

# State Bar of South Dakota

## NEWSLETTER

APRIL 2023

Law for Lunch

**April - A&N Awareness**

**May - Legislative Update**

May CLEs

**Criminal Law CLE**

**Family Law CLE**

June CLEs

**Wellness CLE**

**Early Bird CLE**

**Legal Potpourri CLE**

**Larry Pozner CLE**

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# State Bar of South Dakota

April 2023 *Newsletter* Issue 4

- 4 President's Corner  
Lisa K. Marso
  - 6 Young Lawyers News  
Anthony P. Sutton
  - 10 Dean's List: News From the Law School  
Neil Fulton
  - 34 Why You Really Do Need to Create and Keep Copies of All Your Files  
ALPS Risk Manager Mark Bassingthwaighte
  - 38 ABA State Delegate Report  
Dick Travis, ABA South Dakota State Delegate
- 

- 8 Fellows of the South Dakota Bar Foundation
- 12 A2J Superheroes
- 14 General Announcements
- 20 50 Year Veterans
- 21 The South Dakota Law Review
- 22 WIL Attorney of the Year Award Nomination Information
- 31 2023 Convention CLE/Speaker Line Up
- 36 Public Sector Section Attorney of the Year Nominations
- 40 State Bar of South Dakota Legislative Report
- 46 State Bar of South Dakota Association Healthcare Plan Information
- 58 Memoriam
- 60 Career Center
- 78 Upcoming Events



## PRESIDENT'S CORNER

*Lisa K. Marso*

“Hey, remember that winter of 2022-23 when everyone got 100 feet of snow keeping everyone from getting out?” I am guessing that will be a question we will sit around someday and ask each other. More interestingly, though, will be the discussions of what did get done while we were snowbound. Maybe some of you finally cleaned out the basement, completed your kid’s scrapbook, or made a dent in your book list. Better yet, did anyone use that time to call an old friend? Send an email or write a letter to another attorney providing a few encouraging words? There is still time left before all that snow is gone.... So, another challenge here as I complete my last few months serving as your State Bar President. Before the snow has all melted, take the time to connect to someone. We all need to support each other; if we don’t, who will? Can you think of someone who could use a \$5 Starbucks gift card along with a note of thanks, support, or a simple hello? Shoot me an email, and I will get it out to you to send to that person (I have fifteen of them sitting here by my desk—just let me know)!

Speaking of knowing things, did you know that the Sixth Judicial Circuit (where Judge Bobbi Rank serves as the Presiding Judge) was the first South Dakota Circuit to be served by all female Judges? And did you know that South Dakota has over 50 County Public Defenders positions (27 in Minnehaha, 21 in Pennington, and 3 in Lawrence<sup>1</sup> Counties ) and 15 Federal Public Defender positions? While all our Judges and Public Defenders certainly deserve our State Bar’s appreciation, I nevertheless take time in this President’s Corner to highlight Judge Rank and Traci Smith, who are great leaders in our State.

Sixth Circuit Presiding Judge Bobbi J. (Benson) Rank: Judge Rank grew up on the family farm by Clearfield, South Dakota, in southern Tripp County, a few miles from the Nebraska border. She graduated from Winner High School. In 1995, she graduated from the University of S.D. (a B.A. in English) and then from the University of Neb. Lincoln Law School with honors. Her footprints in a judicial career began when she was a law clerk for Judge (later Justice) Zinter in Pierre. Thereafter for over fifteen years, she built her practice in a wide variety of areas at her employment with the May Adam law firm, the Attorney General’s Office, and the South Dakota Department of Education. This practice included criminal law (prosecution and defense), domestic relations matters, probate, administrative law, education law, and general

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<sup>1</sup> Lawrence County currently has an opening; please contact Amber Richey to apply! ([arichey@lawrence.sd.us](mailto:arichey@lawrence.sd.us))



and complex civil litigation. Along the way, she married Scott Rank, a barber in Pierre, and had a son and a daughter.

In 2016, she was appointed by Governor Dennis Daugaard to the Sixth Circuit bench, moving back home to Tripp County from where she originated. Three short years later, she became the Presiding Judge of the Sixth Circuit. In her “free time,” Judge Rank and her husband follow their teenage children around to their various school activities. She also occasionally golfs, getting in just enough good shots per game to prevent her from giving up the sport altogether. Her favorite quote is often attributed to John Wayne, “Courage is being scared to death, but saddling up anyway.” When asked what advice she would give lawyers from the bench, she says this, “Always be honest, and always be prepared. You may keep a scorecard of which cases you win or lose, but I do not. Judges understand that as an advocate, you have to work with the facts that you are given. I remember how you played the game.”

Traci Smith: Traci Smith grew up primarily in Virginia Beach, Virginia. She started her education at Virginia Intermont College, intending to earn a Paralegal certificate, but transferred to S.D. State University to earn her B.A. in Political Science and Criminal Justice, and then her J.D. degree from the University of S.D. School of Law. Traci began her legal career as a Law Clerk in the Third Judicial Circuit and then as a Minnehaha County Deputy Public Defender in 1999. In 2003, she was promoted to the Chief Deputy position. Two years later, she was promoted to the Chief Public Defender position and has handled hundreds of trials. Over the years, the office grew from 12 attorneys to 27 attorneys, which she supervises. The County also added a second conflict office, the Office of the Public Advocate, which brings the total number of full-time attorneys in Minnehaha County to 35. In Minnehaha County alone, her office closes an average of approximately 8,200 cases per year, ranging from misdemeanors, violent and non-violent felonies, and juveniles and abuse and neglect cases. On average, about ten homicide cases each year are handled by her office.

Traci’s public service does not stop with providing

legal representation to often the poorest of our society. Instead, she has served or is serving as the Second Circuit Bar President, the Secretary for the SD Criminal Defense Lawyers, on the SD Criminal Law Bar Committee, as the defense attorney for the 2nd Circuit Mental Health Court, on the Indigent Legal Services Task Force (HB 1064), and an adjunct professor for the University of SD School of Law. The USD Indigent Defense Practicum provides law students with an opportunity to learn the importance of client-centered representation at every level while allowing their clients to also benefit from the services and enthusiasm the law students bring as well. Traci currently resides in Sioux Falls with her husband. Her daughter Hannah is a 4th grade teacher in Sioux Falls and is currently planning a June wedding. Her son Ben is a facilities manager at Canyon Village in Yellowstone National Park. Of public service, Traci says, “Do It Anyway,” a beloved quote from Mother Theresa.

Thank you, Judge Rank and Traci Smith, for your public service!



State Bar of South Dakota  
YOUNG LAWYER SECTION



*Anthony Sutton*  
YLS President

Ever since I was in law school and began practice as a young lawyer, I've often heard a familiar story about how practicing law in SD is a privilege and a joy because of the professionalism and civility in our bar. I especially remember stories about how lawyers were able to litigate fiercely at a hearing or during a trial one hour and then be able to get coffee or lunch the next hour. On the whole of my own experience and those of my fellow young lawyers, I'm happy to say these stories have turned out to be mostly true.

But more and more, I am hearing stories about how that is not the case for all young lawyers. In fact, I hear stories about young lawyers being criticized not for the quality of their work but for the lack of their experience. Sometimes these comments are made offhandedly and might be unintentional. An example is when a more experienced lawyer may be on the phone with a younger lawyer and drops the "I don't know if you've dealt with this before, but I deal with this all the time. Trust me on how this will play out." Other times the comments appear intentional, like when a young lawyer raises a valid objection at a deposition and gets a response from the more senior attorney along the lines of "you don't know what you're talking about" or "you're out of your depth." One young lawyer recently told me that a more experienced opposing counsel commented to the court at a hearing that the only reason the parties were at the hearing was due to the inexperience of the young lawyer. Regardless of the motives, these comments are especially hurtful (and sometimes harmful) when made in front of a client, a mediator, or a court.

Stories of incivility are not isolated to Sioux Falls and Rapid City or confined to being from out-of-state attorneys who may only ever have one or two cases in

South Dakota. Young lawyers from across the state have often shared sentiments of incivility when swapping stories and talking about our practices. And the rise of incivility in our practices and society has been frequently discussed by the ABA and both State and Local Bar Associations. It was also more recently noted by past State Bar President Bill Garry, who, in his May 2022 President's newsletter, reminded us of the core principles of ABOTA and the importance of civility in our profession. I encourage everyone to go back and look at that message.

I now share this reminder about civility not to demean any of my colleagues but to remind us that we are constantly called to do better and be better. Although the practice of law is a privilege, it is not always easy. Nor should it be. Representing clients, advancing justice, and improving our communities sometimes needs to be difficult (and messy) work. But it is work that does not need to be made more difficult by making comments or insinuating that someone's experience, gender, or background has any bearing on that lawyer's abilities.

I remember listening to a talk by former Supreme Court Chief Justice David Gilbertson where he remarked that if each lawyer would at least once a year review the oath of attorneys—found at SDCL 16-16-18 should you want to reread it—many of the issues we see in our profession could be avoided. And one of these issues includes a lack of civility in our bar, which can no longer be confined to "a few bad apples." I encourage us all to remember our oath, to do our best to remember what a privilege we have of being South Dakota lawyers, and to continue to practice law the right way, which I know many of us (including young lawyers) have been able to witness and carry out in our practices.

**Oath of Attorney:**

I do solemnly swear, or affirm, that:

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

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

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

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

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

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

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

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**Watertown Area:**  
Freimark & Associates, Contact Todd Freimark (605) 882-1688

**West River Area:**  
Black Hills Agency Contact Dan Maguire (605) 342-5555  
Carver Insurance Contact Everett Strong & Lisa Knutson (605) 348-7410

*More information found on page 46*

# Fellows of the South Dakota Bar Foundation

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

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## *Silver Fellows - \$1,000 (per year)*

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Robert B. Frieberg  
Thomas H. Frieberg  
William C. Garry  
David A. Gerdes  
Hon. David R. Gienapp  
Patrick G. Goetzinger  
G. Verne Goodsell  
Robert E. Hayes  
Terry L. Hofer  
Carleton R. "Tex" Hoy  
Steven K. Huff  
Hon. Charles B. Kornmann  
Lisa Hansen Marso  
Bob Morris  
Thomas J. Nicholson  
Gary J. Pashby  
Stephanie E. Pochop  
Reed A. Rasmussen  
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Robert C. Riter, Jr.  
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Jeffrey T. Sveen  
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Thomas J. Welk  
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Hon. Judith K. Meierhenry	

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



# YOU ARE INVITED TO JOIN!

## Fellows of the South Dakota Bar Foundation

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

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- Platinum Fellow – \$10,000, cumulative.
- Gold Fellow – \$5,000, cumulative.
- Silver Fellow – \$1,000 per year.
- Fellow – \$500 per year.

### In Memoriam

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

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

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

Or you can email this form to:

[tracie.bradford@sdbar.net](mailto:tracie.bradford@sdbar.net) or call 605-224-7554 to set up a payment.

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

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Our Profession. Our Responsibility.

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



Spring fever. It attacks all of us when the days start getting a little longer and warmer. Suddenly we have thoughts of getting outside, putting our hats and coats away, and shaking off the doldrums of a long winter. I think everyone is subject to an attack of spring fever this time of year.

We have only a few weeks of classes remaining at the Law School. It is hard to say if that makes spring fever better or worse. Everyone is looking forward to wrapping up the semester, but everyone is also looking at everything that needs to be done before that happens. Spring semester always seems faster and busier than fall. This year has been no different. We have had a lot going on this semester to fuel or forestall our spring fever. I thought I'd share some highlights in this month's column.

In cooperation with other departments at USD, we welcomed April White to discuss her book *The Divorce Colony* and Joshua Prager to discuss *The Family Roe*. Both have South Dakota connections, and both provided interesting opportunities for students and faculty to engage with the authors and other members of the USD community.

The trial team hosted the NTC regional trial competition in Sioux Falls in February. This brought almost a dozen teams in for the competition, and the feedback about the event was great. It took dozens of judges and more than a hundred witnesses to make that happen. Thank you to all those who gave their time to serve as judges or witnesses. Successfully hosting this event helps our trial team continue to boost their national profile.

Our student lead Wellness Advocacy Project hosted a series of events to help students develop the healthy habits necessary to be a healthy and successful lawyers. Working with the USD Wellness center, they invited members of the Law School Community to try hot yoga, cycling classes, water aerobics, and rowing. They also hosted a session on how to be a resource for others who are struggling with their mental health. It is great to see students working together to develop healthy habits in law school; we all know how important that is.

AccessLex provided several training sessions for students in person and via Zoom. Those sessions addressed how to manage personal and business finances and resources for students to manage their own finances. Even though we are an exceptionally affordable law school, managing finances is not easy, so I am glad we could provide help to students on those issues.

Career services have hosted events throughout the semester. These included a virtual meet and greet for Black Hills lawyers and interested students, spring on campus interviews, a JAG recruiting session, a judicial clerkship information session, a panel on trust administration, and many individual meetings with students seeking employment. It is not too late to get in touch with Teramie Hill if you are interested in having an intern for the summer.

Several student organizations hosted panels to provide insight on professional career paths. The First-Generation Law Students hosted Judge Theeler and Cesar Juarez for a discussion about finding a career path and how to make it successful. BLSA hosted a panel

with several lawyers and judges about stepping onto the “front lines” of representing clients early in a legal career. Both events were well-attended and provided a great opportunity for students to ask questions about the hard work of moving from law student to lawyer. Thanks to all who came home to be part of those panels and share their experiences.

Student organizations brought many speakers to campus to talk about a variety of interesting topics. Among the topics student invited speakers addressed were the First Amendment and religious freedom, investigating and prosecuting financial fraud cases, the non-delegation doctrine, constitutional remedies for insurrection, and Uniform Commercial Code revisions and regulation of cryptocurrency. Student organizations are very active, and their invitations to outside speakers make the intellectual environment vibrant around the Law School.

We were honored to welcome a panel of the Eighth Circuit Court of Appeals to campus. Judges Benton, Erickson, and Kobes heard three cases and had lunch with our moot court board.

The South Dakota Law Review hosted its annual

symposium at the end of March. That focused on legal issues surrounding agriculture and cybersecurity. It also began with a memorial to the late Tom Horton, who was actively working on these issues before he passed.

For the second year in a row, the Center for the Prevention of Child Maltreatment and UJS partnered to host a full day session at USD. This year’s theme was providing advocacy with and for victims of trauma. Law students and other members of the USD community in other programs get a lot out of these events. Thanks to CPCM and UJS for hosting them here.

On April 5th, we will welcome ABA President-elect Mary Smith to campus for the Gunderson Lecture. Rural legal services are a priority for Ms. Smith, so it is great to have her at the Law School and to share her perspective.

These things include the usual work of having class, writing papers, taking exams, and participating in activities like moot court, ADR, and Law Review. Spring fever around the Law School is kind of a fever of activity. Busy as it is, we’ll all enjoy it. But it’s definitely time for all of us to get outside! I hope to see some of you there.

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

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## JUSTICE SQUAD

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

**CONGRATULATIONS TO THE TOP 5  
SDFLA ATTORNEY VOLUNTEERS IN 2022!**

SDFLA  
LEGAL  
SUPERHERO

**THESE FIVE ATTORNEY VOLUNTEERS WILL EACH RECEIVE  
THE COVETED SDFLA LEGAL SUPERHERO YETI MUG!**

- 1. STEVE HUFF**
- 2. BRANDY RHEAD**
- 3. JAMES D. TAYLOR**
- 4. KYLE KRAUSE**
- 5. MARWIN SMITH**

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Dennis Duncan  
Amanda Engel  
Morgan Erickson  
Koln Fink  
Alex Halbach  
Richard L. Johnson  
Lorie Melone  
Rachelle Norberg  
Jason Sutton

**Special Thanks to:**

Beth Baloun  
Joseph Hogue  
Steve Huff  
Denise Langley  
Elizabeth Overmoe  
James Taylor

**For their help on SD  
Free Legal Answers  
during the month of  
March!**

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

Please send a message to [access.to.justice@sdbar.net](mailto:access.to.justice@sdbar.net)

2023

# A2J ANNUAL STATE BAR CONVENTION GOLF TOURNAMENT

Thursday, June 22, 2023

Elmwood Golf Course - Sioux Falls

**ONE** Shotgun Start at 8:00 a.m.

Entry fee is \$125/player (\$500 Team)

(Price includes green fees, golf cart, practice range,  
1 Mulligan/player and 1 Beverage Coupon/player)

## Registration:

- *ONLINE REGISTRATION ONLY*
- *LIMITED TO 36 TEAMS*
- *MUST REGISTER ALL 4 TEAM PLAYERS DURING REGISTRATION*
- *REGISTRATION CLOSES ON MONDAY, JUNE 5, 2023*

Winning Team will receive Legendary Bragging  
Rights and a Championship Trophy!

(no T-shirts this year)

Register  
Here

Tournament open to all  
bar members including  
judiciary, spouses/partners,  
court reporters, and  
law students.

# ANNOUNCEMENTS

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

*Louis Krabbenhoft*  
has become associated with the firm.

