2019, 10:00 a.m., C.T., in the Supreme Court Courtroom, City of Pierre, State of South Dakota. Notice of hearing was served by the Clerk of this Court on Respondent by certified mail on December 17, 2018. Respondent acknowledged receipt of notice on January 2, 2019.

On February 11, 2019, the Board filed a supplemental report with this Court setting forth the following:

- a. A complaint filed with the Board in November 2018, in which a complainant alleged she had paid Respondent a retainer of \$5,000 for legal services, but Respondent failed to provide any services, respond to complainant's attempts to communicate, or return the retainer. The Board notified Respondent of the complaint, but, as of February 8, 2019, Respondent had failed to respond to the Board.
- b. A letter from a circuit court judge to the Board dated February 5, 2019, cited instances of Respondent's failure to appear for hearings and to obey orders of the circuit court, dishonesty in responses to the circuit court's inquiries, failure to communicate with clients and resultant harm to clients.

A copy of the Board's supplemental report was served upon Respondent by certified and electronic mail on February 8, 2019.

On the date and time noticed for hearing of this matter before this Court, Respondent did not appear in person or by counsel. Counsel for the Board appeared in person. Counsel represented that, based upon the additional allegations in the Board's supplemental report and Respondent's failure to respond, the Board unanimously recommended an increased sanction of suspension from the practice of law for no less than six months.

This Court by order of February 22, 2019, entered an Interim Order of Suspension suspending Respondent from the practice of law in all of the courts of the State of South Dakota until further order of this Court. The order became effective immediately and directed the Board to conduct such investigation and hearing as provided in SDCL Chapter 16-19 and file an updated report.

On July 12, 2019, the Board filed an updated report with this Court setting forth the following:

1. John A. Stielow (Respondent) has failed to respond to any of the inquires of the Board subsequent to the Court's February 22, 2019 Order.
2. The Board notified Respondent to appear at its quarterly meeting on April 4, 2019 and again at its June 17, 2019 quarterly meeting. Notice in each instance was given by certified mail and by first class mail, postage prepaid, to Respondent's address at Whitewood, South Dakota.
3. Respondent failed to acknowledge receipt of both notices.
4. Respondent failed to respond to notice of a complaint from another client, notice of which was given on June 12, 2019.
5. Respondent failed to appear at either the April 4, 2019 or the June 17, 2019 hearings before the Board.

#28764, Judgment of Disbarment

6. Respondent failed to appear at either the April 4, 2019 or the June 17, 2019 hearings before the Board.

The Court having considered the Board's October 11, 2018, findings of fact, conclusions of law and recommendation; Respondent's November 12, 2018, answer; the February 20, 2019, oral presentation by the Board; the Board's February 11, 2019, supplement to findings of fact, conclusions of law and recommendation and the Board's July 12, 2019, updated report and findings of fact, conclusions of law and recommendation and having determined the following:

- A. Respondent violated Rule 1.4 concerning a communication with client;
- B. Respondent violated Rule 1.15 concerning safekeeping property;
- C. Respondent violated Rule 8.4(a) and (d) concerning misconduct;
- D. Respondent failed to comply with the provisions of SDCL 16-18-20.1 governing lawyers' trust accounts;
- E. Respondent violated SDCL 16-19-68.1 by failing to appear before the Supreme Court;
- F. Respondent violated SDCL 16-19-54 by failing to respond to the Disciplinary Board; and
- G. Respondent failed to comply with the Interim Order of Suspension entered by the Supreme Court on February 22, 2019.

IT IS ORDERED that John A. Stielow be and he is hereby disbarred from the practice of law in all of the Courts of this State and the license to practice law heretofore granted by this Court to

SEP - 6 2019

#28764, Judgment of Disbarment

Shirley A. Johnson-Lopez
Clerk

Respondent is hereby canceled and revoked, and Respondent shall forthwith surrender his license to practice law to the Clerk of this Court for cancellation, and the Clerk of this Court is authorized and directed to strike the name of John A. Stielow from the roll of persons admitted and entitled to practice law in South Dakota.

IT IS FURTHER ORDERED that pursuant to SDCL 16-19-70.2 respondent shall on or before October 7, 2019, pay Nine-Thousand, Six-Hundred, Ninety-One and 08/100 Dollars (\$9,691.08) to the State Bar of South Dakota as reimbursement of its itemized allowable expenses.

IT IS FURTHER ORDERED that proof of payment of the amounts set out be filed with the Clerk of this Court on or before November 6, 2019.

