

State Bar of South Dakota

NEWSLETTER



August 2024

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PLEASE NOTE:

The State Bar is providing expanded wellness member benefits through our EAP provider, Sand Creek.

These benefits are available to ALL State Bar members and their household family members, and to USD Law students and their household family members.

Please take advantage of these expanded wellness benefits.

State Bar of South Dakota

August 2024

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PRESIDENT'S **CORNER**

Sarah Sharp Theophilus



A few former State Bar Presidents had shared with me that an office highlight for them was being able to attend the ALPS Bar Leaders Retreat in Missoula, MT. Executive Director Cremer and I were fortunate enough to attend this year's retreat this past month along with bar leaders and Executive Directors from across the country. The ALPS Team hosted us at their headquarters in the iconic Florence Building and treated us to a lineup of exceptional speakers and local musicians. ALPS graciously covers most of the costs, and they provide opportunities to enjoy local attractions. The Class III white water rafting through the Alberton Gorge (an amazing canyon section of the Clark Fork River) was a personal favorite of mine.

Last week your new Bar Commissioners met for the first time in Sioux Falls for their orientation and retreat. We are incredibly lucky to have such a dedicated and talented group of attorneys serving our Bar. I am impressed with the hours they spent preparing for the meeting and the time they spent traveling and away from work and family to attend to the Bar business. After orientation on Thursday, Bar staff arranged for a tour on the USS Jesse James Pontoon in Split Rock Park in Garretson. On Friday we met for our meeting which included approving the financial reports and budget. The Finance Committee (David Strait and Justin Bell) do incredible work, along with our bar staff, with these reports. We were also honored to have a special guest join us and provide a report of her year - ABA YLD Chair Tamara Nash. Tamara will be passing her gavel this weekend in Chicago to her Chair-Elect. I am so

proud of Tamara and all she has done for the ABA and how she has represented South Dakota.

As I am writing this, I am mindful of the nearly 80 examinees sitting for the South Dakota bar exam in Pierre this week. It was only 22 years ago I was doing the same thing. Soon, law students in South Dakota may have another option. As many of you are aware from Chief Justice Jensen's State of the Judiciary, South Dakota may soon have a pilot program for an alternative public interest pathways program to bar admission. This would allow a limited number of students who are interested in public service an opportunity for admission to the Bar without examination. This would include an experiential-based law school curriculum and a separate showing of minimum professional competence as determined by the Board of Bar Examiners. Students in the program would be required to practice in a public service position, or in an underserved rural area for two years. This ties in nicely with the State Bar's Pathways Program as we all make efforts to make sure our legal system is adequately staffed to meet the legal needs of South Dakotans.

The YLS Nuts and Bolts CLE will be held early on Friday, September 27, at Drifters in Fort Pierre. Later that day, the Statewide Swearing-In Ceremony will take place at the State Capitol Building. Please plan to attend to welcome the newest members to our Bar!

STATE BAR OF SOUTH DAKOTA



STATEWIDE
SWEARING-IN
CEREMONY



3:00 PM CST
Friday, September 27th, 2024
Capitol Rotunda, Pierre SD

*Join us for a reception immediately following
the ceremony at Drifters in Fort Pierre.*

State Bar of South Dakota

YOUNG LAWYERS SECTION



Chelsea Wenzel
President

The first full month with the 2024-2025 YLS Board was full of planning and anticipation for the upcoming year. We had our first online meeting as a Board and, at the end of July, the board members met in Sioux Falls in tandem with the State Bar Commissioners. On the first day, the Commissioners graciously invited the YLS Board members to the orientation meeting. We enjoyed learning about the inner workings of the State Bar and left with an even bigger appreciation for all the work the State Bar Staff and volunteers do for our state and profession.

The next day the YLS Board members met as a board and developed our master plan for the upcoming year. We identified priorities, earmarked our budget, formed subcommittees, and set the first few events in motion. We also appointed Cole Romey (at-large YLS Board Member), as our South Dakota-North Dakota ABA Young Lawyer Division (“YLD”) District Representative. Cole will serve in the position for two years and he will act as a liaison between the state young lawyer boards and the ABA YLD. He will also represent the interests of the South Dakota and North Dakota young lawyer boards at the ABA YLD meetings. We are very excited to have Cole in this position and know he will represent us well!