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

Telephone: (605) 275-5665

Email: [louis@legacylawfirmpc.com](mailto:louis@legacylawfirmpc.com)

[www.legacylawfirmpc.com](http://www.legacylawfirmpc.com)

Klass Law Firm, LLP  
is pleased to announce that

*Julia C. Adams*  
has been made partner effective January 1, 2023.

Klass Law firm  
4280 Sergeant Rd. Ste 290  
Sioux City, IA 51106

Telephone: (712) 252-1866

Email: [adams@klasslaw.com](mailto:adams@klasslaw.com)

Effective April 1, 2023:

*Margo Tschetter Julius*  
will be opening her own firm.

Margo Julius Law Prof. LLC  
2902 W. Main St. Suite 1  
Rapid City SD, 57702

Telephone: (605) 721-7337  
Facsimile: (605) 343-5379

Email: [margo@margojuliuslaw.com](mailto:margo@margojuliuslaw.com)

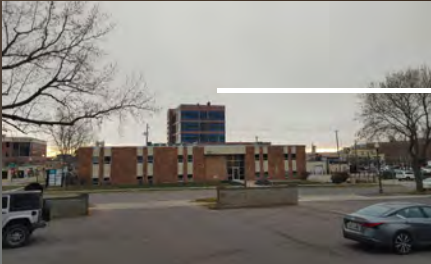
Effective April 1, 2023:

*Mike Simpson*  
will be opening his own firm.

Simpson Law Firm Prof. LLC  
1600 Mountain View Road, Suite 110  
Rapid City, SD 57702

Telephone: (605) 716-1000  
Facsimile: (605) 716-1078

Email: [mike@simpsonsdlaw.com](mailto:mike@simpsonsdlaw.com)



## OFFICE SPACE AVAILABLE

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Great for small/  
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### CONTACT

Ryan Kolbeck  
at 605-306-4384

## *Office Space Available*

Sioux Falls new office space to be available for lease this fall, 2,000 square feet on the East side near highway 100.

Can be built out to specification.  
Street signage available.

If interested please contact:  
Renee H. Christensen at (605) 335-1778

## *Office Share Available*

Downtown Sioux Falls office share available now. Within a block of Courthouse, historic building, off-street parking.

Fully furnished or bring your own.

Call Tom or Melissa: (605) 338-3220

You are cordially invited to attend the Summit on Supporting Emerging Adults in the Justice System on April 25-26 in Oacoma, South Dakota.

Emerging adults—those between the ages of 18-25—make up less than 10% of the total South Dakota population, yet are responsible for 22% of the arrests. Recent research suggests that emerging adulthood is a distinct period of brain development, characterized by increased risk-taking behavior, diminished foresight, and increased vulnerability to peer influence. Despite this distinct developmental stage, the justice system draws a strict line between youth and adults at the age of majority, resulting in the justice system responding to emerging adults in the same way as it responds to fully grown adults.

The purpose of the summit is to educate South Dakota justice stakeholders on the social and emotional development of emerging adults and policies and programs that improve outcomes and reduce recidivism. The two-day summit will feature local and national experts in interactive panels, resulting in momentum toward programs, policies, and practices that support the needs of emerging adults in the justice system.

Please register at <https://ujsysc.sd.gov/>. We look forward to seeing you in April.

SAVE

Summit on Supporting  
Emerging Adults in the  
Justice System

*the*

Oacoma, South Dakota

DATE

April 25-26, 2023



# STUDENT BAR ASSOCIATION

University of South Dakota Knudson School of Law  
414 East Clark Street  
Vermillion, SD 57069



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Members of the State Bar of South Dakota,

In honor and celebration of Marshall M. McKusick's dedication and service to the legal community in South Dakota, the USD Knudson School of Law Student Bar Association annually recognizes an outstanding member of the South Dakota Bar for their contribution to the profession.

Marshall McKusick served the legal profession and the University of South Dakota Knudson School of Law for nearly half a century. During his time with the law school, he served as an assistant professor before serving as the dean beginning in 1913. His positive influence has made a lasting impact on the legal community. The resources he provided have continued to be of great value to past and present law students. The legacy of his contributions will continue to serve those entering the legal profession for generations to come.

The 2023 McKusick Award nominations are now open. Please consider submitting a nomination. The award will be presented at the State Bar Convention in Sioux Falls this June.

Nominations can be submitted via e-mail to [Taylor.Bushelle@coyotes.usd.edu](mailto:Taylor.Bushelle@coyotes.usd.edu) or addressed to Taylor Bushelle c/o Student Bar Association, University of South Dakota Knudson School of Law, 414 East Clark Street, Vermillion, South Dakota 57069.

We look forward to receiving your nominations **prior to Monday, April 10, 2022.**

Respectfully,

Taylor Bushelle  
*SBA Board Member 2022-2023*  
*USD Knudson School of Law*

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# Gunderson Lecture

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**Mary Smith**

President-Elect, American Bar Association

**April 5th, 2023**

**12:00 PM**

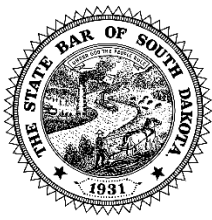
**Courtroom**

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



UNIVERSITY OF  
**SOUTH DAKOTA**  
KNUDSON SCHOOL OF LAW



# State Bar of South Dakota Bar, Section, & Committee Leadership

*We ♥ Our Volunteers*

## BAR COMMISSION

President - Lisa Marso, Sioux Falls  
President Elect - Heather Lammers-Bogard, Rapid City/Spearfish  
1st Circuit - Tyler Matson  
2nd Circuit - Caroline Srstka  
3rd Circuit - David Strait  
4th Circuit - Drew Skjoldal  
5th Circuit - Stacy Johnson  
6th Circuit - Justin Bell  
7th Circuit - Erika Olson  
At Large:  
Jacob W. Tiede  
Hon. Francy E. Foral  
Rory King  
Eric Pickar  
John T. Richter  
Tim Dougherty

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Michael Traxinger, Co-CH, Aberdeen

### ALTERNATIVE DISPUTE RESOLUTION

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Michael McKnight, Co-CH, Sioux Falls

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### ELDER LAW

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### PATTERN JURY INSTRUCTIONS - CRIMINAL

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Jennifer Mammenga, Co-CH, Sioux Falls

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### PROJECT RURAL PRACTICE

Patrick Goetzinger, Co-CH, Rapid City  
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### PUBLIC SECTOR

Tracey Dollison-Decker, Rapid City

### REAL PROPERTY, PROBATE, & TRUST

Elliot Bloom, Rapid City

### YOUNG LAWYERS

Ole Olesen, Rapid City

**Volunteer Appreciation Month**


# Cheers to 50 years!

The practice of issuing awards to those members of the State Bar who have reached the fifty-year milestone since admission to practice law in the State of South Dakota, inaugurated in 1973, is being continued in 2023. The ceremony has become one of the highlights of our Annual Convention.



The following State Bar members are eligible to receive the award Wednesday evening during the “Not a Black-Tie Affair” Social

<i>Arlie Brende</i>	<i>James McGreevy</i>	<i>Raymond DeGeest</i>
<i>Beth Chapman</i>	<i>Jan Wright</i>	<i>Richard Moe</i>
<i>Bonnie Ulrich</i>	<i>Hon. Jeff Davis</i>	<i>Rick Yarnall</i>
<i>Daniel Jackson</i>	<i>John Lovald</i>	<i>Robert Burns</i>
<i>Dean Dunsmore</i>	<i>John Maynes</i>	<i>Robert Butterbrodt</i>
<i>Dennis Duncan</i>	<i>Larry Kyte</i>	<i>Robert Riter Jr.</i>
<i>Douglas Deibert</i>	<i>Lyle Petersen</i>	<i>Thomas Duncan</i>
<i>Drew Johnson</i>	<i>Mario Gonzalez</i>	<i>Thomas Maher</i>
<i>Fred Winkler</i>	<i>N. Dean Nasser Jr.</i>	<i>William Delaney III</i>
<i>Harvey Jewett IV</i>	<i>Peter McGovern</i>	<i>William Fuller</i>



Please join

**THE SOUTH DAKOTA  
LAW REVIEW**

in celebration as we dedicate  
Volume 68 to  
David Lust and Terry Westergaard

**FRIDAY, APRIL 14  
VALIANT VINEYARDS, VERMILLION  
SOCIAL HOUR - 5PM  
DINNER & PROGRAM BEGIN AT 6PM**

Tickets - \$15  
RSVP by emailing  
lawrev@coyotes.usd.edu or  
Gabrielle.Unruh@coyotes.usd.edu



USD Women in Law is now accepting nominations for the **2023 USD Women in Law Attorney of the Year Award**. USD Women in Law seeks to champion women in the legal profession through educational programming, mentorship, and outreach. The Attorney of the Year Award recognizes an attorney (female or male) who has demonstrated exceptional skill within their field and has furthered the interests of Women in Law.

If you know a special attorney deserving of this award, please consider nominating them by writing a 1–2–page letter addressing why they embody and further the interests of Women in Law. Please also include the contact information of the nominee within the letter.

The deadline for submissions is May 5, at 5:00 p.m.

Nominations can be submitted via email to: [madelyn.kline@coyotes.usd.edu](mailto:madelyn.kline@coyotes.usd.edu) or by mail, addressed to: Madelyn Kline c/o USD Women in Law, University of South Dakota Knudson School of Law, 414 E. Clark Street, Vermillion, South Dakota 57069.

The award will be presented during the State Bar Convention at the Annual Women in Law Meeting on Thursday, June 22, 2023 at 5:00 p.m.

Respectfully,

Veronica Knutson  
2022-2023 USD Women in Law *President*  
USD Knudson School of Law



The In-House Committee has grown into the In-House Section and invites any interested attorney to join the Section. No selection or appointment is necessary besides indicating your interest, and we welcome all interested attorneys! The In-House Section provides support for in-house attorneys, private practice attorneys serving as outside general counsel, and government attorneys advising agencies. We meet 2-4 times a year for social events and to host speakers on in-house topics. We are also a resource to ask questions relevant to in-house practice. If you're interested in learning more, please contact Chair, Nicole Tupman at [nicole.tupman@ravenind.com](mailto:nicole.tupman@ravenind.com).

— Thank You, In-House Section Board: Nicole Tupman (Chair), Jason Unger (Vice Chair), Shawna Hanson (Secretary / Treasurer), Julie Johnson, Colleen Zea, Adam Kirsch, Megan Brandriet, Karly Winter, Jennifer Clites, David Stoos, Eric DeNure

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*April Law for Lunch -  
Civil vs Criminal Child Abuse  
& Neglect Cases*

*Wednesday, April 26, 2023  
12:00 PM - 1:00 PM (CDT)  
Zoom*

The Center for the Prevention of Child Maltreatment and the South Dakota Unified Judicial System are hosting monthly Court Improvement Program (CIP) trainings for attorneys, judges, and other multidisciplinary professionals working with families involved in abuse and neglect cases. The goal of these trainings is to provide relevant and up-to-date information on the South Dakota child welfare system, while offering unique approaches and standards for best practices when working with children throughout the court process.

*May Law for Lunch -  
2023 Legislative Updates*

*Thursday, May 18, 2023  
12:30 PM - 1:30 PM (CDT)  
Zoom*

Catch-up on what happened during the 2023 South Dakota Legislative Session and find out how new bills could impact you or the business you represent.

**REGISTER HERE**

**REGISTER HERE**



# Court



# Improvement Program

# Training



## TRAUMA-INFORMED COURT SYSTEM

The Center for the Prevention of Child Maltreatment and the South Dakota Unified Judicial System are hosting monthly trainings on best practices and unique approaches to working with children and families for attorneys, judges, and other multidisciplinary professionals.

These trainings are supported by the [UJS Court Improvement Program](#) which assesses and improves handling of court proceedings related to child abuse and neglect in South Dakota.

## LEARNING MORE CAN KEEP KIDS SAFE

Trainings are held the last Wednesday of the month, with some variation based on holidays and other events, from 12-1 CST via Zoom.

## UPCOMING TRAININGS

[Wed Feb 22: Independent Living & Young Voices](#)

[Wed March 29: Situational Awareness](#)

[Wed Apr 26: Civil vs Criminal Child Abuse & Neglect Cases training in conjunction with the State Bar](#)

[Wed May 31: Appellate Review of Child Sex Crimes](#)

[Wed June 28: 2023 Legislative Update](#)

For more information or to suggest future training topics, email [cpcm@usd.edu](mailto:cpcm@usd.edu) or visit [www.sdcpcm.com/ciptraining](http://www.sdcpcm.com/ciptraining)

# CRIMINAL LAW CLE

Chair:  
Victoria Reker

Presenter:  
Colleen Zea

Join South Dakota attorney and Certified eDiscovery Specialist, Colleen Zea, for a presentation/conversation providing an overview of and exploring various topics related to digital evidence in criminal law.

After obtaining a jury acquittal on a case involving digital evidence in May 2011, Colleen joined Dan Meinke, EnCE, at Computer Forensic Resources in Sioux Falls, South Dakota to assist him with “bridging the legal/technology communication gap” between himself and his clients. Over the past twelve years, Colleen has worked on over 1,500 cases (state/federal, civil/criminal), all which have involved digital evidence.

Colleen encourages attendees to submit questions or relevant topics prior to the event but will also reserve time for Q&A.

REGISTER  
HERE

May 5, 2023  
8:30 am - 11:30 am  
Ramkota Hotel | Annex  
Sioux Falls, South Dakota

# FAMILY LAW CLE

## MAY 5, 2023

### 1 PM TO 4 PM

Melissa Neville, Chair



Join practitioners on May 5th to learn more about the issues facing the family law lawyer. Specific topics include: military divorces, jurisdiction, and custody evaluations.

1:00 pm – 2:30 pm “Critical Issues in Federal and State Retirement Benefits”  
with Marshal Willick

This is a survey course addressing the major retirement systems of interest to South Dakota family law attorneys, including ERISA-based private pensions, Civil Service, and Military Retirement. The CLE will address identification and treatment of pension plans, including issues of vestedness, maturity, the time rule and when it does and does not make sense to use it, valuation, distribution issues, and major current issues.

1:00 pm – 2:30 pm Jurisdiction Issues with Terri Williams & Kylie Riggins

1:00 pm – 2:30 pm Custody Evaluations with Dr. Daniel Kremin

[REGISTER HERE](#)

**RAMKOTA HOTEL | ANNEX**  
**SIoux FALLS, SOUTH DAKOTA**

Fellow State Bar Members:

As you may recall, last January I announced my candidacy for State Bar President-Elect in 2023. It has been a long winter and it may seem hard to believe, but the 2023 annual meeting is just around the corner. (I hope it is warmer in June than when this picture was taken at the Iditarod in Willow, Alaska, in March.)

For those of you who do not know me, I graduated from USD School of Law in 2000 and have been at Siegel, Barnett & Schutz in Aberdeen since then. In the past, I have served as a Bar Commissioner, on the Strategic Planning Committee, on the Disciplinary Board and as a member and chairperson of the CLE Committee. I am currently involved with a workgroup assisting the committee that is assessing the bar admissions process.

Serving as your Bar President in 2024-2025, following in the footsteps of President Lisa Marso and President-Elect Heather Lammers Bogard would be an honor. I hope to see you at the annual meeting and that you can join me and Sarah Sharp Theophilus, candidate for State Bar President-Elect next year, in our hospitality room.



*Julie Dvorak*  
For President-Elect

2023

*I am excited to announce my candidacy for State Bar President-Elect for 2024 and I would appreciate your support.*

*I am a proud graduate of the USD Knudson School of Law. Since 2010, I have served as a torts law attorney for the United States Department of Veterans Affairs, Office of General Counsel.*

*I have enjoyed being active in the State Bar over the last 20 years. I am currently the co-chair of the Veterans Committee; serve on the In-House Counsel Committee and the Law School Committee. In the past, I have served as a Bar Commissioner; as a charter member of the Project Rural Practice Task Force; President of the Second Circuit Women in Law; President of the South Dakota Young Lawyers Board; Co-Founder of the Hagemann-Morris Young Lawyer Mentorship Coin Program and selected as South Dakota Young Lawyer of the Year.*

*Our bar is very unique and I look forward to hearing your ideas as we work together to meet the objectives of our organization.*

*Serving as President Elect in 2024 and as your Bar President in 2025-26, would be an honor for me. It would allow me to build upon the foundation laid by Past Presidents of the South Dakota Bar. I look forward to the challenge and hope that I can count on your support.*

A professional headshot of Sarah Sharp Theophilus, a woman with long, wavy brown hair, smiling warmly. She is wearing a black top and a gold chain necklace. Her arms are crossed over her chest.

*Sarah Sharp Theophilus*

*I look forward to seeing you at the Annual Convention this June in Sioux Falls.*

# HOSPITALITY

*Room*

PLEASE JOIN 2023 & 2024 PRESIDENT-ELECT CANDIDATES JULIE DVORAK & SARAH SHARP THEOPHILUS

THURSDAY | JUNE 22, 2023 | 6P - 7P  
RAMKOTA HOTEL | ROOM TBA | SIOUX FALLS

# 2023 Convention CLE/Speaker Line Up

Detailed information will be published in the May/June Newsletters and on the State Bar Website.