IT IS FURTHER ORDERED that pursuant to SDCL 16-19-77 said disbarment shall become effective immediately upon entry of this judgment.

IT IS FURTHER ORDERED that respondent comply with the provisions and requirements of SDCL 16-19-78 through 16-19-81.

DATED at Pierre, South Dakota this 6th day of September, 2019.

BY THE COURT:

David Gilbertson

David Gilbertson, Chief Justice

ATTEST:

[Signature]
Clerk of the Supreme Court
(SEAL)

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

Employment Corner
A publication of the Labor & Employment Law Committee

Author: Jean Hagerty Bender

DOL Raises Salary Threshold for Overtime Exemptions

Effective January 1, 2020, employees who make less than \$35,568 will be eligible for overtime pay under a final rule issued by the U.S. Department of Labor (DOL) on September 24, 2019. The final rule updates the Fair Labor Standard Act's (FLSA) overtime exemptions for executive, administrative, and professional workers and replaces a currently enjoined rule that was finalized by the DOL in 2016. The final rule raises the salary threshold to qualify as an exempt employee from the current level of \$23,660 annual salary that was last updated by the George W. Bush administration in 2004, but it is roughly \$12,000 lower than the Obama administration's proposed \$47,476 cutoff.

To be exempt from overtime pay under the FLSA, employees must be paid a salary of at least the threshold amount and meet certain duties tests. If the employees are paid less or do not meet the duties test, they generally must be paid one and one-half times their regular hourly rate for hours worked in excess of 40 hours in any single work week. The new rule does not make any changes to the duties tests.

Employers will be able to satisfy up to 10% of the \$35,568 minimum standard salary level via nondiscretionary bonuses, incentives, and/or commissions that are paid annually or more frequently. Employers can make a "catch up" payment at the end of the year (or within one pay period after the end of employment, if employment ends mid-year) to bring an employee up to the \$684 per week minimum. This effectively brings the weekly salary minimum down to \$611.10, provided there is a later payment of bonuses, commissions, and/or incentives covering the final 10% of the minimum salary.

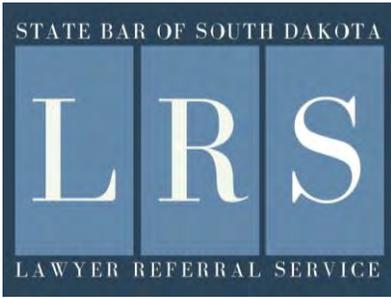
The rule also raises the salary cutoff for "highly compensated employees" to receive overtime eligibility to \$107,432 per year from the current level of \$100,000 per year. This marks a significant decline from the March proposed rules, which proposed boosting the salary threshold for highly compensated workers to \$147,000.

In its proposed rule the DOL had asked for public comments on a plan to increase the salary threshold every four years going forward with each hike being preceded by a period of public comment. The DOL did not adopt that plan in its final rule.

The DOL expects the new rule to prompt employers to reclassify more than one million currently exempt employees to nonexempt status and raise pay for others above the threshold.

This rule has been very controversial, and it is possible that there will be a legal challenge from workers' advocates who have urged the DOL to try to salvage the previously-mentioned Obama administration regulation, which was blocked by a federal judge in Texas in 2016. That rule would have doubled the salary threshold to \$47,476 and automatically updated it every three years to keep pace with cost of living increases. Others may try to invalidate the rule using the argument accepted by the Texas court that the DOL had exceeded its authority in issuing the regulations because the FLSA's text does not mention a salary threshold. Now that the regulation is set to take effect, the Fifth Circuit might move forward and resolve the issue of whether the DOL has authority to set a salary threshold in the first place.

Attorneys advising employers on wage-related issues should keep a close eye on further developments in this area.



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

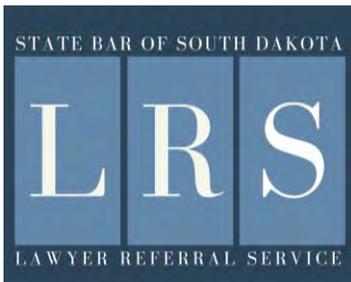
If you pay online, scan and email this completed form to: findalawyer@sdbar.net

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, plus tax**, 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, plus tax**, 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 of any change in my address or phone number.
8. Enclosed is the total amount of **\$53.25** 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. _____ (Total: **\$74.55**)
2. _____ (Total: **\$95.85**)
3. _____ (Total: **\$117.15**)
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.
12. I am willing to accept cases in the following circuits (check all that apply):
1st _____ 2nd _____ 3rd _____ 4th _____
5th _____ 6th _____ 7th _____