The first YLS sponsored event of the year will be the Nuts and Bolts CLE and the State-Wide Swearing In Ceremony. Both events will take place in Pierre/Fort Pierre on September 27, 2024.

Nuts and Bolts CLE

We are working on the final touches for the CLE, but it will take place in the morning and last until approximately 1:00P.M. Lunch will be provided and there will be door prizes drawn from those who attend in person. While the programming is often geared towards newer attorneys, much of it will be applicable to all attorneys and all attorneys are welcome.

State-Wide Swearing In Ceremony

The SWSI Ceremony will begin at 3:00PM in the Capitol Rotunda. A photographer will be present to take pictures of the new admittees with the Chief Justice in the Supreme Court Courtroom. We try to have the SWSI Ceremony as early as possible, as we know new attorneys are excited to be sworn in and get to work. As a reminder, even if a new attorney is sworn in prior to the ceremony, he or she is still welcome (and encouraged) to come to the ceremony to be sworn in again by the Chief Justice. A reception will follow at Drifters in Fort Pierre.



To our colleagues welcoming a new attorney in September, please consider affirmatively suggesting they attend the Nuts and Bolts CLE and the SWSI Ceremony. While the memory of my first few months of being an attorney is starting to fade, I still distinctly remember the anxiety I had when deciding whether to ask for time off to attend the Nuts and Bolts CLE and SWSI Ceremony. I ended up asking to attend the SWSI Ceremony, but I was too scared to ask about the CLE. Looking back, I wish I had asked. The connections I've made through attending various CLEs and other State Bar events has not only built my network of attorneys and increased my knowledge base, it has also helped me survive these first five years as a new attorney.

As always, please reach out to me with any questions, concerns, or ideas at Chelsea.Wenzel@state.sd.us.



Quick Facts

Grew up: Sioux Falls, SD; Graduated from Lincoln High School - Go Pats!

Firm: Meierhenry Sargent LLP

Practice area: Real Estate, Public Finance, and a variety of whatever walks through the door.

Favorite food: Enchiladas

1. Tell us about your family.

My husband and I have two dogs, Cash and Banjo.

2. What is your dream vacation?

My dream vacation would be to some mountain town timed just right so that we could golf and go up the mountain to snow ski / snowboard all in the same trip. Plus a spa day.

3. How did you start getting involved with YLS?

I went to a YLS bootcamp in Sioux Falls and was really impressed with and appreciative of how the YLS helped young lawyers. I talked with some board members and they encouraged me to get involved as an at-large member of the board!

4. What is some advice you wish you had 5 years ago?

Worry less and spend more time with friends and family, especially your last year of law school because after spring break you'll take all your classes pass/fail online by yourself from home during a global pandemic!

5. Do you have any advice for experienced attorneys?

Encourage the young lawyers in your office to get involved, attend CLEs, and go to networking events. Young lawyers are nervous to ask for the time to attend programming. From experience, the programming helps to increase confidence as a young lawyer and build valuable connections.

6. Advice for newer attorneys?

Trust the process. The learning curve may feel glaring when you begin practice but continue to remind yourself that it's okay not to know all the answers and you will get more comfortable with time.

7. Who has been your most influential mentor thus far?

Eric Hanson has been my most influential mentor outside my family. He is incredibly generous with taking the time to answer my questions and help me fully understand the surrounding legal and practical implications of whatever situation we're discussing.

8. Interests/hobbies outside the law.

I love to golf with friends and my husband, Gavin. I also have a killer garden this year, which is predicted to outperform my competition (Gavin) despite getting allotted about an eighth of the area! In the cooler months I love joining rec leagues, especially volleyball. I also enjoy picking up new hobbies for a couple months at a time before completely forgetting about them. Recent stints include embroidery, cross country skiing, knitting, and piano.