## The Path to Well-Being & Civility

☑ Wednesday 1 PM

### Summary

1 pm - Featured Speaker: Justice Elizabeth 'Beth' Walker, 2:15 pm - Panel Discussion: Lawyers Seeking to Thrive and Work Together, Panelists TBA



## Early Bird

☑ Thursday 6:30 AM Early Bird

### Summary

Program TBA, Chair - Holly Farris



## Legal Potpourri CLE

☑ 8 AM Thursday

### Summary

2 Tracks with Programs TBA, Chairs - Eric Hanson, Anita Fuoss, Brandy Rhead



## Pozner on Cross: The Chapter Method

☑ Thursday 1 PM Pozner CLE

### Summary

Do not miss your opportunity to attend this program. It will change your career.



## Keynote Speaker Callie Russell

☑ Friday Keynote - During Business Meeting

### Summary

Callie Russell is an ancestral skills instructor, wilderness experience guide, and goat herder that lives nomadically throughout the American Mountain West. She is passionate about learning skills that allow her to live directly from the land and helping others to feel at home in nature through Caprakhan's wilderness courses. Callie is known from her performance on the History Channel's "Alone" show, where she survived alone and unassisted in the Canadian Arctic for 89 days. Website: Caprakhan.com Instagram: @Caprakhan Youtube: @Caprakhan





GUEST SPEAKER  
**LARRY POZNER**

Brought to you by the State Bar of South Dakota and the  
Committee on Continuing Legal Education

Thursday | June 22, 2023 | 1 PM  
Sioux Falls | Ramkota & Convention Center

Jennifer Williams, Chair

**POZNER ON CROSS: *THE CHAPTER METHOD***

Do not miss your opportunity to attend this program. It will change your career.

- Lawyers in all fields face the necessity of explaining complex issues and advocating approaches to problems. Whether in or out of litigation, people learn and make decisions in predictable but often illogical ways.
- This unique CLE uses the sciences of behavioral psychology and cognitive neuroscience to demonstrate how we can efficiently organize facts and make presentations that educate and motivate decision makers.
- You will come away from this nationally recognized program with techniques that you will use for the rest of your career to gain optimum results for your clients.
- The State Bar of South Dakota will be giving away by random drawing 5 signed copies of Larry's book during the CLE.

Participants in Pozner on Cross: The Chapter Method, presented by nationally recognized legal commentator Larry Pozner, will receive extensive handout materials drawn from his book, *Cross Examination: Science and Techniques* (Lexis 3rd edition 2018, by Pozner and Dodd), as well as copies of the more than 200 PowerPoint slides which contain a great many examples of methods taught in the seminar.

Larry is a solo practitioner and trial consultant. He is a Past President of the National Association of Criminal Defense Lawyers and began his career as a Colorado Public Defender. He has long been recognized in Best Lawyers in America in civil "Bet the Company" litigation and in Criminal Law—both white collar and non-white collar. Pozner was trial counsel for many years for the Denver Broncos franchise and was part of the trial team that preserved Pat Bowlen's ownership of the Broncos. He and a team of lawyers recently used these techniques to win and collect a \$111 million judgment against a national bank.



# Enhancing the Culture of the Legal Profession by Embracing *Well-Being and Civility*



**1 pm - Chief Justice Elizabeth "Beth" Walker,  
Supreme Court of Appeals of West Virginia**

Promoting a legal profession in which lawyers and judges thrive professionally and personally has been a vibrant topic of conversation ever since the report of the National Task Force on Lawyer

Well-Being in 2017. Chief Justice Walker will discuss this work in West Virginia, with an emphasis on the intersection of well-being, civility and public service.

**2 pm - Panel Discussion: Thriving and Working Together**

Moderator: Chris L. Newbold - President of the Institute for Well-Being In Law, Executive Vice President of ALPS

Panelists: Chief Justice Elizabeth "Beth" Walker - Supreme Court of Appeals of WV, Stephanie Horton - Clinical Director of the WV Judicial & Lawyer Assistance Program, Mike McKnight - McKnight Mediations, and Gregg Greenfield - Greenfield Law

June 21, 2023

Ramkota Hotel, Sioux Falls

*Sign Up*



Brought to you by ALPS, Lawyers Assistance  
Committee & SD Lawyers Concerned for Lawyers



## Why You Really Do Need to Create and Keep a Copy of All Your Files

BY  
Mark Bassingthwaight, Esq.  
mbass@alpsinsurance.com

I won't keep you waiting and wondering. In my mind, the reason is self-evident. If you ever find yourself having to deal with a malpractice claim and have minimal or no records to defend yourself with, well, suffice it to say, that's a problem.

### How common of a problem is this really?

I will admit that the inability of an insured to provide any file at all or something that even on a good day would have a hard time qualifying as a bare bones file isn't commonplace; but it does happen. When it does, we're often told something along the lines of "I didn't think maintaining a copy of that file particular was necessary." Of course, now that a claim has arisen, there is a recognition that it obviously was.

One excuse we sometimes hear is "That client was such a pain. I couldn't get rid of him fast enough." Here, one of two things likely happened, both of which are basically the misstep of making the goodbye, good riddance response. The attorney was either completely fed up and the file was given to the client in order to get him out the door as quickly as possible, or the attorney was trying to do everything thing she could do to avoid the discomfort of a confrontational exchange.

I do understand that when faced with a highly agitated

client in the office who is demanding the immediate delivery of his file, it can be tempting to just quickly and quietly comply. That certainly is taking the easy way out, and yes, a copy of the file does need to be made available to the departing client, regardless of who made the decision to terminate the relationship. However, the fact that a client is making such a demand is not an acceptable excuse for turning over everything right then and there.

Note that the rules of professional conduct do not state that a file must be immediately turned over upon demand. You are allowed to and should take a reasonable amount of time to review and prepare the file for delivery and make a copy the file for you records. Just understand that the definition of reasonable amount of time is more along the lines of two or three days as opposed to two or three weeks. There should be no game playing here.

### Why take the time to do that?

Because even if the quality of your work up to the point of termination was outstanding, you potentially create a significant problem if you fail to maintain your own records. Remember, in these situations you're often dealing with a problem client, someone who has already expressed dissatisfaction. How do you expect to be able to defend yourself if and when this problem client

alleges you were responsible for his eventual misstep when the documentation that the client was properly advised is no longer in your possession?

Yes, the file may eventually be obtained after much effort; but don't be surprised to learn that when the file is obtained the key documentation you knew would protect you isn't there. Now you're into a word against word dispute, and as the attorney responsible for creating the documentation, its absence is going to be problematic. In sum, by giving up control of a file you risk having to deal with unintended consequences later on. Taking the easy way out isn't necessarily the best way out.

Similar problems can arise when files, or more often limited notes, are turned over after an attorney has handled a small matter as a favor for someone. Even worse is when there is no attempt to create any record at all. A good example of this after sharing some limited legal advice during conversations with prospective clients or with anyone outside of the office setting. The misstep here is in thinking that because there was no billable time recorded and no formal attorney-client established, there's no need to keep a record of what occurred.

Think about it this way. There is no such thing as casual legal work or "legal light," if you will. Legal advice is legal advice, regardless of whether you collect a fee or where or how the advice or service was delivered. To demonstrate the point, attorney-client relationships have been found to have been created by casual conversations in cocktail party settings, conversations on the courthouse steps, and even as a result of speaking at educational events. While you are well advised to always document your advice and the decision-making process regardless of the person or place involved, all of that may be for naught if you fail to keep a copy of that documentation based upon a misguided assumption

regarding the nature of the work (it was a favor) or the nature of the relationship (the work was declined). Doing so is for your own protection.

Even more surprising are the times when attorneys complete the work, feel that a very satisfactory outcome was obtained, and instead of keeping a closed file they make the decision to destroy the file after a short period of time. I hear statements like "This is how we keep storage costs down." or "If there is no file, the client will have a hard time proving any allegation of malpractice."

This belief that what doesn't exist can't be used against you is woefully misguided. First, you have no idea what the client has been keeping and again, in a word against word dispute, you're going to be in a very tight spot. In short, if you can't produce any documentation, it didn't happen, or it wasn't said. Taking this further, consider how a jury might look at it. Might not the relatively quick destruction of a file suggest that it was destroyed for a reason? Perhaps there was something to hide? In this day and age where digital storage is downright cheap, keep your files records for a reasonable period of time, which for many will be in the seven-to-ten-year range.



Authored by: Mark Bassingthwaighte, Risk Manager

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



# ATTORNEY OF THE YEAR

## PURPOSE

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

## ELIGIBILITY

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

## NOMINATIONS

- Nominations and any supporting materials (i.e., letters) should be submitted to Public Sector President Kristen Edwards ([Kristen.Edwards@state.sd.us](mailto:Kristen.Edwards@state.sd.us)) no later than April 28, 2023. At a minimum, each nomination should include a brief synopsis of the impact made by the nominee on the law, governmental entities, or the legal profession in South Dakota during the past year. The criteria for this award are intentionally broad. The attorney's credentials aren't the focus here; we're most interested in what they did in the past year to leave a mark. Materials received on behalf of a nominee will be reviewed by a subcommittee of the Public Sector Section and an award recipient will be chosen.
- The award recipient will be announced at the June 2023 Bar Convention and in the State Bar Newsletter.



# SDVOICES

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**[info@southdakotavoicesforpeace.org](mailto:info@southdakotavoicesforpeace.org)**

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**AMERICAN BAR ASSOCIATION**  
**STATE DELEGATE REPORT**  
SOUTH DAKOTA  
Dick Travis  
dtravis@mayjohnson.com

**2023 Midyear Meeting**

The American Bar Association held its 84th Midyear Meeting on Wednesday, February 1 - 6, 2023. Over 2000 registrants were in attendance and included association members, law students, and state and local bar leaders from across the country. There were networking opportunities and many interactive sessions and informative CLE programs that provided, dynamic speakers and presentations which allowed for discussion regarding the important issues facing our profession, country, and system of justice.

Key highlights from the conference included: President Enix-Ross's special focus on the Cornerstones of Democracy: Civics, Civility, and Collaboration which recognizes that lawyers are uniquely positioned and must lead the way in promoting these principles. One panel at the 2023 Midyear Meeting featured Hon. John L. Weimer, Chief Justice of the Louisiana Supreme Court, who spoke on their state program "Judges in the Classroom, Students in the Courtroom."; and the Nominating Committee Meeting, which featured the candidates seeking nomination for officers of the Association at the 2024 Midyear Meeting.

The conference provided many well deserved award presentations including: the Spirit of Excellence Awards, which honored Diandra D. Benally, Hon. Roger L. Gregory, Hon. Goodwin H. Liu, and Reginald M. Turner, Jr.; the Stonewall Awards which honored Judge Pamela K. Chen, Ellen Krug and Jennifer C. Pizer; and the Father Robert F. Drinan Award which honored Kay H. Hodge. In addition, attendees bid farewell to the Association's Executive Director, Jack L. Rives, at a reception in his honor. Jack served as Executive Director for almost thirteen years.

The Chair of the House of Delegates, Palmer Gene Vance II, convened his first House meeting on, Monday, February 6<sup>th</sup>, 2023. The House voted on a variety of important current and trending topics and issues including but not limited, administrative law and regulatory practices; aging; beneficial ownership, business law; civil rights and social justice; criminal justice; cyber security; gender identity & sexual orientation; gun violence; human rights; homelessness and poverty; international law; and uniform state laws.

Nomination results for Officer positions and Board of Governors members were announced. The Association President Deborah Enix-Ross, President-Elect nominee William R. Bay of Missouri, and Loretta H. Rush, Chief Justice of the Supreme Court of Indiana and President of the Conference of Chief Justices, each gave compelling remarks to the House.

The Daily Journal of the actions of the House, and the Select Committee Report which provides you with video links to the remarks of Association Leadership, as well as a more comprehensive summary of the newly adopted polices and all other activities and issues that were addressed at the House meeting can be found on the House of Delegates' Webpage.

Your commitment to the Association really does make a difference. The ABA greatly values your membership and involvement. All ABA Members are encouraged to advocate for the Association and help increase awareness about the value of membership. Become an ABA Ambassador by using these tools and resources and help grow our community.

Thank you and I hope you will join us for the 2023 Annual Meeting in Denver, Colorado, August 2-8th. If you have any questions or comments, or if any members of the South Dakota delegation can be of assistance, please e-mail Sarah Theophilus, Tamara Nash or me.

Best Regards,

Dick Travis  
ABA South Dakota State Delegate

# Attorney Health & Wellness Resources

It's okay to ask for help

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STATE BAR OF SOUTH DAKOTA  
Legislative Report #10 - FINAL  
March 27, 2023

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STATE BAR BILLS & RESOLUTIONS - ACTIVE

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Initially OPPOSED, moved to NEUTRAL

HB 1240: amend provisions addressing guardianships and conservatorships.

Sponsor: Representative Jamison (prime)

Status: Signed by the Governor, Mar 27, 2023

The State Bar successfully worked with Representative Jamison, other stakeholders, and volunteer members to amend the bill that satisfied practitioner concerns while maintaining the intent of the bill.

The Bar Commission authorized the State Bar lobbying team to discuss that the bill was reviewed by State Bar committees and there was no reason to object to the bill as proposed.

HB 1193: amend provisions of the Uniform Commercial Code.

Sponsor: Representative Stevens (prime)

Status: Vetoed by the Governor, Mar 27, 2023

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MONITORED HOUSE BILLS & RESOLUTIONS – PASSED

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- HB 1002: update the official code of laws
- HB 1016: authorize the South Dakota Department of Corrections to construct a prison facility for offenders committed to the Department of Corrections in Rapid City, to make an appropriation therefor, and to declare an emergency.
- HB 1017: authorize the Department of Corrections to purchase certain real property, to contract for the design of a prison facility for offenders committed to the Department of Corrections, to make an appropriation therefor, to transfer funds to the incarceration construction fund, and to declare an emergency.
- HB 1027: make an appropriation for costs related to disasters in the state and to declare an emergency.
- HB 1029: revise certain provisions regarding the county zoning and appeals process.
- HB 1036: increase civil penalties for commercial driver's license holders and motor carriers.
- HB 1041: provide an exception to the definition of drug paraphernalia.
- HB 1047: revise certain provisions regarding military affairs
- HB 1049: revise the General Appropriations Act for fiscal year 2023.
- HB 1062: clarify the convening of recount boards for primary elections.
- HB 1063: require the Unified Judicial System to assemble a task force to address barriers to services for emerging adults involved in the justice system in South Dakota.
- HB 1064: require the Unified Judicial System to assemble a task force to address the provision of legal services to indigent parties within the South Dakota court system.
- HB 1090: modify protections for agricultural operations from nuisance claims.
- HB 1114: revise the qualifications to be a member of a county recount board.
- HB 1140: require the secretary of state to determine if a legislatively proposed constitutional amendment complies with the single subject requirement and is not a constitutional revision.
- HB 1145: revise the order of precedence for the right to control the disposition of the remains of a deceased person.



- HB 1170: establish mandatory sentences for certain driving while under the influence violations.
- HB 1174: revise civil commitment procedures for offenders with developmental disabilities.
- HB 1185: prohibit certain restrictions in employment contracts.
- HB 1189: require certain entities owning agricultural land to report foreign beneficial ownership interests.
- HB 1191: clarify the duties of truancy officers.
- HB 1231: revise certain provisions related to the sealing of adoption records.
- HCR 6001: To study a potential optional educational path.

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## MONITORED HOUSE BILLS & RESOLUTIONS – KILLED

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- HB 1040: reduce the time in which certain civil actions may be commenced.
- HB 1043: make an exemption from certain property taxation for owner-occupied single-family dwellings.
- HB 1050: authorize counties to issue bonds for certain expenditures funded by a gross receipts tax.
- HB 1061: repeal provisions regarding criminal jury trials effective upon the adoption of Supreme Court rules.
- HB 1067: provide for a rebuttable presumption of intent to distribute methamphetamine when in possession of more than five grams.
- HB 1069: prohibit the acquisition of agricultural land by foreign governments.
- HB 1070: create the Center for American Exceptionalism at Black Hills State University, make an appropriation therefor, and declare an emergency.
- HB 1073: rename separate maintenance as legal separation.
- HB 1074: authorize division of property between parties when legal separation is granted.
- HB 1076: provide for supervised practice.
- HB 1077: prohibit eligibility for a suspended imposition of sentence for certain rape offenses.
- HB 1081: limit the manner in which legislation may be introduced.
- HB 1082: establish a standing committee on federal review, and to declare an emergency.
- HB 1084: grant a common carrier the right of eminent domain for public use.
- HB 1087: prohibit restrictive employment contracts involving mental health professionals and counselors.
- HB 1092: revise the definition of marriage.
- HB 1097: revise the definition of an abused or neglected child.
- HB 1098: revise provisions related to juror compensation.
- HB 1103: waive the fee for nondriver identification cards for individuals at or below the federal poverty level.
- HB 1105: establish the legal standing of the Legislature to bring suit and be a necessary party in actions involving election law violations by public officials.
- HB 1110: revise the provisions on procuring a tax deed when the property owner has died.
- HB 1116: prohibit the use of state resources in hosting lewd or lascivious content.
- HB 1125: expand provisions regarding the protection of minors from certain exhibitions.
- HB 1131: prevent the imposition or enforcement of extreme risk protection orders and to provide a penalty therefor.
- HB 1136: prohibit the condemnation of private land for certain non-public purposes.
- HB 1139: codify the fundamental right of a parent.
- HB 1146: establish a citizen's legal standing to request a writ of mandamus or prohibition.
- HB 1156: enact the Uniform Electronic Recordation of Custodial Interrogations Act.
- HB 1160: limit probation for offenders with four or more felony convictions.
- HB 1163: prohibit the dissemination of obscene material to minors in a public school or public library.
- HB 1164: revise provisions for the sale of tax deeds and to grant the prior owner of a property entitlement to proceeds from the sale of tax deeds.