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

Name: _____ Email: _____
(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

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CAREER CENTER

**MAGISTRATE JUDGE
Sixth Judicial Circuit
Fort Pierre, South Dakota**

Requisition #: J20-10

Agency: Unified Judicial System

Salary: \$105,350.22 annually

Closing Date: October 21, 2019

Position Purpose: Position performs highly responsible legal work in the disposition of certain types of cases in magistrate court in the Sixth Judicial Circuit. This position will require travel. Work involves responsibility for hearing and ruling on certain civil and criminal cases. Work is supervised by the Presiding Judge of the judicial circuit. Position includes generous benefits program with retirement system, health and life benefits, vacation plan and other options.

Duties may include:

- administering oaths;
- taking acknowledgements;
- issuing warrants of arrest and search and seizure warrants;
- acting as committing magistrate and fixing bond;
- handling initial action on protection orders;
- hearing and evaluating evidence;
- trying and determining all misdemeanor cases and actions or proceedings for violation of any ordinance or other police regulation of a political subdivision;
- taking pleas;
- taking forfeitures of appearance bonds;
- trying civil actions or small claims up to a specific jurisdictional amount;
- participating and assisting with Drug Court and/or DUI court;
- entering judgment;
- occasional work on weekends and holidays.

Comments: Applicants must have graduated from an accredited law school, be licensed to practice law in South Dakota and have experience in the practice of law. Applicants must meet the State of South Dakota Constitutional requirements set forth in Article V Section 6 upon appointment. This position is appointed by the Presiding Judge of the judicial circuit, subject to approval by the Supreme Court, for a four-year term subject to potential renewal. The applicant recommended for appointment will undergo an intensive background investigation.

To Apply: Applicants must complete a letter of interest and a magistrate judge applicant/personal data questionnaire. This document can be obtained by accessing the following link <http://ujs.sd.gov/uploads/hr/MagistratePDQ.pdf> or contacting the Human Resources office. If the applicant has completed a circuit court judge judicial application/personal data questionnaire within the last six months, it may be submitted in lieu of the magistrate application, provided it is updated to the date of application. All personal data questionnaires must be submitted by the closing date to:

PMB 2713-000
Director of Human Resources
Unified Judicial System
500 East Capitol Avenue
Pierre, SD 57501
Phone: (605) 773-4867; Fax: (605) 773-8437
Lisa.Mammenga@ujs.state.sd.us
An Equal Opportunity Employer

CAREER CENTER

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

ATTORNEYS

Tenure-Track Position in Criminal Law - Vermillion XX

The University of South Dakota School of Law looks to hire an Assistant or Associate Professor, dependent upon qualifications, with expertise in the fields of Criminal Law and Criminal Procedure. This position is on the tenure track and will start at the beginning of the 2020-2021 academic year.

The successful candidate will teach our Criminal Law, Criminal Procedure, and Advanced Criminal Procedure courses. The remainder of the course package will be subject to negotiation. Areas of potential interest include dispute resolution, insurance, bankruptcy, secured transactions, cyberlaw, intellectual property, and agricultural law.

Individuals appointed to tenure-track positions are expected to fulfill the tripartite responsibilities of teaching, scholarship, and service. The successful applicant must be a licensed attorney in a United States jurisdiction (a state or the District of Columbia).

The University of South Dakota embraces and practices the values of diversity and inclusiveness. Candidates who support these values are encouraged to apply. EEO/AA

Applications must be submitted through the Board of Regents electronic employment site: <https://yourfuture.sdbor.edu/>. For application assistance or accommodation, call 605-677-5671. Please include your application letter, vita, and the names and addresses of three current references.

Inquiries may be directed to Tiffany C. Graham, Associate Dean of Academic Affairs, University of South Dakota School of Law, 414 East Clark Street, Vermillion, SD 57069. You may also send a message by email to Tiffany.Graham@usd.edu, or you may call at 605-658-3509.

Chief Public Defender - Rosebud Sioux Tribal Courts

ESSENTIAL DUTIES and RESPONSIBILITIES: Must have supervisory skills and experience. Must have basic knowledge of civil and criminal law, methods, and practices of pleadings. Working knowledge of court procedures. Working knowledge of principles, methods, materials, and practices utilized in legal research. Ability to speak, and write effectively in the preparation and presentation of legal matters. Must have knowledge, and experience using computers, word processing, and electronic legal research.