Fellows of the South Dakota Bar Foundation

Sustaining Life Fellow - \$50,000 plus

Fred & Luella Cozad

Diamond Fellows - \$10,000 plus

Thomas C. Barnett, Jr.
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Kimberley A.
Mortenson

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Carleton R. "Tex" Hoy
Steven K. Huff
Hon. Charles B. Kornmann
Lisa Hansen Marso
Bob Morris
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Gary J. Pashby
Stephanie E. Pochop
Reed A. Rasmussen
Pamela R. Reiter
Robert C. Riter, Jr.
Eric C. Schulte
Jeffrey T. Sveen
Charles M. Thompson
Richard L. Travis
Thomas J. Welk
Terry G. Westergaard

Fellows - \$500 (per year)

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Hon. John L. Brown	Denise Langley
Mary Jane Cleary	Hon. Judith K. Meierhenry
Paul L. Cremer	Hon. Robert A. Miller
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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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- Diamond Fellow – over \$10,000, cumulative.
- Platinum Fellow – \$10,000, cumulative.
- Gold Fellow – \$5,000, cumulative.
- Silver Fellow – \$1,000 per year.
- Fellow – \$500 per year.

In Memoriam

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

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

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

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

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

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Our Profession. Our Responsibility.



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



Neil Fulton
Dean, School of Law

Every year, one of the most enjoyable columns to write is in August because I get to introduce the incoming 1L class. It is my great pleasure to introduce the Class of 2027 to all of you!

First things first, if you would like to shake the hand of every member of the Class of 2027, it will take you a while—there are ninety-two students in the class. That is our physical capacity for a class as the Law School is currently structured and staffed. Of the six classes I have gotten to welcome to campus, this is the fourth that is the largest class in a decade. Katey Ulrich and Kaitlyn Frier continue to do AMAZING work in showing students what a wonderful place this is to attend law school. Class size will inevitably ebb and flow, but it is exciting to see these larger class sizes.

Along with getting bigger, we continue to get better. We increased our LSAT by one point at each measured percentile this year: 25th-149, 50th-152, and 75th-155. It is significant that we have raised the 25th percentile by five full points since a few years ago. We have done that while still carefully targeting some students with lower LSAT scores but other significant indicia of potential through our conditional admission program. Undergraduate grade averages were static apart from a slight increase at the 75th percentile. Obviously, entering credentials guarantees nothing; it is up to us and the students to do the demanding work of building lawyers over the next three years, but it is great to start with students with strong credentials.

Almost sixty percent of the class calls South Dakota

home. The rest come from fifteen other states. As usual, most are from surrounding states like Iowa, Minnesota, and Nebraska but some range from farther away. Both Alaska and Hawaii are represented. Within the lower forty-eight, the Class of 2027 reaches from coast to coast, with members from North Carolina and California. The Law School continues to be an attractive place for students from across the United States who want an excellent education provided within a small and connected community of excellence, service, and leadership.

Members of the Class of 2027 graduated from forty different undergraduate institutions, but a few institutions will have many of their alumni at orientation. USD and SDSU continued to lead the way as the two largest alma maters as they are most years. But along with all those Coyotes and Jackrabbits are five Sioux Falls Cougars, four Nebraska Cornhuskers, and three each for the Dakota Wesleyan Tigers, Black Hills State Yellowjackets, Northern State Wolves, and Iowa State Cyclones.

We continue to pull students into the legal profession who have not been connected to it. That is apparent from the fact that almost thirty percent of the Class of 2027 is first generation college and almost eighty percent is first generation law school. It is important to remember this fact when we talk to students about legal careers and opportunities—there is a lot that they do not know as they walk in the door. If most of us stop and think back to our own legal education, we likely remember that we might not have understood the importance and

opportunity in internship, judicial clerkships, and other professional development. We might not have known about all the places we could put our degrees to work. It continues to be important to work together to introduce all the opportunities across South Dakota and beyond to students who have not grown up surrounded by lawyers.

As important as these facts are, there is no substitute for meeting the Class of 2027. I cannot do that in a column, although I hope I get to make many in person introductions in the next three years, but I can offer some introductions in the form of some of the reasons students shared in the application process about why they chose to go to law school.