- HB 1168: require active efforts to preserve and reunite Indian families in abuse and neglect proceedings.
- HB 1171: establish a parole hearing requirement for certain inmates.
- HB 1173: prevent the enforcement of federal laws and directives related to firearms, accessories, and ammunition.
- HB 1180: modify hours of employment for children under fourteen years of age.
- HB 1182: allow the parole of inmates sentenced to life imprisonment without parole for crimes committed under age twenty-one.
- HB 1186: require restitution for landowners following an unauthorized entry to hunt, fish, or trap.
- HB 1188: provide for property owner inclusion in the pipeline siting application and condemnation process.
- HB 1194: revise the interest rate on garnishments.
- HB 1202: require consent from property owners prior to a pipeline condemnation proceeding.
- HB 1203: establish provisions relating to occupational licensing and criminal convictions.
- HB 1205: repeal a provision providing for the manner in which legislation may be introduced and to make a conforming change.
- HB 1206: to establish a standing committee on federal review, and to declare an emergency.
- HB 1207: prevent financial services providers from denying service based on certain grounds.
- HB 1208: prevent government entities from entering contracts with companies that promote certain economic boycotts.
- HB 1209: revise provisions regarding industrial hemp.
- HB 1211: provide a penalty schedule for failure to maintain financial responsibility on a motor vehicle.
- HB 1212: establish funds for the support of county projects and residents and make an appropriation therefor.
- HB 1213: require that persons limit access to firearms by minors and to provide a penalty therefor.
- HB 1216: establish and revise requirements related to visitation policies and procedures for certain facilities.
- HB 1224: require verification of landowner permission prior to certain pipeline permitting actions.
- HB 1227: authorize the issuance of extreme risk protection orders.
- HB 1229: identify child placement preferences.
- HB 1230: clarify references to the court in a condemnation action.
- HB 1232: revise provisions related to residency for voter registration.
- HB 1235: provide a conscience exemption from a COVID-19 vaccination.
- HB 1237: codify the fundamental right of a parent.
- HB 1238: revise certain provisions related to marriage certificates and divorce.
- HJR 5001: Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, requiring an intervening general election occur before an initiated constitutional amendment that is substantially similar to an initiated amendment that was previously voted on and rejected may be submitted to a vote of the electors.
- HJR 5002: Applying to the United States Congress under Article V of the United States Constitution to call for a convention for proposing an amendment establishing congressional term limits.
- HJR 5003: Proposing and submitting to the voters at the next general election a new section to Article VI of the Constitution of the State of South Dakota, relating to the right of a person to reject certain medical procedures.
- HJR 5004: Proposing and submitting to the voters at the next general election, an amendment to the Constitution of the State of South Dakota, authorizing the state to impose work requirements on certain individuals who are eligible for expanded Medicaid.

## MONITORED SENATE BILLS - PASSED

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- SB 4: modify a court's authority to commit a habitual juvenile offender to the Department of Corrections.
- SB 6: authorize community response teams to recommend alternative community-based resources for children alleged to be delinquent and children alleged to be in need of supervision prior to adjudication.
- SB 7: clarify emergency commitments of severely mentally ill persons by appropriate regional facilities.
- SB 19: make an appropriation for the payment of extraordinary litigation expenses and to declare an emergency.
- SB 27: place certain substances on the controlled substances schedule and to declare an emergency.
- SB 28: revise and repeal obsolete provisions related to the Department of Social Services.
- SB 30: revise the criteria for remote sellers who must remit sales tax.
- SB 42: modify power of attorney requirements for certain vehicle transfer authorizations.
- SB 46: establish the crime of petition circulation perjury and provide a penalty therefor.
- SB 48: enhance the penalty for attempted first degree murder of a law enforcement officer.
- SB 50: revise the crime of witness tampering.
- SB 51: revise certain provisions regarding the reimbursement of county expenses in detaining parole violators.
- SB 52: update certain provisions regarding the Department of Corrections and the authority of the Secretary of Corrections.
- SB 53: exempt records regarding jail inmate disciplinary matters from public inspection and copying.
- SB 61: revise driver's license suspensions for restricted permit holders over the age of sixteen.
- SB 64: repeal provisions related to the jail mental health screening pilot program and oversight council.
- SB 67: revise provisions related to emergency and involuntary commitment for alcohol and drug abuse.
- SB 70: revise provisions related to courtroom modifications for child witnesses.
- SB 72: revise provisions related to the discharge of a defendant restored to competency.
- SB 75: revise provisions related to parental support for expenses related to pregnancy and childbirth.
- SB 89: increase the daily maximum award for the alternative care program administered by the Unified Judicial System.
- SB 90: provide certain definitions related to the crime of rape.
- SB 91: revise certain provisions regarding the crime of rape and provide a penalty therefor.
- SB 95: amend provisions regarding trusts.
- SB 103: create a pilot program in the Unified Judicial System for risk and lethality assessments for certain persons accused of assault or protection order violations.
- SB 115: revise certain provisions regarding consideration of out-of-state convictions for driving under the influence.
- SB 120: increase an amount of property value owned by a local industrial development corporation that is exempt from taxation.
- SB 146: limit parole for violent offenders.
- SB 168: revise certain provisions regarding students with rape convictions.
- SB 180: address requirements for the execution of a living will.
- SB 181: authorize the provision of medical records and the imposition of related fees.
- SB 189: prohibit state agencies from contracting with companies owned or controlled by certain foreign entities or governments.

- SB 203: appropriate money for the ordinary expenses of the legislative, judicial, and executive departments of the state, the current expenses of state institutions, interest on the public debt, and for common schools.
- SB 207: provide a penalty for the expenditure of public funds to influence the outcome of an election.

#### MONITORED SENATE BILLS – KILLED

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- SB 3: require law enforcement notice to school officials when a student is suspected of violating state drug or alcohol laws or of threatening violence.
- SB 36: require quarterly reporting of alleged crimes and civil proceedings involving grain transactions and to provide a penalty therefor.
- SB 39: modify provisions regarding educator complaints.
- SB 40: revise the process for nominating candidates for the offices of lieutenant governor, attorney general, and secretary of state.
- SB 47: revise exceptions to the imposition of a Class 2 misdemeanor when no other penalty is provided by statute.
- SB 49: prohibit the improper storage and disposal of records containing personal or protected information and provide a penalty therefor.
- SB 54: require a convicted defendant to reimburse for the cost of digital forensic examination fees.
- SB 80: amend the requirements to be a legal newspaper
- SB 82: modify provisions pertaining to poll watchers.
- SB 94: establish the crime of grooming and provide a penalty therefor.
- SB 109: require employers to disclose compensation or range of compensation to applicants and employees.
- SB 116: authorize legislative intervention into certain cases pertaining to election law.
- SB 129: include school employees in certain assault provisions and provide a penalty therefor.
- SB 135: revise provisions regarding the operation of golf carts on a state or county highway. (For my own amusement.)
- SB 136: provide a rebuttable presumption in favor of joint physical custody of a minor child.
- SB 137: provide for the consideration of a child's wishes in awarding custody.
- SB 144: provide access to abandoned cemeteries to descendants of the decedents interred therein.
- SB 165: expand initial training given to law enforcement officers to include Indian law, racial bias, and implicit bias.
- SB 166: provide for an annual presentation regarding Indian Law.
- SB 178: create provisions for the protection of warehouse distribution center employees.
- SB 185: prohibit certain restrictions in employment contracts.
- SB 191: establish the task force to address the welfare of Indian children in South Dakota.
- SB 192: provide liability for the publishing or distributing of material harmful to minors on the internet and the wrongful retention of individually identifiable information.
- SB 194: to establish certain provisions regarding fairness in repairs of equipment sold or used in this state.
- SB 201: provide treatment for the ingestion of controlled substances.
- SB 206: clarify good cause for the purpose of continuing an involuntary commitment hearing.
- SB 208: require financial institutions to report exploitation of an elder or an adult with a disability.
- SJR 501: Proposing and submitting to the electors at the next general election an amendment to the Constitution of the State of South Dakota, providing for the retention elections of circuit court judges.
- SJR 502: Proposing and submitting to the voters at the next general election amendments to the Constitution of the State of South Dakota revising and establishing certain constitutional provisions regarding the lieutenant governor and the presiding officers of the Senate and House of Representatives.

# Infotech

SOLUTIONS, LLC

Infotech is excited to pass along some information about Cyber Safe SD, a great opportunity for small businesses.

Cyber Safe SD is a FREE comprehensive cybersecurity program for small businesses in South Dakota. They offer cybersecurity assessments, cyber threat intelligence, security awareness training, and remediation activities.

As a partnership between Dakota State University, the Governor's Office of Economic Development, the Bureau of Information and Telecommunications, the South Dakota Fusion Center, the Consumer Protection in the South Dakota Attorney General's office, and the Small Business Administration, they are working to stop cyber-attacks before they happen.

Many of the remediation services will help with your Cyber Liability platform. Ideally, making your organization qualify for a better rate! We here at Infotech (the association's endorsed Cyber Security provider) would be more than happy to implement any remediation resources needed for your organization.

One of the best parts about this grant is, if you qualify (& funds are still available), Dakota State University will pay for up to a year of your organization's remediation services.

If you have any questions about remediation and what that means for your organization, please reach out to myself: [Tyler.Ruhd@infotechsd.com](mailto:Tyler.Ruhd@infotechsd.com)

For more information on Cyber Safe SD, and to sign up, please visit: [www.dsu.edu/sbacyber](http://www.dsu.edu/sbacyber).



# You Asked, We Answered.

## State Bar of South Dakota Association Healthcare Plan Now Available

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

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

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

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

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

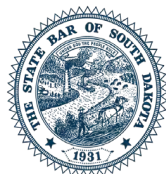
### Questions on Eligibility, Rates, and Services?

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



# **2023 State Bar of South Dakota**

Association Group Health Plan  
Health Insurance Options



# Your Partner In Offering Coverage to Move Your Business Forward



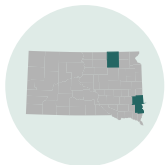
## REVIEW NETWORK AND COVERAGES

Avera Health Plans offers a variety of plans for your business to consider, categorized by network. For the South Dakota Bar Association, three networks are available – a Standard Network, Direct Network and Extended Network.



### Standard Network

The Standard Network features Avera and other independent providers and facilities across the state of South Dakota and Northwest Iowa.



### Direct Network

The Direct Network features Avera owned, managed and leased providers and is available to employers headquartered in Brown, Lincoln and Minnehaha counties in South Dakota — providing access to more than 2,000 providers.

This network provides zero out-of-network coverage.



### Expanded Network

The Expanded Network features Avera and other independent providers and facilities across the state of South Dakota and Northwest Iowa. This network also includes coverage at Mayo Clinic.

### Based on the amount of employees taking coverage, you will have the following number of plans to choose from:

1 – 2 employees: 1 plan

3 – 9 employees: 2 plans

10 – 24 employees: 3 plans

25 – 50 employees: 4 plans

NOTE: Direct Network plans must include a Standard or Expanded Network plan option as well. Adding a Direct plan may increase the number of plans a group is eligible to choose.

### Essential Health Benefits

Our plans comply with the Affordable Care Act requirements and include the following nine Essential Health Benefits.

1. Outpatient services
2. Emergency services
3. Hospitalization
4. Maternity and newborn care
5. Mental health and substance use disorder services
6. Prescription drugs
7. Rehabilitative and habilitative services and devices
8. Laboratory services
9. Preventive and wellness services and chronic disease management



To search for an in-network provider, access our provider directory at [AveraHealthPlans.com](https://www.AveraHealthPlans.com)



Avera Health Plans is there for you and your employees through routine primary care visits, birth and unplanned surgeries. For years, we've insured businesses like yours with comprehensive health benefits, value-added services and access to Avera's award winning providers and facilities.



## EXPLORE VALUE-ADDED SERVICES

Members have access to these services with Avera Health Plans insurance at no cost.

### Fitness Center Discounts

Membership discounts at select fitness businesses such as GreatLIFE Golf & Fitness Club and Avera McKennan Fitness Center could be available to you.

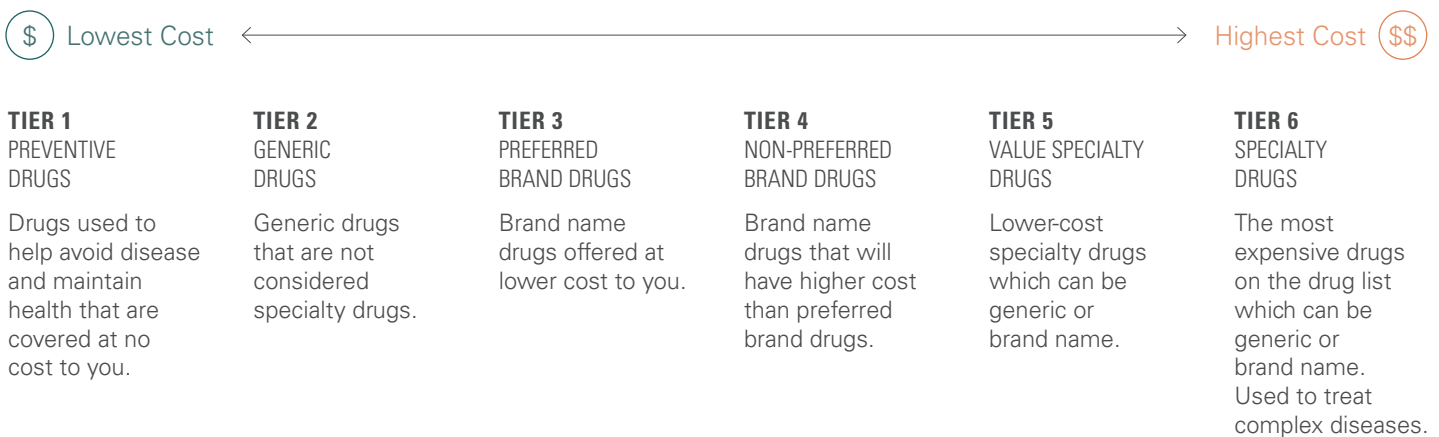
### Virtual Visits\*

Avera Health Plans Virtual Visits is an online video visit program designed to conveniently connect you with a provider 24/7 when you don't have time to go to the clinic. Use it for simple illnesses such as flu or sinus infections. Virtual visits are available to all members on the insurance plan over the age of 2 and can be utilized anywhere in the United States.

\*For most members. Some limitations apply. NOTE: IRS guidelines indicate that members with HSA-eligible plans may be subject to tax penalties if they use the free virtual visits. If you have an HSA-eligible plan, you may use your HSA or Flex spending dollars for this service.

### Pharmacy Drug Tiers

Prescription drugs are divided into six tiers. The cost of a covered drug will depend on the tier where the drug is listed.



Additional resources are available at [AveraHealthPlans.com](https://www.averahhealthplans.com), including:

- Consumer Guide
- Provider Directory
- Drug Formulary

# Avera Standard Association Plan Options for SDBA

The Standard Network features Avera and other independent providers and facilities across the state of South Dakota and Northwest Iowa.

	Avera 2000 Ultra	Avera 4000 Ultra	Avera 3500
<b>Medical Deductible</b>			
Individual	\$2,000	\$4,000	\$3,500
Family	\$4,000	\$8,000	\$7,000
<b>Coinsurance</b>			
	40%	40%	40%
<b>Out-of-Pocket Maximum</b>			
Individual	\$4,000	\$8,000	\$8,000
Family	\$8,000	\$16,000	\$16,000
<b>Medical Benefits</b>			
Preventive Care Services	No cost to member. This includes preventive immunizations, screenings, exams*		
Primary Care Physician Visit	Co-pay \$40	Co-pay \$50	Co-pay \$35
Urgent Care Services			
Chiropractic Visit †			
Specialist Visit	Co-pay \$80	Co-pay \$100	Co-pay \$80
Lab and X-Ray (Diagnostic Test)	Co-pay \$40	Co-pay \$50	Medical Deductible/ 40% Coinsurance
Hospital Services	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance	
Emergency Services			
Maternity Services	Office Visits: Co-pay \$40 Inpatient Services: Medical Deductible/ 40% Coinsurance	Office Visits: Co-pay \$50 Inpatient Services: Medical Deductible/ 40% Coinsurance	
<b>Mental Health and Substance Use Disorder</b>			
Outpatient Services	Co-pay \$40	Co-pay \$50	Co-pay \$35
Inpatient Services	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance
<b>Pharmacy Benefits</b>			
Pharmacy Deductible - Individual	\$0	NA	\$0
- Family	\$0	NA	\$0
Tier 1: Preventive Drugs	\$0	\$0	\$0
Tier 2: Generic Drugs	\$15	\$15	\$15
Tier 3: Preferred Brand Drugs	\$50	\$50	\$50
Tier 4: Non-Preferred Brand Drugs	\$100	\$100	\$150
Tier 5: Value Specialty Drugs	\$10	\$12	\$12
Tier 6: Specialty Drugs (Brand and Generic)	30% Coinsurance	30% Coinsurance	30% Coinsurance
	<b>Gold</b>	<b>Silver</b>	<b>Silver</b>
<b>Quote:</b>	\$ _____	\$ _____	\$ _____

\*Examples include gynecologic exam, screening mammography, well-child care and newborn care. Limitations do apply. For a detailed listing, visit AveraHealthPlans.com. \*\*These plans are High Deductible Health Plans (HDHP) that can be paired with a Health Savings Account (HSA). †Preauthorization is required after 20 chiropractic visits per plan year. No coverage for services without preauthorization.