Special Assistant U.S. Attorney - Rosebud Sioux Tribe

Closing Date: Ongoing

Salary: DOE

Qualifications:

Applicants must possess a J.D. degree, be an active member of the bar in good standing, as well as being admitted to practice in federal court, District of South Dakota, (applicants not licensed in South Dakota will have one year to gain admittance to the South Dakota Bar), and have at least 2 years post-J.D. professional experience. Outstanding academic record, criminal litigation experience, including trial and courtroom experience. Experience in managing investigations and violent crime experience, as well as appellate experience and strong legal research and writing ability. Investigative grand jury experience would be helpful. Experience in Indian Country criminal prosecution is preferred.

The appointment is subject to the completion and a favorable adjudication of any background checks required by Rosebud, the U.S. Attorney's Office (USAO), and the United States Department of Justice. Completion of Questionnaire for Public Trust Position https://docs.wixstatic.com/ugd/724f9e_4dc5004377d-24908b72cf675f7c9ec27.pdf and the Investigative Questionnaire for Law Enforcement Position

https://docs.wixstatic.com/ugd/724f9e_9439c43c8d-c24634ac18364d88ed7773.pdf

In addition to the documentation listed above, the Rosebud Sioux Tribe requires that you complete its application found at https://docs.wixstatic.com/ugd/ed1fef_fa630cec5fb140beb2fb43e15f823075.pdf and send to the address listed on the Application. No packets will be processed or considered without all of the information requested. Please include resume and cover letter.

Responsibilities shall include, but not be limited to working full time on the investigation and prosecution of cases concerning domestic violence, dating violence, sexual assault, human trafficking, stalking, and related offenses, that are committed within the boundaries of the Rosebud Sioux Indian Reservation. Although cases of sexual assault involving young children may be covered by this project, the USAO and the Rosebud Tribe will prioritize using resources allocated to this project to investigate and prosecute cases where adult and adolescents are victimized. The Tribal SAUSA will divide their time between Rosebud and the USAO. The Tribal SAUSA will have responsibilities at the USAO in Pierre, South Dakota, and Rosebud, South Dakota. The Tribal SAUSA will spend the first 120 days of work exclusively at the USAO in Pierre. Thereafter, the Tribal SAUSA will develop a schedule, with the approval of Rosebud Sioux Tribe and the USAO, keeping in mind the purpose of the OVW grant that created the position.

The Tribal SAUSA shall be subject to the same laws, rules, regulations and policies as are applicable to all federal employees of the Department of Justice, the Executive Office for

United States Attorneys and the United States Attorney's Office, including personnel policies and procedures and ethics laws, regulations, and policies. These include the standards of ethical conduct for employees of the Executive Branch, 5 C.F.R. Part 2635; supplemental standards of ethical conduct for employees of the Department of Justice, 5 C.F.R. Part 3801; federal conflict of interest laws, 18 U.S.C. Sections 202-211; and political activity restrictions, 5 U.S.C. Section 7321 et seq.

Assistant Attorney General - Rosebud Sioux Tribe

MINIMUM QUALIFICATIONS:

1. Must be a graduate of an accredited Law School with a JURIS DOCTORATE degree.
2. Must be a member in good standing of the South Dakota State Bar and the Sicangu Oyate Bar Association or willing to become so within one year. Must be admitted to practice before the courts of the Rosebud Sioux Tribe, and to the courts of the United States and courts of other states or courts of other tribal and foreign nations or willing to become a member within one year from hire. Must be of high moral character and integrity.
3. Have not been convicted of any felony.
4. Be physically able to carry out the duties of this office.
5. Must have extensive experience and knowledge of the Rosebud Sioux Tribe's Constitution, criminal and civil law and Federal law. Must have litigation experience in Tribal, state and Federal courts. Litigate cases involving criminal law, civil rights, juvenile justice, Indian Law and ICWA.
6. Shall not be an incumbent judge of the Rosebud Sioux Tribal System.
7. Must complete SF-85P Security Questionnaire and pass a Background Investigation.

South Dakota Voices for Peace

South Dakota Voices for Peace (SDVFP) seeks a Staff Attorney to carry out direct legal services to children in immigration court, and families impacted by separation policies at the southern border, who are living in South Dakota as well as public education to immigrant communities. The Staff Attorney must be a self-motivated advocate with a passion for justice and equality and experienced in working with multilingual, vulnerable clients. This position is based in Sioux Falls, SD. Under the supervision of the Executive Director, the Staff Attorney will represent children and families through the immigration process, including immigration court work. The Staff Attorney will also present trainings to impacted communities to understand the immigration process and Know Your Rights. Immigration Court is in Fort Snelling, MN. Primary Responsibilities:

- Conduct intakes, legal research, fact development, work with multilingual clients, draft and file

immigration filings, affidavits, briefs, prepare clients for interviews and court proceedings.