One student said they decided to go to law school because they wanted “to protect, serve, and uphold justice for those in need, whether it be a family, a community, or a business.” Another student has always been attracted to stories and, after listening to every episode of a podcast about major cases in American law, realized that “...lawyers are more than just smart people in suits. They are storytellers, as well.” One first-gen college student dreamed of many careers as a kid before eventually having debate and student government pique their interest in law, leading them to realize that “the more I immersed myself in the world of law, the clearer

it became that this is what I was meant to do. I thrived in an environment where I could critically problem solve utilizing a complex blend of preparedness and performance.” One of them summed up what lawyers do as well as I could hope to when they wrote, “very few things affect a community on the scale that law does. The law determines the rules in which a society seeks to ensure a greater standard of living for the whole.” Finally, one student provided great guidance to their classmates, and all of us, frankly, when they said, “It takes someone with a special mind to succeed as a law student and lawyer. This does not necessarily mean a special level of intelligence, but rather a special work ethic, level of discipline, and character.” I could not say it better myself.

Over the next three years, our job as faculty is to help the Class of 2027 develop their abilities through hard work and discipline, careful study, and thoughtful development of character. These students hold immense promise and everyone at the Law School is excited to see them begin to realize it. Although this column is annually one of the most enjoyable parts of the job, it pales in comparison to the joy in seeing this process begin and all that lies ahead with the Class of 2027.

Welcome, Class of 2027. Let’s get to work—it is going to be great!

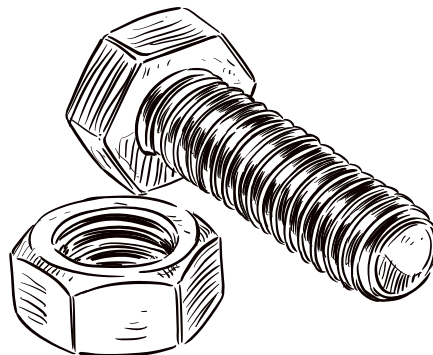
Save the Date!

Date: September 27, 2024

Time: TBD

Place: Drifters
Fort Pierre, SD

More information
to come!



**REGISTER
HERE**

NUTS & BOLTS
C L E



JUSTICE SQUAD

THANK YOU TO THE FOLLOWING ATTORNEYS THAT ACCEPTED A PRO BONO OR REDUCED RATE CASE IN JUNE OR JULY 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.

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1. Click on the ATTORNEY REGISTRATION tab.
2. Answer the questions to register and create your account.
3. Once the SDFLA administrator has approved your registration, you may log on to the website and choose the questions you would like to answer.

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SAVE THE DATE

FALL ON-CAMPUS INTERVIEW DATES

August 28-30 OCI Round 1

September 27 South Dakota Law Review Symposium &
Stay in South Dakota Career Fair

October 24-25 OCI Round 2

November 13 Black Hills Virtual Networking Event

Register [HERE](#) for the Black Hills Virtual Networking Event.

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

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





ANNOUNCEMENTS

The South Dakota Education Association
is pleased to announce

Brooke Quinlivan

as its new General Counsel
effective August 1, 2024

and wishes the best to
outgoing General Counsel

Anne Plooster

upon her retirement
effective August 31, 2024.

South Dakota Education Association
411 E Capitol Avenue
Pierre, South Dakota 57501

Telephone: (605) 224-9263

Email: brooke.quinlivan@sdea.org

20
24 FALL
FORUM



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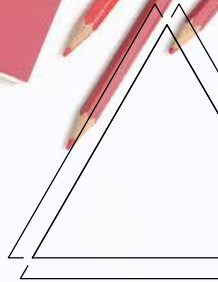
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LAW *for* LUNCH

September 17, 2024
12:30PM - 1:30PM CST
Zoom



DIVORCE, HIGH CONFLICT DIVORCE, AND OTHER FAMILY RELATED LEGAL CHALLENGES THROUGH THE LENS OF THE NERVOUS SYSTEM: **WHY THINGS GO WRONG AND HOW TO IMPROVE OUTCOMES FOR EVERYONE**

Presenter: Dr. Stephen Greene

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CE

Presenter: *Jonathan Blattmachr*
Pioneer Wealth Partners, LLC


TOPICS

- The Magic of Grantor Trust
- Flexible Beneficiary Trusts
- Winning at the IRS tables on Actuarial Matters