# Avera Standard Association Plan Options for SDBA

The Standard Network features Avera and other independent providers and facilities across the state of South Dakota and Northwest Iowa.

	<b>Avera 4500 HSA-Eligible HDHP**</b>	<b>Avera 6000 HSA-Eligible HDHP**</b>
<b>Medical Deductible</b>		
Individual	\$4,500	\$6,000
Family	\$9,000	\$12,000
<b>Coinsurance</b>		
	0%	50%
<b>Out-of-Pocket Maximum</b>		
Individual	\$4,500	\$7,000
Family	\$9,000	\$14,000
<b>Medical Benefits</b>		
Preventive Care Services	No cost to member. This includes preventive immunizations, screenings, exams*	
Primary Care Physician Visit	This is an HSA-compatible plan.  Member will pay \$0 after meeting the Medical Deductible	This is an HSA-compatible plan.  Medical Deductible/ 50% Coinsurance
Urgent Care Services		
Chiropractic Visit †		
Specialist Visit		
Lab and X-Ray (Diagnostic Test)		
Hospital Services		
Emergency Services		
Maternity Services		
<b>Mental Health and Substance Use Disorder</b>		
Outpatient Services	This is an HSA-compatible plan.  Member will pay \$0 after meeting the Medical Deductible	This is an HSA-compatible plan.  Medical Deductible/ 50% Coinsurance
Inpatient Services		
<b>Pharmacy Benefits</b>		
Pharmacy Deductible - Individual	NA	NA
- Family	NA	NA
Tier 1: Preventive Drugs	\$0	\$0
Tier 2: Generic Drugs	Member will pay \$0 after meeting the Medical Deductible	Medical Deductible/ 50% Coinsurance
Tier 3: Preferred Brand Drugs		
Tier 4: Non-Preferred Brand Drugs		
Tier 5: Value Specialty Drugs		
Tier 6: Specialty Drugs (Brand and Generic)		
	<b>Silver</b>	<b>Bronze</b>
<b>Quote:</b>	\$ _____	\$ _____

\*Examples include gynecologic exam, screening mammography, well-child care and newborn care. Limitations do apply. For a detailed listing, visit AveraHealthPlans.com. \*\*These plans are High Deductible Health Plans (HDHP) that can be paired with a Health Savings Account (HSA). †Preauthorization is required after 20 chiropractic visits per plan year. No coverage for services without preauthorization.

# Avera Expanded\*\*\* Network Association Plan Options for SDBA

The Expanded Network features Avera and other independent providers and facilities across the state of South Dakota and Northwest Iowa. This network also includes coverage at Mayo Clinic.

	Avera Expanded 2000 Ultra	Avera Expanded 4000 Ultra	Avera Expanded 3500
<b>Medical Deductible</b>			
Individual	\$2,000	\$4,000	\$3,500
Family	\$4,000	\$8,000	\$7,000
<b>Coinsurance</b>			
	40%	40%	40%
<b>Out-of-Pocket Maximum</b>			
Individual	\$4,000	\$8,000	\$8,000
Family	\$8,000	\$16,000	\$16,000
<b>Medical Benefits</b>			
Preventive Care Services	No cost to member. This includes preventive immunizations, screenings, exams*		
Primary Care Physician Visit	Co-pay \$40	Co-pay \$50	Co-pay \$35
Urgent Care Services			
Chiropractic Visit †			
Specialist Visit	Co-pay \$80	Co-pay \$100	Co-pay \$80
Lab and X-Ray (Diagnostic Test)	Co-pay \$40	Co-pay \$50	Medical Deductible/ 40% Coinsurance
Hospital Services	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance	
Emergency Services			
Maternity Services	Office Visits: Co-pay \$40 Inpatient Services: Medical Deductible/ 40% Coinsurance	Office Visits: Co-pay \$50 Inpatient Services: Medical Deductible/ 40% Coinsurance	
<b>Mental Health and Substance Use Disorder</b>			
Outpatient Services	Co-pay \$40	Co-pay \$50	Co-pay \$35
Inpatient Services	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance
<b>Pharmacy Benefits</b>			
Pharmacy Deductible - Individual	\$0	\$0	\$0
- Family	\$0	\$0	\$0
Tier 1: Preventive Drugs	\$0	\$0	\$0
Tier 2: Generic Drugs	\$15	\$15	\$15
Tier 3: Preferred Brand Drugs	\$50	\$50	\$50
Tier 4: Non-Preferred Brand Drugs	\$100	\$100	\$150
Tier 5: Value Specialty Drugs	\$10	\$12	\$12
Tier 6: Specialty Drugs (Brand and Generic)	30% Coinsurance	30% Coinsurance	30% Coinsurance
	<b>Gold</b>	<b>Silver</b>	<b>Silver</b>
<b>Quote:</b>	\$ _____	\$ _____	\$ _____

\*Examples include gynecologic exam, screening mammography, well-child care and newborn care. Limitations do apply. For a detailed listing, visit AveraHealthPlans.com. \*\*These plans are High Deductible Health Plans (HDHP) that can be paired with a Health Savings Account (HSA). \*\*\*Expanded network includes Mayo in-network. †Preauthorization is required after 20 chiropractic visits per plan year. No coverage for services without preauthorization.

# Avera Expanded\*\*\* Network Association Plan Options for SDBA

The Expanded Network features Avera and other independent providers and facilities across the state of South Dakota and Northwest Iowa. This network also includes coverage at Mayo Clinic.

	<b>Avera Expanded 4500 HSA-Eligible HDHP**</b>	<b>Avera Expanded 6000 HSA-Eligible HDHP**</b>
<b>Medical Deductible</b>		
Individual	\$4,500	\$6,000
Family	\$9,000	\$12,000
<b>Coinsurance</b>		
	0%	50%
<b>Out-of-Pocket Maximum</b>		
Individual	\$4,500	\$7,000
Family	\$9,000	\$14,000
<b>Medical Benefits</b>		
Preventive Care Services	No cost to member. This includes preventive immunizations, screenings, exams*	
Primary Care Physician Visit	This is an HSA-compatible plan.  Member will pay \$0 after meeting the Medical Deductible	This is an HSA-compatible plan.  Medical Deductible/ 50% Coinsurance
Urgent Care Services		
Chiropractic Visit †		
Specialist Visit		
Lab and X-Ray (Diagnostic Test)		
Hospital Services		
Emergency Services		
Maternity Services		
<b>Mental Health and Substance Use Disorder</b>		
Outpatient Services	This is an HSA-compatible plan.  Member will pay \$0 after meeting the Medical Deductible	This is an HSA-compatible plan.  Medical Deductible/ 50% Coinsurance
Inpatient Services		
<b>Pharmacy Benefits</b>		
Pharmacy Deductible - Individual	NA	NA
- Family	NA	NA
Tier 1: Preventive Drugs	\$0	\$0
Tier 2: Generic Drugs	Member will pay \$0 after meeting the Medical Deductible	Medical Deductible/ 50% Coinsurance
Tier 3: Preferred Brand Drugs		
Tier 4: Non-Preferred Brand Drugs		
Tier 5: Value Specialty Drugs		
Tier 6: Specialty Drugs (Brand and Generic)		
	<b>Silver</b>	<b>Bronze</b>
<b>Quote:</b>	\$ _____	\$ _____

\*Examples include gynecologic exam, screening mammography, well-child care and newborn care. Limitations do apply. For a detailed listing, visit AveraHealthPlans.com. \*\*These plans are High Deductible Health Plans (HDHP) that can be paired with a Health Savings Account (HSA). \*\*\*Expanded network includes Mayo in-network. †Preauthorization is required after 20 chiropractic visits per plan year. No coverage for services without preauthorization.

# Avera Direct Association Plan Options for SDBA

The Direct Network features Avera owned, managed and leased providers and is available to employers headquartered in Brown, Lincoln and Minnehaha counties in South Dakota — providing access to more than 2,000 providers. This network provides zero out-of-network coverage.

	Avera Direct 2000 Ultra	Avera Direct 4000 Ultra	Avera Direct 3500
<b>Medical Deductible</b>			
Individual	\$2,000	\$4,000	\$3,500
Family	\$4,000	\$8,000	\$7,000
<b>Coinsurance</b>			
	40%	40%	40%
<b>Out-of-Pocket Maximum</b>			
Individual	\$4,000	\$8,000	\$8,000
Family	\$8,000	\$16,000	\$16,000
<b>Medical Benefits</b>			
Preventive Care Services	No cost to member. This includes preventive immunizations, screenings, exams*		
Primary Care Physician Visit	Co-pay \$40	Co-pay \$50	Co-pay \$35
Urgent Care Services			
Chiropractic Visit †			
Specialist Visit	Co-pay \$80	Co-pay \$100	Co-pay \$80
Lab and X-Ray (Diagnostic Test)	Co-pay \$40	Co-pay \$50	Medical Deductible/ 40% Coinsurance
Hospital Services	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance	
Emergency Services			
Maternity Services	Office Visits: Co-pay \$40 Inpatient Services: Medical Deductible/ 40% Coinsurance	Office Visits: Co-pay \$50 Inpatient Services: Medical Deductible/ 40% Coinsurance	
<b>Mental Health and Substance Use Disorder</b>			
Outpatient Services	Co-pay \$40	Co-pay \$50	Co-pay \$35
Inpatient Services	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance	Medical Deductible/ 40% Coinsurance
<b>Pharmacy Benefits</b>			
Pharmacy Deductible - Individual	\$0	\$0	\$0
- Family	\$0	\$0	\$0
Tier 1: Preventive Drugs	\$0	\$0	\$0
Tier 2: Generic Drugs	\$15	\$15	\$15
Tier 3: Preferred Brand Drugs	\$50	\$50	\$50
Tier 4: Non-Preferred Brand Drugs	\$100	\$100	\$150
Tier 5: Value Specialty Drugs	\$10	\$12	\$12
Tier 6: Specialty Drugs (Brand and Generic)	30% Coinsurance	30% Coinsurance	30% Coinsurance
	<b>Gold</b>	<b>Silver</b>	<b>Silver</b>
<b>Quote:</b>	\$ _____	\$ _____	\$ _____

\*Examples include gynecologic exam, screening mammography, well-child care and newborn care. Limitations do apply. For a detailed listing, visit AveraHealthPlans.com. \*\*These plans are High Deductible Health Plans (HDHP) that can be paired with a Health Savings Account (HSA). †Preauthorization is required after 20 chiropractic visits per plan year. No coverage for services without preauthorization.

# Avera Direct Association Plan Options for SDBA

The Direct Network features Avera owned, managed and leased providers and is available to employers headquartered in Brown, Lincoln and Minnehaha counties in South Dakota — providing access to more than 2,000 providers. This network provides zero out-of-network coverage.

	<b>Avera Direct 4500 HSA-Eligible HDHP**</b>	<b>Avera Direct 6000 HSA-Eligible HDHP**</b>
<b>Medical Deductible</b>		
Individual	\$4,500	\$6,000
Family	\$9,000	\$12,000
<b>Coinsurance</b>		
	0%	50%
<b>Out-of-Pocket Maximum</b>		
Individual	\$4,500	\$7,000
Family	\$9,000	\$14,000
<b>Medical Benefits</b>		
Preventive Care Services	No cost to member. This includes preventive immunizations, screenings, exams*	
Primary Care Physician Visit	This is an HSA-compatible plan.  Member will pay \$0 after meeting the Medical Deductible	This is an HSA-compatible plan.  Medical Deductible/ 50% Coinsurance
Urgent Care Services		
Chiropractic Visit †		
Specialist Visit		
Lab and X-Ray (Diagnostic Test)		
Hospital Services		
Emergency Services		
Maternity Services		
<b>Mental Health and Substance Use Disorder</b>		
Outpatient Services	This is an HSA-compatible plan.  Member will pay \$0 after meeting the Medical Deductible	This is an HSA-compatible plan.  Medical Deductible/ 50% Coinsurance
Inpatient Services		
<b>Pharmacy Benefits</b>		
Pharmacy Deductible - Individual	NA	NA
- Family	NA	NA
Tier 1: Preventive Drugs	\$0	\$0
Tier 2: Generic Drugs	Member will pay \$0 after meeting the Medical Deductible	Medical Deductible/ 50% Coinsurance
Tier 3: Preferred Brand Drugs		
Tier 4: Non-Preferred Brand Drugs		
Tier 5: Value Specialty Drugs		
Tier 6: Specialty Drugs (Brand and Generic)		
	<b>Silver</b>	<b>Bronze</b>
<b>Quote:</b>	\$ _____	\$ _____

\*Examples include gynecologic exam, screening mammography, well-child care and newborn care. Limitations do apply. For a detailed listing, visit AveraHealthPlans.com. \*\*These plans are High Deductible Health Plans (HDHP) that can be paired with a Health Savings Account (HSA). †Preauthorization is required after 20 chiropractic visits per plan year. No coverage for services without preauthorization.

# Questions?



Moving Health  
**Forward.**





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Enjoy 24/7/365 access.

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

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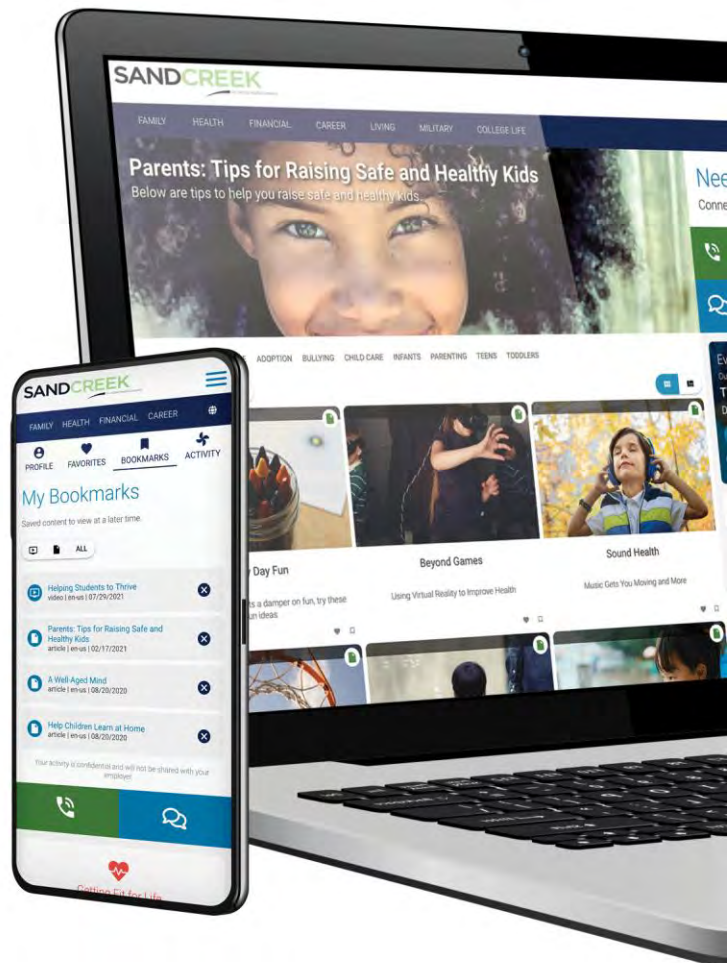
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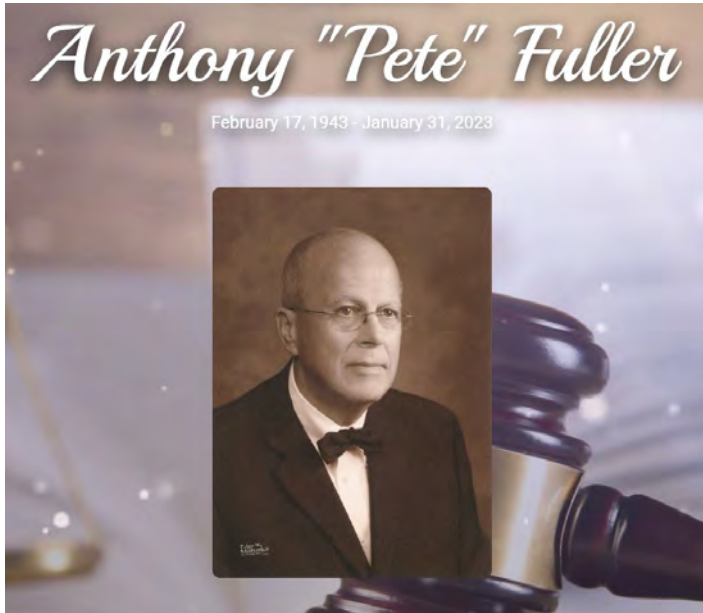
## Getting Started Is Easy

1. Visit your landing page, SandCreekEap.com, and click on "Select Portal & App" in the top menu
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**Call: 1-888-243-5744**  
 Visit: SandCreekEap.com  
 Code: **SBSD1**

# *In Memoriam*



Anthony Peter Fuller left the beautiful Black Hills of South Dakota on January 31, 2023 and is not expected to return. But, before he left, he made his mark on his family, his friends, his colleagues, his adversaries, and his community.