- Represent clients through immigration court proceedings and understand EOIR practices and procedures.
- Stay abreast of all policy and rule changes in immigration law.
- Work with case manager to develop sound strategies in case management.
- Work with colleagues to develop public education materials and communication strategies.
- Conduct presentations in multilingual communities by articulating the interests and position of SDVFP.
- Work with SD Voices for Justice lobbyists to advance the goals of SD Voices and coalition partners on goals of immigration. Support legislative advocacy with legal and policy analysis.
- Demonstrate a commitment to diversity, equity and inclusion in the workplace using a personal approach that values all individuals and respects differences in race, ethnicity, age, gender identity and expression, sexual orientation, religion, ability, and socio-economic circumstance.
- Commit to work collaboratively and respectfully toward resolving obstacles and/or conflicts.
- Travel as required.

This is a full-time position with salary commensurate with experience. Health benefits; generous paid holidays; flexible schedule an option; AILA membership, malpractice insurance and SD Bar dues included.

Qualifications:

- Demonstrated commitment to the mission and goals of SD Voices for Peace and SD Voices for Justice.
- J.D. degree and 1-3 years experience in the legal field.
- Licensed to practice law in any U.S. jurisdiction with the ability to join the South Dakota Bar (willing to take the next bar examination or waive in).
- Passionate commitment to and familiarity with immigrants' rights, racial and social justice, and state issues around immigration.
- Demonstrated ability to work with vulnerable clients.
- Demonstrated ability to work with multilingual clients and interpreters.
- Fluency in Spanish (written and spoken) preferred but not necessary.
- Proven ability to work independently as well as within a team.
- Excellent interpersonal and verbal communication skills.

To Apply:

Email a one page cover letter with salary requirements, resume and one writing sample (1000 word max) in one PDF file to Executive Director, Taneeza Islam taneeza@southdakotavoicesforpeace.org Applications will be accepted until the position is filled.

Assistant General Counsel - Pierre

Job ID: 12629

Agency: Department of Education/Legal

Salary: \$64,477- \$66,628 annually; depending on experience

This is a full-time position with the Department of Education. For more information on the Department of Education, please visit <https://doe.sd.gov/>.

The South Dakota Department of Education seeks an Assistant General Counsel to provide legal support to the General Counsel and across divisions. Duties will include legal research; drafting of administrative rules and legislation; preparing legal documents generated for certification of teachers and accreditation of schools; reviewing grants and contracts; and preparing for board and commission meetings. This position also requires communications with school district staff, school boards, and the general public regarding education matters. An essential duty is to provide responsive feedback to DOE staff when legal opinions are needed. Organizational efficiency regarding legal matters is a must.

The Assistant General Counsel will need a sound knowledge and understanding of applicable laws and regulations, and the ability to make prudent legal decisions and impart advocacy while utilizing people skills.

Position Responsibilities:

- advising executive management and boards on various matters such as legal rights and new and existing laws;
- examining and creating various legal documents;
- maintaining knowledge of organization's operations and legal documents;
- conducting legal research and reviewing litigation strategy pertaining to legal actions;
- promulgating rules and policies;
- liaising with outside counsel regarding their assignments.

Position Requirements:

- Juris Doctor degree from accredited law school;
- licensed to practice law in South Dakota or be

qualified to waive into the Bar by reciprocity within one year of hire;

- three years practice preferred;
- excellent communication skills;
- knowledge of statutes, rules, and regulations pertaining to the State of South Dakota;
- proficient understanding of time sensitivities and confidentiality.

About the Department: The South Dakota Department of Education is dedicated to enhancing learning through leadership and service.

Additional Requirements: To be considered, attach your CV, unofficial law school transcripts, a writing sample, and a copy of your Bar license.

VETERANS' PREFERENCE ELIGIBLE

The State of South Dakota does not sponsor work visas for new or existing employees. All persons hired will be required to verify identity and eligibility to work in the United States and complete an Employment Eligibility Verification, Form I-9.

Apply at: <https://scssdlmprod.agilera.net/ltn/xmlhttp/shorturl.do?key=1NN>

DEPUTY STATE'S ATTORNEY - Butte County State's Attorney's Office

Full-time salaried position to start in January 2020; Salary: DOE. Closing Date: open until filled. Job description: Successful applicant will represent Butte County in all stages of court, with a primary focus on magistrate court. Position requires strong oral and written communication skills, the ability to work with minimum direction, the ability to work as part of a team, and the ability to organize and prioritize. Duties shall include working with law enforcement as well as members of the community in the preparation of criminal cases, legal research and writing, motion preparation, and litigating cases in court. Successful applicant must be willing to continue education to further enhance litigation skills. Qualifications for employment: Juris Doctorate degree and admitted to practice law in the State of South Dakota. No experience required. Interested individuals are encouraged to apply by submitting a resume and cover letter to Cassie J. Wendt, Butte County State's Attorney, 839 Fifth Avenue, Belle Fourche, South Dakota, 57717, phone (605) 892-3337, fax (605) 892-6768, email: bcsa@buttesd.org Butte County is an equal opportunity, affirmative action employer.

JOB OPPORTUNITIES WITH DAKOTA PLAINS LEGAL SERVICES

Click job for complete job description

[MANAGING ATTORNEY – FORT THOMPSON](#)
[STAFF ATTORNEY - PINE RIDGE](#)
[PARALEGAL – RAPID CITY](#)
[PARALEGAL \(TRIBAL ADVOCATE\) – MISSION](#)

Staff Attorney Position - Sioux Falls

East River Legal Services (ERLS) is once again expanding and seeks to hire a Staff Attorney for our Sioux Falls, South Dakota office. We are a non-profit law firm serving low-income individuals in the 33 counties of Eastern South Dakota. ERLS exists to better the lives of the over 46,000 people living in poverty in Eastern South Dakota. We offer free legal services to our community's Veterans, Older Americans (60+), Disabled, Victims of Violence, and all those facing financial insecurity.

Summary of Position:

The staff attorney position requires the representation of low-income individuals in all areas of poverty law including housing, family law, protection orders, landlord/tenant disputes, evictions, utilities, public benefits, consumer, and other civil matters. The types of services provided include legal advice, brief service or extended representation. Aside from direct services, the staff attorney position requires preparing and delivering client training and other community education; conducting intake and outreach; appearing in administrative and judicial forums; active bar participation; and special legal and community projects impacting low-income clients. In addition, the Staff Attorney shall perform any other responsibilities under the supervision of the Executive Director as may be necessary for the day-to-day operation of the Program. Moderate travel would be involved.

Qualifications:

Applicants must be licensed to practice law in South Dakota or be eligible for admission by motion. Previous experience in poverty law is preferred, but not required. Demonstrable awareness and sensitivity to the needs of the populations we serve is necessary. Strong organizational skills, ability to work independently, excellent written and communication skills, ability to work constructively with others, ability and willingness to work hard, are all necessary qualifications for this position. Bilingual candidates are

strongly encouraged to apply.

East River Legal Services is an Equal Opportunity Employer.

Salary and Benefits:

Salary based on experience. Benefits include paid holidays and vacate on days, health, dental, vision, Life, AD & D, IRA.

To apply:

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

Brent Thompson

Executive Director

East River Legal Services

335 North Main Avenue, Suite 200

Sioux Falls, SD 57104

or email brent@erlservices.org

Submission deadline:

Friday, October 4, 2019

Financial Services Attorney – St. Cloud, MN

Gray Plant Mooty is seeking a qualified attorney with a minimum of two years of experience to practice in the areas of banking and financial services with a focus on banking litigation, agricultural lending, commercial financing, drafting loan documents, adversary proceedings, workouts, commercial loan enforcements, and creditor bankruptcy matters. The successful candidate will have strong academic credentials, exceptional analytical and writing abilities, and outstanding interpersonal skills. This position is based in Gray Plant Mooty's St. Cloud, MN office.

Gray Plant Mooty (GPM) is a full-service law firm with offices in Minneapolis and St. Cloud, MN, Fargo, ND, and Washington, DC. GPM offers a collegial work environment as well as a competitive compensation and benefits package. The firm was recognized as a 2019 "50 Best Law Firms for Women" by Working Mother magazine and Flex Time Lawyers. GPM was also recognized by its clients in The BTI Client Service A-Team 2019: The Survey of Law Firm Client Service Performance as an elite law firm for excellence in the delivery of client service.

All applications held in confidence.