Peter was born in Aberdeen, SD on February 17, 1943 to Harry Thad (Had) and Alice Louise Losleben Fuller. He joined his brother, Thad Leonard Fuller. Alice and the two boys lived near Had's family in Aberdeen while Had served in the Navy during World War II. After his father's service, the family moved to Mitchell SD where his father practice law. Peter had a charmed childhood filled with hunting, sports, time on the lake, and wonderful friends. His athletic endeavors were under the careful eye of his mother, a former PE teacher. If he missed a block in a high school football game, he was sure to hear about it from her. This direction imprinted the character trait of always doing your job, and do it well, because people are depending on you to do it. Not doing your job, was never an option. During his childhood, his sparkling grin found its place. It is still unknown where his more intimidating "Fuller Look" came from, but it was likely high school or college. His children acquired this look and perfected it much earlier.

He graduated from Mitchell High School in 1961, attended Iowa State for a year and a quarter, where

he met additional lifelong friends. Pete transferred to the University of South Dakota where he graduated in 1965. However, prior to graduation he made the wise decision to toss an engagement ring at the young and beautiful co-ed Jacquelyn Gist. Lucky for him, and for her, she said yes. His children and grandchildren are incredibly grateful he tossed that ring and are even more grateful she didn't toss it back. They married in 1964 in Madison, SD.

Following their marriage and graduation they resided in Yankton while Jacque supported the two of them with her teacher's salary while he attended USD School of Law. In law school Pete met not only colleagues, but lifelong friends. They also welcomed their first son, Brook. He graduated from Law School in 1968, becoming a 4th generation Fuller lawyer in the State of South Dakota following in the footsteps of his father, grandfather Thad Leonard, and great-grandfather Howard Garrett. Peter began his 50+ year career as an attorney in Chamberlain, SD at a branch of his father's firm. In Chamberlain, they welcomed their second son Jason.

Following his father's death in 1970, Peter practiced in Mitchell for a short time. The family moved to Lead in 1971 when Peter joined the legal department at Homestake Mining Company (HMC) with KC Kellar and Robert Driscoll. A third son, Thad, joined the family followed by a daughter Alecia. While working for HMC, Peter also had a private practice in Lead, SD and was joined by partners Robert Amundson and Jack Delaney. Amundson, Fuller, and Delaney was a general practice law firm in Lead, SD. Other partners through his legal career included Roger Tellinghuisen, Brad Gordon, Jerome Eckrich, and Michelle Percy. In 2003, Peter was appointed as a 7th Circuit Judge by William Janklow. He served in that capacity for 8 years.

In March of 1978, Pete was in an airplane crash. The photo of the crash was a reminder that we are invincible, and with his passing we realize you just can't be invincible forever.

During his time in Lead, Pete served on the school board, as legal counsel to many individuals, businesses, and non-profits. He coached his children in sports while they were young with his unique style. Then he was their greatest supporter during their continued athletic endeavors. He valued education, honesty, and

hard work and instilled each of these qualities into his children. His children called him Pete, explained best by his son Thad “you should always greet your friend by his first name.” He was lucky enough to call each of his children “friend,” and they were lucky enough to do the same.

Pete loved his family, music and musicians, arts and artists, the law and most lawyers, friends, bird hunting, golfing, traveling with Jacque, and intelligent debates with anyone willing to partake. Pete was a true and loyal friend to those lucky enough to call him friend. The world is a better place because of his passion, dedication, work ethic, and quirky sense of humor. He was direct, and always true to who he was. He wasn't afraid to march to his own drummer. Pete was grateful for his life, his friends, his family, and his profession. The feeling was reciprocal. His 1974 orange VW bus with a surfboard on top, will be forever missed by all who had the pleasure to see him drive by with his infectious grin and twinkle in his eye.

He was preceded in death by his parents, his brother Thad, his son Justin Thad, and his in-laws John and Sylvia Gist. He is survived by his wife of 58 years, Jacque, children John-Ernest Brook (Gretchen Middents), Jason Peter (Angela), daughter Alecia Elizabeth Kjerstad (Robert), daughter-in-law Natasha Guilbert Fuller, sister-in-law Joan Fuller, sister and brother-in-law Jerri and Forry Benz. He is also survived five nieces and two nephews, 15 grandchildren, and one great-granddaughter.

A celebration of life will take place from 3:00 p.m. – 6:00 p.m. on July 18, 2023 at Lead Country Club (11208 Ironwood Ln, Lead, SD 57754).

Memorials may be directed to the Lead-Deadwood Community Foundation or the Black Hills Area Community Foundation to benefit the Homestake Opera House.

\*This obituary was written, over his objection, by his daughter.



The South Dakota Supreme Court and seven Circuit Courts are recruiting for 2024-2025 Law Clerk applicants. If you are aware of any law students either in-state or out-of-state that may be interested in a one-year law clerk opening, please have them view the law clerk announcements on line at <https://ujs.sd.gov/Careers/WorkForUs.aspx>. There are currently law clerk openings in various locations such as Pierre, Sioux Falls, Mitchell or Yankton, Aberdeen, Brookings, Deadwood or Rapid City.

- Supreme Court Law Clerk application deadline: June 2, 2023
- Circuit Court Law Clerk application deadline: July 7, 2023

This is a great opportunity to work for the South Dakota Supreme Court or South Dakota Circuit Courts. If you have any questions, please contact the Unified Judicial System Human Resources office at 605-773-4867.

**REQUEST FOR PROPOSAL FOR CUSTER COUNTY COMMISSION LEGAL SERVICES  
INQUIRIES AND PROPOSALS SHOULD BE DIRECTED TO:**

**Dawn McLaughlin, Finance Officer  
Custer County Auditor's Office  
420 Mount Rushmore Road  
Custer, SD 57730  
[Dmclaughlin@custercountysd.com](mailto:Dmclaughlin@custercountysd.com)**

**I. GENERAL INFORMATION.**

- A. **Purpose.** This request for proposal (RFP) is to contract for legal services to be provided to the **Custer County Commission**, Custer County, South Dakota, a political subdivision of the State of South Dakota.
- B. **Who May Respond.** Attorneys currently licensed to practice law in **South Dakota**, or law firms including such attorneys, may respond to this RFP.
- C. **Instructions on Proposal Submission.**
1. **Closing Submission Date.** Proposals must be submitted no later than **4:00 pm (MTN) on April 24, 2023**, to the Custer County Auditor's Office, 420 Mount Rushmore Road, Custer, SD 57730.
  2. **Inquiries.** Inquiries and your proposal concerning this RFP should be mailed to:

**Dawn McLaughlin, Finance Officer  
Custer County Auditor's Office  
420 Mount Rushmore Road  
Custer, SD 57730**

Or e-mailed to: [Dmclaughlin@custercountysd.com](mailto:Dmclaughlin@custercountysd.com)

3. **Conditions of Proposal.** All costs incurred in the preparation of a proposal responding to this RFP will be the responsibility of the Proposer and will not be reimbursed by Custer County.
4. **Instructions to Prospective Contractors.** It is important that the proposal be submitted in a sealed envelope clearly marked in the lower left-hand corner with the following information:

Request for Proposal  
**4:00 pm (MTN), April 24, 2023**  
SEALED PROPOSAL For Commission Legal Services

Failure to do so may result in premature disclosure of your proposal. It is the responsibility of the Proposer to insure that the proposal is received by Custer County, by the date, time and in the manner specified above. Late, unsealed proposals will not be considered.

5. **Right to Reject.** Custer County reserves the right to reject any and all proposals received in response to this RFP. A contract for the accepted proposal will be drafted based upon the factors described in this RFP.
  
6. **Notification of Award.** It is expected that a decision selecting the successful proposal will be made within thirty (30) days of the closing date. Upon conclusion of final negotiations regarding the successful proposal, all other Proposers will be informed, in writing, of the name of the successful Proposer. It is expected that the contract shall be a one-year contract, with appropriate renewal period(s).

**II. SCOPE OF SERVICES.** The Proposer shall be readily available to perform the following legal services, as requested by the Commission:

**POSITION OBJECTIVE:**

This contracted position reports to the governing Custer County Board of County Commissioners (the "Commission"). It serves as Commission Legal Counsel to the five-member, part-time elected Commission. Duties include performing legal review and analysis under the general direction of the Commission, providing policy and statute guidance to Elected Officials and Department Heads in matters of general government within the authority vested in the position by the Commission. The position ensures all ordinances/resolutions/policies of the Commission and all laws of the State required to be enforced are properly executed.

- Provides user-friendly, neutral, and timely legal counsel to the Commission. It is expected that an initial response to a Custer County inquiry will be within four (4) business hours.
- Reports directly to the Commission with no intervening supervision and under the policy direction of the Commission.
- Attends County Commission meetings and renders legal assistance and advice as requested by the Commission as well as advises on open meetings and open records.
- Prepares or reviews documents of legal significance before submission to the Commission for their consideration and action.
- At the direction of the Commission, the also provides legal counsel to various county boards and departments.
- Researches and drafts policies, resolutions, ordinances, contracts, correspondence, and other legal documents on behalf of the Commission.
- Advises the Commission on legal compliance and risk management issues.
- Provides any further legal work as directed by the Commission.

MINIMUM QUALIFICATIONS OF THE COMMISSION LEGAL COUNSEL:

- A Juris Doctorate degree from an accredited law school and licensed to practice as an attorney and counselor at law by the South Dakota Supreme Court.
- A member in good standing with the South Dakota Bar Association.
- Must have experience in county, municipal, or state government law.
- Ability to communicate effectively, both orally and in writing.
- Ability to establish and maintain effective working relationships with county officials, other employees, and the public.
- Identify, resolve, and document complex interactions and agreements between government entities and between the government and private sector businesses.
- Ability to analyze problems, identify alternative solutions, make decisions, project consequences of proposed actions, and implement recommendations in support of goals.

JUDGMENT AND SITUATIONAL REASONING ABILITY:

- Must possess ability to interpret a variety of instructions furnished in written, oral, diagrams or schedule forms.
- Must possess ability to use independent judgment and to take or suggest an effective course of action.
- Must be able to resolve problems in a timely manner while under pressure.

COMMUNICATION SKILLS:

- Requires the ability to communicate effectively and professionally with other attorneys, elected officials, other county employees and the public.
- Requires the ability to communicate orally and in writing and to be able to effectively argue for the appropriate position.
- Requires the ability to make effective presentations to large and small groups, as required.

**III. PROPOSAL CONTENTS.** The Proposer, in its proposal, shall, as a minimum, include the following:

- A. **Legal Experience.** The Proposer should describe its experience related to the areas outlined in the scope of services above. Additionally, if applicable, provide a description of any experience advising governmental entities comparable to Custer County, South Dakota.
- B. **Attorney Qualifications.** The Proposer should separately attach a resume or description of the qualifications of the attorney(s) to be assigned to the representation. Descriptions should include:
1. Professional and education background of each attorney.
  2. Overall supervision to be exercised.
  3. Prior experience of the individual attorneys with respect to the required experience listed above. Include resumes only of attorneys likely to be assigned to the representation. Education, position in firm, years and types of experience, and continuing professional education will be considered.

- C. **Price.** The Proposer's proposed price should include information on the hourly billing rates of each attorney or other legal staff who are expected to work on this representation and charges for expenses, if any, such as legal research, copies, faxes and electronic communication. Also include a retainer amount that would be charged to advise Custer County on routine matters that could be handled over the telephone or otherwise without extensive research or other legal work. Custer County reserves the right to negotiate with the Proposer on the structure of the billing and/or retainer fee.

**IV. PROPOSAL EVALUATION.**

- A. **Submission of Proposals.** All proposals shall include one (1) original and six (6) copies.
- B. **Evaluation Procedure and Criteria.** The Commission and appropriate staff will review proposals and make recommendations for final approval. The Custer County Commission may request a meeting with some qualified Proposers prior to final selection. Proposals will be reviewed in accordance with the following criteria:
  - 1. Proposed approach to scope of work.
  - 2. Level of experience of the individual(s) identified to work on this matter.
  - 3. The Proposer's experience with similar clients and legal matters.
  - 4. Cost.
  - 5. Interviews, if conducted.

**V. QUESTIONS.**

Questions for the purpose of clarifying the RFP must be submitted **in writing by email** and must be received no later than **4:00 p.m. (MTN) on April 17, 2023**. Questions must be emailed to Dawn McLaughlin at [Dmclaughlin@custercountysd.com](mailto:Dmclaughlin@custercountysd.com). Please note that submissions of questions for response do not in any way enhance or guarantee the chances of receiving a contract through this proposal.

**VI. GENERAL INFORMATION.**

- A. **Contract Award**

Custer County reserves the right to award the contract in a manner deemed to be in the best interests of Custer County and the Commission.
- B. **Stability of Proposed Prices**

Any price offerings from Proposers must be valid for a period of 30 days from the due date of the proposals.
- C. **Amendment or Cancellation of the RFP**

Custer County reserves the right to cancel, amend, modify, or otherwise change this

RFP at any time if it deems it to be in the best interests of Custer County.

**D. Proposal Modifications**

No additions or changes to any proposal will be allowed after the proposal due date, unless such modification is specifically requested by Custer County. Custer County, at its option, may seek Proposer retraction and clarification of any discrepancy or contradiction found during its review of proposals.

**E. Proposer Presentation of Supporting Evidence**

Proposers must be prepared to provide any evidence of experience, performance, ability, and/or financial surety that Custer County deems necessary or appropriate to fully establish the performance capabilities represented in their proposals.

**F. Proposer Demonstration of Proposed Services and/or Products**

Proposers must be able to confirm their ability to provide all proposed services.

**G. Erroneous Awards**

Custer County reserves the right to correct inaccurate awards. This includes revoking the awarding of a contract to a Proposer and subsequently awarding the contract to a different Proposer.

Such action shall not constitute a breach of contract on the part of Custer County because the contract with the initial Proposer will be deemed voided as if no contract were ever in place.

**H. Ownership of Proposals and Subsequent Products**

All proposals shall become the property of Custer County and will not be returned. Any product, whether acceptable or unacceptable, developed under a contract awarded as a result of this RFP shall be the sole property of Custer County unless otherwise stated in the contract.

**I. Oral Agreement or Arrangements**

Any alleged oral agreements or arrangements made by Proposers with Custer County will be disregarded in any proposal evaluation or associated award.

**J. Not a Contract**

This RFP is not a contract and, alone, shall not be interpreted as such. Rather, this RFP serves only as the instrument through which proposals are solicited. Custer County will pursue negotiations with the selected Proposer. If, for some reason, Custer County and the initial Proposer fail to reach consensus on the issues relative to a contract, then Custer County may commence contract negotiations with other Proposers. Custer County may decide at any time to start the RFP process again. The selected Proposer will be required to sign a formal contract.



# Career Center

STATE BAR OF SOUTH DAKOTA CLASSIFIEDS

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



**NOW HIRING**

## ATTORNEY

**LICENSING:**  
Licensed to practice law in South Dakota.

**IDEAL CANDIDATE:**  
1-5+ years of experience preferred; some knowledge of disability laws, guardianship laws, and Medicaid

**APPLY TODAY**  
[bhr.sd.gov/workforus/](http://bhr.sd.gov/workforus/)  
Job ID: 22281  
Location: Statewide  
Salary: \$79,164.24 - \$93,134.40 DOE

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

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

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

Open until filled

## Staff Attorney – Pierre / Sioux Falls / Rapid City

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

The primary purpose of this position is to provide legal representation to clients of Disability Rights

## **Associate Attorney – Sturgis**

Strain Morman Law Firm offers a complete general practice opportunity, and is seeking candidates for an associate staff attorney. The firm handles all types of civil and criminal matters, and covers many areas of non-litigation civil practice.

### Qualifications:

Applicants must be licensed to practice law in South Dakota. The ideal candidate will possess excellent organizational, writing, and research skills, and be willing to work in most general practice areas with an emphasis on contracts, estate planning and trust, and probate areas. Opportunities for civil and criminal litigation are also available.

Salary: Competitive, depending on experience.