Affirmative Action and Equal Opportunity Employer

Interested applicants should apply at: <https://www.gpmlaw.com/Careers/Lateral-Lawyers>

Assistant Staff Judge Advocate – United States Air Force JAG Corps

Job Description:

Active duty service with the Air Force JAG Corps provides an ideal opportunity to engage in a diversified legal practice (criminal, contracts, labor, environmental, air and space, international, legal assistance etc.) with a complementary opportunity to hone your litigation skills. Our JAGs make a fulfilling, valuable and lasting contribution to the United States of America, while maintaining a high quality of life. You can find more information about our practice areas, quality of life, and eligibility requirements at www.airforce.com/jag.

Eligibility Requirements:

The minimum requirements to be an Air Force JAG are: (1) that you be 39 years of age or younger; (2) a U.S. citizen; (3) a J.D. graduate of an ABA approved law school; (4) admitted to the highest court of any state or U.S. territory; (5) and pass the medial examination after selection. Assignments are based on your preference, availability, and most importantly, the needs of the Air Force.

Application Instructions:

The Air Force JAG Corps November Direct Appointment Program selection board is now open and accepting applications for full-time active duty positions. To apply, you must submit an online application by October 10th, 2019. The application will be followed by an in person interview with a Staff Judge Advocate at an Air Force installation. The interview must be completed prior to November 1, 2019. You can create an account and apply online at <http://www.airforce.com/jag>, by scrolling to the bottom of the page and selecting "Apply Now."

Questions/Recruiting Contact:

If you have any questions or wish to request additional information, please reach out to our team at airforcejagrecruiting@gmail.com or 1-800-JAG-USAF.

MetaBank Legal Counsel - Sioux Falls

Job Summary:

Provide legal counsel to executive staff and business departments to ensure adherence to laws, rules and regulations relating to new or revised product and service offerings.

Essential Job Functions:

- Assist general counsel and senior legal staff in

preparing, reviewing, negotiating, and interpreting contracts or legal documents impacting Bank.

- Interpret laws and regulations as needed to support Bank products, services, and other business team projects.
- Assist general counsel and senior legal staff on large, cross departmental projects supporting Bank's business objectives, including projects supporting Bank's national consumer and commercial credit, payment, and tax related financial products.
- Monitor changes to federal and state banking laws, rules and regulations affecting the management, operations and product offerings of the Bank and provide legal guidance to executive staff and business departments as needed.
- Perform other duties as assigned.

Job Qualifications:

- Undergraduate degree
- Juris Doctor
- Authorized and licensed to practice law in at least one state
- 2 – 5 years successful banking industry related experience required. Credit and payment experience strongly preferred

BOYCE LAW FIRM ASSOCIATE - Sioux Falls

Boyce Law Firm, LLP, a top-rated 20+ lawyer firm located in Sioux Falls, is accepting applications for ASSOCIATE ATTORNEYS in the firm's litigation section. Applicants must be self-starters with a strong desire to learn. Superior written and verbal communication skills are of utmost importance. Visit our website at www.boycelaw.com to learn more about the firm, our history, and our people.

All applicants are welcome to apply. Preference will be given to applicants in the top 1/3 of their class, to those who have prior work experience, and to those currently licensed to practice in South Dakota.

Start Date: Upon hiring.

Benefits include generous 401K match, profit sharing, health insurance, annual CLE tuition, professional dues and memberships, and numerous incidental benefits.

Direct resume, cover letter, and law school transcript to Michele Benson, Boyce Law Firm, LLP, PO Box 5015, Sioux Falls, SD 57117-5015 or to mlbenson@boycelaw.com.

In-House Attorney - Sisseton Wahpeton Oyate

Summary:

Under the administrative direction of the Tribal Council, the In-House Attorney directs all affairs of a legal nature, directs the Judicial Office in all matters, and represents the Tribe on the highest policy matters. The In-House Attorney consists of an on-site attorney, with one or more staff, employed directly by the Sisseton-Wahpeton Oyate. The In-House Attorney handles the day to day legal matters by providing legal oversight and advice to the Tribal Council on all Tribal issues and areas, including: tribal administrative matters, education, natural resources, water, health and welfare, cultural resources, fish and wildlife, and law and order.

The In-House Attorney assists and advises the Tribal Council in matters related to the Tribe's treaty rights and interests as necessary through the drafting of legislation, monitoring of agency actions and litigation. The mission of the In-House Attorney is: protection and restoration of natural resources, protection of Treaty reserved rights, tribal sovereignty and trust resources, and improved implementation and fulfillment of federal responsibility.