### To Apply:

Interested applicants should send their cover letter, resume, and references to:

Strain Morman Law Firm  
C/o Michael Strain  
1134 Main Street  
Sturgis, SD 57785

### Or Email to:

[mike@mormanlaw.com](mailto:mike@mormanlaw.com) (All applications will be kept confidential)

## **Staff Attorney – Pierre**

\$2,000 New Hire Incentive

Job ID: 22176

Agency: Unified Judicial System, Supreme Court

Location: Pierre

Salary: \$80,972.64 - \$85,023.36/annually, depending on experience

Closing date: Open Until Filled

For more information on the Unified Judicial System, please visit <http://ujls.sd.gov>.

The Mission of the South Dakota Unified Judicial System is to provide Justice for All! Our employees are our most valuable resource and crucial to accomplishing our mission. We seek talented and motivated individuals to be the face of the court system and help ensure that the Court and all the people that come before it receives the highest level of service. Our dedicated staff work to enhance community safety and ensure victim's rights

while treating all individuals with dignity and respect.

The Unified Judicial System offers a comprehensive benefits package consisting of 10-12 paid holidays every year, extensive sick and vacation leave, paid family leave, military training leave, health and flexible benefits, regular working hours, continuing education opportunities, retirement benefits, a great working environment, and more.

### Position Purpose:

This position provides extensive legal research, analysis, and advice to the Supreme Court on matters arising before them in regard to various procedural and substantive contexts including appeals, motions, original proceedings, proceedings for special relief, and certain administrative matters. Duties may include:

- screening appeals for jurisdictional error to ensure timeliness of appeals and that the Supreme Court has jurisdiction over appeals;
- reviewing pro se submissions to determine appropriate procedures when documents are procedurally inappropriate or unclear as to grounds or authority for relief;
- providing assistance to the Chief Justice, Justices, Circuit Judges, and Court Clerks by providing legal research and analysis regarding legal matters;
- reviewing petitions to the Supreme Court for certificates of probable cause in habeas corpus actions and recommending their grant or denial to the Court;
- drafting research memoranda and court opinions in death penalty cases, per curiam cases, pro se cases, and abuse and neglect cases to ensure application of pertinent legal authorities and standards to cases involved;
- drafting research memoranda and court opinions in expedited appeals and in original and special proceedings on issues which may affect the state as a whole or in disputes drawing particular public opinion;
- assisting in preparations for the bar examination and
- proctoring;
- performing other work as assigned.

### Minimum Qualifications:

Graduation from an accredited law school and membership in the State Bar of South Dakota (or successful completion of the first South Dakota bar examination following employment with the Supreme Court). Experience is not necessary but is highly preferred.

Successful completion of a criminal background investigation is required for employment.

Knowledge, Skills and Abilities:

Knowledge of:

- the law and South Dakota law;
- functions of the Court;
- court and judicial systems;
- appellate rules of practice and procedure.

Skill in:

- use of the law library and other legal research resources and software;
- use of computer resources;
- legal writing, editing, and proofreading.

Ability to:

- interpret and apply legal principles to appellate jurisdictional and substantive legal issues;
- conduct necessary legal research;
- review facts and legal issues in appellate cases each month and recommend the necessity of oral argument or disposition through written briefs and record;
- identify related or common legal issues in a set of cases;
- formulate and draft legal memoranda in a clear, concise, and coherent manner;
- present and communicate complex topics effectively in oral consultations with supervisory and decision-making authorities;
- analyze rule proposals and draft amendments and rules.

The State of South Dakota, Unified Judicial System does not sponsor work visas for new or existing employees. All persons hired will be required to verify identity and eligibility to work in the United States and complete an Employment Eligibility Verification, Form I-9. The Unified Judicial System as an employer will be using E-Verify to complete employment eligibility verification upon hire.

You may view our benefits information at [https://ujs.sd.gov/uploads/pubs/Come\\_work\\_for\\_us.pdf](https://ujs.sd.gov/uploads/pubs/Come_work_for_us.pdf).

Apply at:

<https://sodakprod-lm01.cloud.infor.com:1443/lmghr/xmlhttp/shorturl.do?key=LEC>

Unified Judicial System

500 East Capitol Avenue

Pierre, SD 57501-5070

Phone: 605.773.4867

“An Equal Opportunity Employer”

## Deputy State’s Attorney - Rapid City

Position Objective:

The role of a Deputy State’s Attorney is to work collaboratively with law enforcement in enforcing the laws in the jurisdiction of Pennington County. They represent the State of South Dakota in all stages of court proceedings.

Essential Functions:

- Reviewing law enforcement reports.
- Making criminal charging decisions.
- Presenting evidence at probable cause hearings, whether before the Court or Grand Jury.
- Representing the State of South Dakota at Initial Appearances and Arraignments.
- Representing the State of South Dakota at Status and Motion Hearings.
- Representing the State of South Dakota at Evidentiary Hearings.
- Making bond arguments at hearings before the Court.
- Conducting legal research and writing, and motion preparation.
- Abiding by all victims’ rights and assisting victims through the criminal justice system. Meeting with victims and other witnesses throughout the prosecution of cases.
- Preparing law enforcement officers, witnesses and victims for courtroom testimony.
- Preparation for and presentation of evidence at court and jury trials.
- Deputy State’s Attorneys routinely field phone calls from citizens and interested parties about criminal prosecutions.
- They are also responsible for updating and training law enforcement on relevant areas of the law.
- Deputy State’s Attorneys also represent the State of South Dakota at involuntary mental commitments, involuntary drug and alcohol commitments and fugitive proceedings.
- Deputy State’s Attorneys handle appeals from magistrate to circuit court, and initial habeas filings at the State level.
- The Deputy State’s Attorney assigned as the juvenile prosecutor acts as a liaison to the Juvenile Detention Alternative Initiative Committee (JDAI), and meets daily with this group to discuss alternatives to detention placements. This attorney works collaboratively with the Juvenile Services Center, the Department of Corrections and Court Services and prosecutes all stages of litigation for juvenile offenders.

- The Deputy State's Attorney assigned to abuse and neglect prosecution represents the Department of Social Services (DSS) in all stages of litigation in civil proceedings against parents and guardians accused of abusing or neglecting their children. Works cooperatively with DSS, tribal representatives, children's counsel, Department of Corrections, law enforcement and Court Services.
- The Deputy State's Attorney assigned to the Civil Division handles planning and zoning cases and assists the Civil Chief Deputy as the legal representative for all County Department Heads and the County Commission.
- The Deputy State's Attorney assigned to Magistrate Court represents the State of South Dakota in misdemeanor cases (those punishable by up to one year in county jail.)
- The Deputy State's Attorney and Senior Deputy State's Attorney assigned to Circuit Court represent the State of South Dakota in the same manner as those assigned to Magistrate Court. In addition, these attorneys will represent the State in felony matters (ranging in punishment from two years in the State Penitentiary to life imprisonment.) These attorneys will also be assigned with one or more specialty courts. These attorneys may also be called upon to assist with law enforcement investigation, search warrants and visit crime scenes. These attorneys are also responsible for the presentation of evidence and cases to the Pennington County Grand Jury.

**Experience and/or Education Required:**

- Bachelor's Degree from an accredited University.
- Juris Doctorate Degree from an accredited University.
- Membership in the State Bar of South Dakota.

**Working Environment:**

- Most work is performed indoors in an office where noise and interruptions often occur.
- Must walk to the Pennington County Courthouse for multiple daily court appearances in all weather, carrying multiple files.
- Overtime hours may be required to adequately prepare for jury trials and complicated hearings.
- Some travel may be required for training, meetings, mental commitment hearings and appearances as needed in other jurisdictions.

**Physical Requirements:**

- Must be able to frequently sit, walk, stand, bend, kneel,

stoop, reach and lift, push or pull and manual dexterity is needed to type, write, use a calculator, and answer telephone.

- Must be able to walk two blocks multiple times a day to court in all weather.
- Upper body strength is a requisite to lift/move a maximum of 20 lbs. unassisted to carry files to court.
- Ability to communicate effectively orally and in writing.
- The ability to talk and communicate both electronically and face to face.

Open until filled

**State's Attorney – Potter County**

Potter County is accepting applications for the POTTER COUNTY STATE'S ATTORNEY

Applications may be picked up in the County Auditor's office at the courthouse in Gettysburg. Application will be accepted until March 17th.

**POSITION SUMMARY** – The States Attorney performs routine professional legal work in the prosecution of civil and criminal cases and juvenile crimes, including working with law enforcement in the investigation of criminal cases, reviewing offensives and existence to make charging decisions in criminal and juvenile cases, and attending legal proceedings. Duties may also include advising County elected and appointed officials on various civil law issues, including contracts, labor law, taxation, and other civil matters.

**POSITION REQUIREMENTS** – Applicants must be a graduate of an accredited College of Law with a Juris Doctorate degree. Applicants must also be licensed to practice law by the Supreme Court of South Dakota. Applicants must also successfully complete a pre-employment background process.

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

**KNOWLEDGE, SKILL, AND ABILITY** – A successful applicant will have a working knowledge of criminal and civil law, including criminal and civil procedures, court pleadings, and rules of evidence. The applicant will also be able to review, research, and prosecute criminal and

juvenile cases and communication effectively in writing and orally. Applicants will also be able to maintain effective working relationships with coworkers, other agencies, and the public. Finally, the applicant will be able to maintain a professional appearance and demeanor.

Apply by submitting a resume and cover letter to:  
Potter County Auditor's Office  
201 S. Exene Street  
Gettysburg, SD 57442  
Phone: (605) 765-9408  
Fax: (605) 765-2332  
Email: [pcaudit@venturecomm.net](mailto:pcaudit@venturecomm.net)

## State's Attorney – Clay County

JOB POST CLOSED: APRIL 11, 2023

### General Information:

The Clay County Board of Commissioners invites applications for full-time State's Attorney to perform professional legal services on behalf of the State of South Dakota, Clay County and county departments in criminal and civil court, as well as administrative proceedings. The State's Attorney serves as the chief prosecutor of all adult and juvenile crimes occurring in Clay County and provides advice and legal counsel to the Board of County Commissioners and all county departments.

This position will be appointed by the County Commission to fill the remaining term of office vacated by the resignation. Appointment to commence June 1, 2023. Selected candidate required to maintain residence in Clay County on or before June 1, 2023. Subsequent terms of office must be filled by general election.

### Duties and Responsibilities:

- Prepare and manage an office, including two other attorneys and two paralegals with a caseload of misdemeanors, felonies, juvenile offenses, and juvenile abuse and neglect cases.
- Responsible to present cases for legal proceedings. Perform legal research. Prepare, draft, and file legal documents and correspondence.
- Review offenses, police reports, and evidence to make charging determinations on all criminal offenses occurring within the county. Prepare, send, and track subpoenas for witnesses and records. Prepare and

interview witnesses for legal proceedings. Appear regularly in court. Select jurors.

- Communicate, correspond, and collaborate with parties involved in cases including victims, parents, school personnel, attorneys, court personnel, and law enforcement regarding procedures and actions for those cases. Respond to inquiries from the public.
- Ensure protocols for victim notifications of proceedings.
- Make recommendations for custody, parental rights, sentences, and restitution for juvenile, magistrate and felony files.
- Stay informed on changes in relevant law, statutes, proposed legislation and policy pertaining to criminal law, juvenile matters, and county government.
- Provide routine representation to county officials including the Board of County Commissioners and regularly attend meetings accordingly.
- Provide civil legal advice and representation to county officials, department heads and staff, including but not limited to matters of: property tax appeals, indigent matters, and zoning issues.
- Represent the County at public, private, and inter-governmental programs and events.
- Oversee compliance with grant funding and reporting requirements by the State's Attorney's office.
- Respond to inquiries from the public regarding matters addressed by the office.
- Perform other job-related duties as statutorily required.

### Qualifications:

- Graduation from a college of law.
- Attainment of a Juris Doctor degree from an accredited law school.
- Admission by the Supreme Court of South Dakota to practice law in the state of South Dakota (licensed to practice law in South Dakota).
- Working knowledge of: civil and criminal law and methods and practices of pleadings; court procedures and rules of evidence; principles, methods, materials, and practices utilized in legal research; and general law and established precedents.
- Ability to prosecute cases.
- Ability to speak and write effectively in the preparation and presentation of legal matters.
- Ability to establish and maintain effective working relationships with coworkers, other agencies and the public.
- Ability to maintain professional appearance and demeanor.

- Must successfully complete pre-employment background process.
- State's Attorney is barred by statute from engaging in private practice and may only appear in the courts of this state when acting on behalf of the county or the State of South Dakota.
- Strong written and oral argument skills. Experience supervising employees.
- Experience working with local government entities.

Salary: Statutory minimum \$71,534 annually  
(Commission may authorize additional DOE).

#### Physical Requirements & Working Conditions:

While performing the duties of this job, the employee is regularly required to sit and communicate detailed and important information to others quickly and accurately; keyboarding and extended viewing of a computer screen; crouching; reaching; climbing; and lifting. Occasionally lifts and/or moves objects weighing up to 25 pounds such as tools, equipment, supplies, etc.; move around construction sites; driving or riding on extended trips, airplane travel. Communicates verbally and in writing. Reasonable accommodations may be made to enable individuals to perform the essential functions.

This is a full-time, exempt position. Days and hours of work are Monday through Friday with other occasional evening and/or weekend meetings if necessary.

Clay County, South Dakota is an Equal Opportunity Employer and all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, veteran status or disability except as required by law. To be considered for this position, any and all candidates must be able to certify that he or she can perform with or without reasonable accommodation all the essential functions listed above.

#### Applicant Requirements:

- Vitae
- Cover Letter
- Writing sample (not to exceed five pages)

Please submit requirements [here](#).

## PAI Coordinator – Sioux Falls

East River Legal Services (ERLS) is seeking to hire a PAI Coordinator. This position is in our Sioux Falls, South Dakota office. We are a non-profit law firm serving low-income individuals in the 33 Eastern South Dakota counties. ERLS exists to better the lives of the over 52,000 people living in poverty in Eastern South Dakota. We offer free legal services to our community's veterans, older Americans (60+), individuals with disabilities, victims of crime, and all those facing financial insecurity and/or homelessness.

#### General Responsibilities:

Under the supervision of the Executive Director, the PAI Coordinator is responsible for working with our pro bono program to develop contacts and relationships to facilitate growth, designing training and orientation materials for volunteer attorneys, and creating and implementing a volunteer recognition plan. The PAI Coordinator studies and understands the history, structure, objectives, programs, and needs of ERLS to help develop, grow, and facilitate the pro bono program.

#### Duties and Responsibilities:

1. Recruit volunteer attorneys, law students, paralegals, and other professionals to participate in the PAI program.
  - Partner with private bar organizations to support the ERLS PAI program, which includes presenting to lawyers and legal organizations.
  - Branch out to encompass law student involvement in the program to allow law students, through attorney supervision, to give legal information and assistance to eligible clients.
  - Identify and build relationships with community partners who share the goal of improving the lives of low-income and vulnerable South Dakotans.
2. Develop a pro se clinic plan to recruit volunteer attorneys to assist clients with pro se civil matters, which will include the following components:
  - Partner agencies to identify clients and host clinics;
  - Pro se forms for clients;
  - Introduction for volunteer attorneys.
3. Determine and direct the delivery of legal assistance to eligible clients by volunteer attorneys through programs such as organized pro bono plans, private attorney assisted pro se clinics, reduced fee plans, judicare panels, private attorney contracts, or those modified pro bono plans which provide for the payment of nominal fees by eligible clients and/or organized referral systems; except for limitations that are outlined in grant funding.