Duties:

- Research, prepares, presents and/or critiques all manner of legal and other documents as directed by the Tribal Council.
- Provides regular and periodic legal reviews to the Tribal Chairman or Tribal Council of the implications on Tribal interests of enacted and pending federal and state legislative actions.
- Plans, guides and directs the development of legal strategies and tactics in all areas of law effecting Tribal interest.
- Investigates, prosecutes and proceeds with legal enforcement actions where violations of Tribal codes and regulations have occurred or alleged to have occurred.
- Attends Tribal Council meetings, participates in discussions and provides legal advice as appropriate.
- Represents the Tribe before all courts of law as either defender, prosecutor, or as legal advisor.
- Provides expert testimony as a witness and/or a Tribal advocate before various courts, councils, legislative committees, commissions, and other state or federal assemblies.
- Provides legal advice on intra-tribal personnel

matters when requested by the Tribal Council to provide such advice.

- Administers, manages and directs all areas of Tribal activities affecting a change or revision of the legal structures and content of the Tribal codes and regulations.
- Administers, manages, and directs all areas of one or more staff areas as directed by the Tribal Chairman or Tribal Council.
- Responsible for tracking activities and coordinating with federal, state land and resource management agencies.
- Acts as legal advocate for the Tribal Council or Tribe in all ongoing litigation or prospective anticipated litigation.
- Reviews and provides legal advice to the Tribal Council of the legal implications of all draft tribal regulations and codes.
- Provides legal reviews of Tribal contractual documents.
- Responsible for (1) May represent the Sisseton-Wahpeton Oyate in the application of the Indian Child Welfare Act in foreign jurisdictions; (2) Advise Tribal Council on whether to the provisions of the Sisseton-Wahpeton Oyate's Personnel Policies and Procedures are applied properly; (3) Shall assist Tribal Council on Tribal Code Civil/Criminal revisions and provide legal representation for the tribe as assigned by Tribal Council; (4) Represent the Tribe's interest in Indian Gaming issues; (5) Provide legal opinions to Tribal Council on proper application of Tribal Constitution provisions and Tribal Bylaws; and (6) Responsible for coordinating the continued and regular development of EPA approved water quality standards on Reservation and use tribal statutory language to implement other task assigned by Tribal Council. May represent the Tribe at national conferences, state and federal agency events, societies and associations where legal issues that affect the Tribe

Minimum Qualifications:

Training and Experience:

Graduation from an accredited school of law, with at least three years experience in the practice of law, governmental service, or similar legal endeavor and substantial experience in the administration and management of law firms or offices must have litigations experience in Tribal, Federal and State Courts.

Knowledge, Abilities and Skills:

Comprehensive knowledge of the Indian law

and tribal, state and federal laws and regulations, particularly in regards to administrative and regulatory functions. Knowledge of the methods and techniques of legal research, use of law books, lobbying tactics, state and federal court legal processes and procedures. Knowledge of the principle, methods and practices of the self-determination Act, P.L. 93-638, related federal and state laws affecting Tribal activities and processes. Ability to analyze, appraise and organize facts, evidence and precedents; to present such material in clear and logical form for oral, written, or extemporaneous presentation; to exercise initiative and good judgment in creating, interpreting, and applying law, policies, regulations procedures, and administrative methods. Ability to stimulate and administer the In-House Attorney staff toward achievement of defined goals. Ability to establish and maintain effective working relations with Tribal Council members, Tribal Executive staff, Court officials, Tribal, State and Federal governmental officials and political figures, and the general public. Ability to be sensitive to current and potential legal and political problems and be able to objectively and analytically devise practical solutions quickly and effectively.

PERSONAL TRUST RM PLAYER

U.S. Bank Personal Trust RM Player/Coach - Sioux Falls XX

Responsible for managing a team responsible for developing, managing, and retaining Personal Trust account relationships. The team provides clients with expert financial advice and counsel in all areas of Personal Trust and is knowledgeable about all other related U.S. Bancorp products and services. Incumbent develops and executes the team's business plan. Incumbent plays a leadership role within Personal Trust.

For the complete job description, go to <https://usbank.taleo.net/careersection/10000/jobdetail.ftl?job=190021216>



OCTOBER

Bar Commission Meeting.....	October 18.....	Red Rosa, Pierre
Swearing In Ceremony.....	October 18.....	Capitol Rotunda, Pierre
Nuts & Bolts CLE	October 18.....	Capitol Lake Visitors Center, Pierre
Disciplinary Board.....	January 9-10, 2020.....	Red Rossa, Pierre
Bar Commission Meeting.....	January 10, 2020.....	Red Rossa, Pierre
Bar Commission Meeting.....	April 30, 2020.....	The Lodge at Deadwood
Strategic planning Retreat.....	May 1, 2020.....	The Lodge at Deadwood