- Establish a criteria standard to determine what cases qualify for possible pro bono placement or clinics.
  - Prove regular communication about its activities, services to clients, and the importance of access to justice to the community/state.
4. Execute a system designed to provide direct legal assistance to eligible clients of ERLS by volunteer attorneys on either a pro bono or reduced fee basis, which will include at a minimum, the following components:
- Intake and case acceptance procedures consistent with ERLS' established priorities in meeting the legal needs of eligible clients;
  - Case assignments which ensure the referral of cases according to the nature of the legal problems involved and the skills, expertise, and substantive experience of the participating attorney;
  - Case oversight and follow-up procedures to ensure the timely disposition of cases to achieve, if possible, the result desired by the client and the efficient and economical utilization of ERLS resources;
  - Access by private attorneys to ERLS resources that provide back-up on substantive and procedural issues of the law;
  - Manage and close PAI case files through adherence to strict funding guidelines.
5. Support volunteer attorneys involved to include, but not limited to, training, technical assistance, research, advice and counsel or the use of recipient facilities, libraries, computer assisted legal research systems or other resources.
- Craft an onboarding policy and orientation process for volunteers specific to their educational level to ensure success for the volunteer and ERLS;
  - Develop time tracking consistency for volunteers;
  - Produce a volunteer handbook and update information on a yearly basis.
6. Collaborate with the SD Bar associations and/or Courts to establish legal clinics in South Dakota, where volunteer attorneys will provide legal information and/or legal assistance to clients.
- Maintain records sufficient to document the resource the clinic will be giving, such as legal information or legal assistance.
    - i. If the clinic focuses on giving clients legal information, then no restrictions are applied.
    - ii. If the clinic focuses on giving clients legal assistance, then the coordinator will maintain records sufficient to document that the clinic has an eligibility screening process to ensure clients are eligible for LSC-funded legal services.
7. Develop and implement a volunteer recognition program.
8. Apply for a Pro Bono Innovation Grant, in the hopes of increasing volunteer attorneys through outreach.
9. Assist with the expansion of Legal Server to allow volunteers to update case status, increase follow-up, and note outcomes.
10. Show support for other non-profit agencies throughout the State by:
- Providing content for social media;
  - Attending events in person;
  - Supporting community agencies as chosen by staff and the Executive Director and approved by the Board of Directors;
  - Participating in Statewide Coalitions;
  - Exploring joint organizational efficiency opportunities.
- Knowledge, Skills, & Abilities:
1. Ability to prioritize and multi-task;
  2. Must be detail-oriented, self-motivated, and can act in a manner that will reflect positively on the organization;
  3. Demonstrated success in following through and completing routine tasks;
  4. Proficient computer skills;
  5. Excellent listening and communication skills;
  6. Commitment to serving low-income and underserved communities;
  7. Position requires participation in occasional weekend and evening events and clinics.
- Salary and Benefits:  
Salary based on experience. Benefits include paid holidays and vacation days, parental leave, health, dental, vision, travel reimbursement, Life, AD & D, and IRA.
- Pay: \$50,000.00 - \$60,000.00 per year
- To Apply:  
Interested applicants should send their Cover Letter and Resume to:
- East River Legal Services  
Attn: Melissa Frericks  
335 N. Main Ave., Suite 200  
Sioux Falls, SD 57104-6038  
Or Email to: [Melissa@erlservices.org](mailto:Melissa@erlservices.org)  
Closing Date: Open Until Filled

## **Deputy Campbell Co. Attorney – Wyoming**

Prosecution of misdemeanor and felony criminal offenses.

- The Campbell County Attorney's Office is looking for attorneys who want to make an impact in their community, and help create an office culture that is both dynamic and professional.
- The Campbell County Attorney's Office is looking for attorneys who desire to work in an environment where institutional knowledge is shared, teamwork is encouraged, and professional development is valued.
- The Campbell County Attorney's Office is looking for attorneys seeking a leader with integrity, who takes seriously the moral and ethical obligations of being a prosecutor.

If you are looking for these standards in a legal work environment, then the Campbell County Attorney's Office would be the perfect fit for you.

### **CAMPBELL COUNTY, WYOMING**

- Located between the Black Hills and Big Horn Mountains, lies a unique and vibrant community with a population just under 50,000 people.
- Local and regional access to the outdoors, including amazing hunting, fishing, hiking, camping, skiing, horseback riding, boating, snowmobiling, motorcycling, and ATV/UTV riding.
- Amenities to include a regional airport and hospital, local college, movie theater, multiple golf courses, shopping, restaurants, brewery, numerous parks, sports complex facilities, indoor pool and trampoline parks, and gymnastic/dance studios.
- Nationally recognized library and recreation center, as well as access to community and national events through the CAM-PLEX, AVA Art Center, and Rockpile Museum.
- A school district committed to excellence that serves twenty-four (24) schools and around eight thousand seven hundred fifty (8,750) students. Campbell County School District #1 is able to offer a low student to teacher ratio average of 18:1, and provides students with access to an aquatic center, planetarium, and science center-adventurarium.
- Home to a semi-professional indoor football team (Gillette Mustangs) and NA3HL hockey team (Gillette Wild)

### **SALARY**

-\$85,000.00 through \$110,000.00 (\*Tremendous

benefit package, to include medical, dental, and vision insurance; life and long-term disability insurance; employer funded participation in the Wyoming Retirement System; SupportLinc Employee Assistance Program; and free membership to the recreation center and golf course through the wellness program).

### **MINIMUM QUALIFICATIONS**

- -Graduation from an accredited law school.
- -Current good standing membership in the Wyoming State Bar.

### **APPLICATION REQUIREMENTS**

Required Materials:

- 1) Campbell County Application;
- 2) Resume;
- 3) Cover Letter; and
- 4) Legal Writing Sample

Please send all required application materials to [kelly.wallem@campbellcountywyo.gov](mailto:kelly.wallem@campbellcountywyo.gov) or mail to the Campbell County Attorney's Office, 500 South Gillette Avenue, Suite B200, Gillette, WY 82716.

\*Application Deadline: April 7, 2023.

## **Associate Attorney – Rapid City**

Peebles Kidder Bergin & Robinson LLP is a national law firm dedicated to the representation of American Indian tribes and organizations. We represent tribes and tribal entities in a wide spectrum of services including business transactions, litigation, and governmental affairs in many forums, including state, federal and tribal courts.

The Rapid City office of Peebles Kidder seeks an Associate Attorney with preferred experience in the areas of contracts, employment law, housing, education, policy drafting, litigation and/or tribal governance.

Minimum qualifications include:

- Juris Doctorate degree from an ABA accredited law school;
- Status as an active member in good standing of the bar of any State – preference for North or South Dakota;
- One to five years of experience in representing entities or governmental entities, schools, and/or housing entities, and/or in contracts, federal procurement, land transactions, policy drafting, and working with entity clients boards;



- Experience working with Indian tribes or tribal entities strongly preferred
- Proven skills in effectively communicating with clients, opposing co-counsel, and federal/state/tribal agency representatives;
- Excellent analytical, research, and writing abilities; and
- Ability to work well independently and as a team.

Duties and Responsibilities include:

- Provide counsel and legal services to new and existing clients in a professional and expedient manner;
- Interact in person with clients – travel in the region is required for this position;
- Apply knowledge of legal procedures and previous cases to effectively counsel clients;
- Conduct legal research by preparing legal memoranda and drafting pleadings required in all aspects of tribal, federal, and state litigation matters;
- Represent clients in tribal, federal, and occasionally in state courts;
- Draft contracts and agreements and analyze legal documents;
- Conduct legal research and gather evidence; interpret laws, rulings and regulations;
- Apply knowledge of legal procedures and previous cases to effectively counsel clients;
- Negotiate settlements;
- Comply with all court, state bar and inter-office policies and procedures; and
- Achieve firm’s monthly and annual billable hours requirement

Your total compensation package will include a competitive salary, bonus potential, participation in the firm 401(K) retirement plan, and a benefits package that includes health, dental, vision, life and disability insurance programs. Native American preference applies to this position.

Send your resume and cover letter, writing sample, professional references and law school transcripts (if graduated less than 5 years ago) to:

Laila Sanousi, Chief Operating Officer [lsanousi@ndnlaw.com](mailto:lsanousi@ndnlaw.com)  
 2020 L Street, Suite 250  
 Sacramento, CA 95811

Position open until filled.

## Attorney – Brookings

Ribstein & Hogan Law Firm has an immediate opening for an associate position. We are looking for candidates with experience levels ranging from newly licensed lawyers to those with several years of experience. Only candidates seeking a long-term employment opportunity will be considered. Primary work will be a general practice including criminal, family law, and civil litigation. This position also requires research, brief writing, trial preparation, and litigation. Excellent academic credentials and writing skills are required.

Confidential inquiries, including resume and cover letter should be directed to Rick A. Ribstein or Tim Hogan, Ribstein & Hogan Law Firm, 621 6th St., Brookings, SD 57006 or by email [rickribstein@sdakotalaw.com](mailto:rickribstein@sdakotalaw.com) or [timhogan@sdakotalaw.com](mailto:timhogan@sdakotalaw.com). We offer competitive salary and benefit package.

## Attorney – Pierre

We have a position opening due to a staff retirement.

If you hold a Juris Doctorate and are licensed by the South Dakota State Bar to practice law in South Dakota, you should check out this attorney position.

We are seeking a professional, intelligent and dedicated attorney to represent the South Dakota Public Utilities Commission in proceedings before the commission and in working with the regulated industry.

This position pays \$100,000 per year or more depending on your qualifications or relevant experience. This position works in an office in our state’s beautiful Capitol building, and works with other attorneys and professional staff.

The State of South Dakota provides excellent benefits. These include employer-paid health insurance, 11 paid holidays, generous vacation and sick leave accrual, dental, vision, and other insurance options and retirement benefits. Access South Dakota’s benefit information at [BHR.SD.Gov/job-seekers/work-for-state-government/](http://BHR.SD.Gov/job-seekers/work-for-state-government/). This position is exempt from the Civil Service Act. Equal Opportunity Employer.

Visit [PUC.sd.gov](http://PUC.sd.gov) and click on Employment Opportunity for more details.

Please email your resume, cover letter and contact information for three work-related references to [PUC@state.sd.us](mailto:PUC@state.sd.us).

### **Financial Examiner– Sioux Falls or Pierre**

Division of Banking Financial Institution Examiner

Job ID: 20584

Salary: \$50,000 annually

Closing Date: Open Until Filled

This is a Full-Time 40 Hours Weekly position with the South Dakota Division of Banking, part of the Department of Labor & Regulation. For more information on the Division of Banking, please visit <https://dlr.sd.gov/banking>. The Division of Banking regulates the state's banking, trust, and financial services industries to assure that our citizens have confidence in our state's financial markets and services. We are seeking an inquisitive individual with analytical and communication skills to join our team of professional Financial Institution Examiners in either Pierre or Sioux Falls.

#### **Examiners at the Division of Banking enjoy:**

- Training – Effective on-the-job training is combined with annual off-site training at locations such as Hilton Head, SC; Arlington, VA; and Boston, MA.
- Pay Advancements – Salary increases are offered for successful work performance and completion of formal trainings.
- Positive working environments – Enjoy having your own office while still working as part of a knowledgeable and supportive team.
- Personal growth – Develop comprehensive knowledge of the financial industry while developing leadership and communication skills.
- Advancement – Successful examiners will receive numerous certifications with internal promotional opportunities available.

#### **As part of a team, you will:**

- determine the financial condition of state-chartered banks, trust companies, and licensed financial institutions;
- evaluate adequacy of financial institutions' internal control procedures;
- determine compliance with State and Federal statutes related to banking, trust, licensing, and consumer protection;
- evaluate loan and investment portfolios to determine

quality and suitability;

- make recommendations on findings;
- investigate consumer complaints related to supervised financial institutions.

#### **The ideal candidate will have:**

- A bachelor's degree in banking, finance, accounting, or a related field with an advanced degree preferred. Professional experience that leads to mastery of the following knowledge and abilities will be considered.
- Knowledge of accounting and auditing principles and procedures; the organization of banks and other financial institutions; banking work environments; fiduciary principles; consumer protection statutes and regulations; and Microsoft Office products and management information systems.
- Skill to communicate concisely and effectively with co-workers, financial institution staff and officials, and examiners from other agencies; gather, interpret, report, and use financial information; understand and interpret federal and state banking regulations.

#### **Additional Requirements: To be considered, attach your resume, letter of interest, writing sample & post-secondary transcripts**

This position is exempt from the Civil Service Act.

This position is eligible for Veterans' Preference per ARSD 55:10:02:08.

Successful applicant(s) will be required to undergo a background investigation. An arrest/conviction record will not necessarily bar employment.

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

#### **Attorney – Pierre**

Tieszen Law Office, Prof. LLC, is seeking to add an attorney to its office located in Pierre, S.D.

The successful candidate for this position will have the opportunity to be involved in a general practice including all phases of civil litigation, estate planning, probates, real estate transactions, formation and counseling of business clients, and criminal defense.

Duties and responsibilities will include meeting with and counseling clients, legal research and drafting on pleadings and other legal documents, appearing in court and administrative proceedings, preparing estate planning documents, and formation of business entities. Lobbying opportunities may also be available in the South Dakota Legislative arena.

Candidates should have excellent writing, research, and communication skills, and be able to work well independently and as a team member in an energetic environment.

Salary depending on experience, with increases depending on performance.

Interested applicants should send their cover letter, resume, and references to Naomi Cromwell, Tieszen Law Office, Prof. LLC, PO Box 550, Pierre SD 57501, or by email to [naomic@tieszenlaw.com](mailto:naomic@tieszenlaw.com). Applications will be kept confidential.

### **Staff Attorney – Ft. Yates, ND**

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our Ft. Yates, North Dakota office. The Ft. Yates office serves Campbell, Corson and Walworth counties in South Dakota and the Standing Rock Indian Reservation.

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

**SALARY:** Competitive, depending on experience. DPLS has excellent fringe benefits, including generous leave benefits and employee insurance coverage (medical, dental, life, disability).

**CLOSING DATE:** Open until filled.

**APPLICATION INFORMATION:** Please submit a

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

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

### **Staff Attorney – Mission**

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

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

**SALARY:** Competitive, depending on experience. DPLS has excellent fringe benefits, including generous leave benefits and employee insurance coverage (medical, dental, life, disability).

**CLOSING DATE:** Open until filled.

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

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

### **Staff Attorney – Pine Ridge**

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our Pine Ridge, South Dakota, office. The Pine Ridge office serves the Pine Ridge Reservation and Bennett, Jackson and Shannon counties in South Dakota.

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

**SALARY:** Competitive, depending on experience. DPLS has excellent fringe benefits, including generous leave benefits and employee insurance coverage (medical, dental, life, disability).

**CLOSING DATE:** Open until filled.

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

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

### **Staff Attorney – Rapid City**

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our Rapid City, South Dakota, office. The Rapid City office serves Butte, Custer, Fall River, Harding, Lawrence, Meade, Pennington and Perkins counties in South Dakota.

**QUALIFICATIONS/RESPONSIBILITIES:** Applicants must have a JD degree and be licensed to practice, or by reciprocity be able to obtain a license to practice, in South Dakota, or be qualified to take the next South

Dakota Bar Exam; must be a bright, motivated, self-starter; must have the tenacity to assume immediate practice responsibilities, including handling a significant caseload touching on many different areas of law with regular appearances in court; and must demonstrate an interest in poverty law and working with Native American and low income clients.

**SALARY:** Competitive, depending on experience. DPLS has excellent fringe benefits, including generous leave benefits and employee insurance coverage (medical, dental, life, disability).

**CLOSING DATE:** Open until filled.

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

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

### **Staff Attorney – Fort Thompson**

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

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

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

CLOSING DATE: Open until filled.

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

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

## Magistrate Judge– Sioux Falls

MAGISTRATE JUDGE  
Second Judicial Circuit  
Sioux Falls, South Dakota

Requisition #: J24-09

Agency: Unified Judicial System

Salary: \$118,504.80 annually; with a possible cost of living salary increase per legislative approval

Closing Date: May 3, 2023

Position Purpose: Position performs highly responsible legal work in the disposition of certain types of cases in magistrate court in the Second Judicial Circuit. This position may require travel. Work involves responsibility for hearing and ruling on certain cases of Drug/DUI court, traffic, civil, criminal and small claims matters. 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, search and seizure warrants;
- acting as committing magistrate, including setting bond conditions on felonies prior to indictment;
- fixing bond;
- handling initial action on protection orders;
- reading or listening to allegations; determining if action cited is supported by facts (probable cause);
- conducting jury trials on misdemeanors and civil cases within the jurisdictional limit;
- hearing and evaluating evidence;
- trying and determining all cases of misdemeanor and actions or proceedings for violation of any ordinance by

law or other police regulation of a political subdivision;

- taking pleas of guilty;
- taking forfeitures of appearance bonds;
- trying civil actions or small claims up to a specific jurisdictional amount;
- participating and assisting with Drug Court, DUI Court or other problem-solving courts;
- taking evidence;
- entering judgments;
- occasional work on weekends and holidays, usually on a rotating basis with all other judges.

Comments: Graduation from an accredited law school and experience in the practice of law. Licensed to practice law in the State of South Dakota. Applicants must meet the State of South Dakota Constitutional requirements set 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. Applicants selected for interviews must be available for interviews on Wednesday, May 10, 2023.

To qualify for Veterans' Preference, a veteran must have been separated or discharged honorably or under honorable conditions. To be considered for Veterans' Preference, please attach a copy of the DD214, DD214R or NGB22 indicating qualifications per SDCL 33A-2-1.

To Apply: Applicants must complete a letter of interest and personal data questionnaire. The personal data questionnaire 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](mailto:Lisa.Mammenga@ujs.state.sd.us)

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## UPCOMING EVENTS

April 26, 2023 | Law for Lunch - Civil vs Criminal Child Abuse & Neglect Cases | Zoom

April 27, 2023 | Bar Commission Meeting | Sioux Falls

May 5 | Criminal Law & Family Law CLE's | Sioux Falls

May 17, 2023 | Bar Commission Meeting | Teleconference

May 18, 2023 | Law for Lunch - 2023 Legislative Updates | Zoom

June 21, 2023 | Wellness CLE | Ramkota, Sioux Falls

June 22, 2023 | Early Bird CLE, Ramkota, Sioux Falls

June 22, 2023 | Legal Potpourri - 2 Tracks | Ramkota, Sioux Falls

June 22, 2023 | Pozner CLE | Ramkota, Sioux Falls

June 23, 2023 | Bar Commission Meeting | Ramkota, Sioux Falls

July 13-14, 2023 | Bar Commission Meeting | Deadwood

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