 September 20, 2024

 8:00AM - 12:00PM

 Minnehaha Country Club
3101 W 22nd Street
Sioux Falls, SD 57104

[Register Now](#)



**JUDICIAL QUALIFICATIONS COMMISSION
STATE OF SOUTH DAKOTA**

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Eric DeNure

Lori Grode, Executive Assistant
Email: Lori.Grode@ujs.state.sd.us

July 31, 2024

Notice of Judicial Vacancy – Third Judicial Circuit, Position E

TO: All Active Members of the State Bar of South Dakota

FROM: Cheryle Gering, Secretary, Judicial Qualifications Commission

With the upcoming retirement of the Hon. Robert Spears in the Third Judicial Circuit, the Judicial Qualifications Commission is now taking applications. Pursuant to realignment of the judicial positions by Presiding Judge Gregory Stoltenburg, the duty station for Position E will be Brookings. The current salary for a circuit court judge position in South Dakota, effective July 1, 2024, is \$181,426.30. In addition, circuit court judges and their dependents are eligible to participate in the State of South Dakota's health insurance plan; circuit court judges participate in the State's defined benefit retirement plan.

All lawyers and judges interested in applying should obtain the application form at <http://ujs.sd.gov/>, or contact Lori Grode at the State Court Administrator's Office. The application must be returned to the Administrator's Office and must be postmarked no later than **5:00 PM on September 4, 2024**. Applicants should make sure the application submitted is the 2018 version.

You may also obtain the application form by writing or telephoning:

Lori Grode
State Court Administrator's Office
500 East Capitol Avenue
Pierre, SD 57501
Telephone: 605-773-2099
Email: lori.grode@ujs.state.sd.us

Or, visit <http://ujs.sd.gov/> for current job openings.

The Third Circuit is comprised of the following counties: Beadle, Brookings, Clark, Codington, Deuel, Grant, Hamlin, Hand, Jerauld, Kingsbury, Lake, Miner, Moody and Sanborn.



Stephen P. Manlove, M.D.



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14 AUG



The 5 Buckets Principle

August 14, 2024
1:30 pm EDT - 2:30 pm EDT
[Register for this Webinar](#)

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South Dakota Unified Judicial System @SDUJS · 59s



Attorneys, justice partners and the public can now request court calendars from UJS' website. Previously, people had to request court calendars from a clerk of courts office. Learn more: bit.ly/4cthkXd #SouthDakotaCourts

Court calendars are now
accessible from UJS' website.

**[https://ujfind
courtdate.sd.gov](https://ujfind.courtdate.sd.gov)**





State Bar of South Dakota Association

Avera Healthcare Plans

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

EASTERN SOUTH DAKOTA

Office Location

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

Agency

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

Contact

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

WESTERN SOUTH DAKOTA

Office Location

West River

Agency

Black Hills Insurance Agency
Black Hills Insurance Agency
Carver Insurance

Contact

Dan Maguire
Everett Strong
Lisa Knutson

Questions on Eligibility, Rates, and Services?

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OATH OF ATTORNEY



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CONSTITUTION OF THE STATE OF SOUTH DAKOTA;**

**I WILL MAINTAIN THE RESPECT DUE TO COURTS OF JUSTICE AND
JUDICIAL OFFICERS;**

**I WILL NOT COUNSEL OR MAINTAIN ANY SUIT OR PROCEEDING WHICH
SHALL APPEAR TO ME TO BE UNJUST, NOR ANY DEFENSE EXCEPT
SUCH AS I BELIEVE TO BE HONESTLY DEBATABLE UNDER THE LAW OF
THE LAND;**

**I WILL EMPLOY FOR THE PURPOSE OF MAINTAINING THE CAUSES
CONFIDED TO ME SUCH MEANS ONLY AS ARE CONSISTENT WITH
TRUTH AND HONOR, AND WILL NEVER SEEK TO MISLEAD THE JUDGE
OR JURY BY ANY ARTIFICE OR FALSE STATEMENT OF FACT OR LAW;**

**I WILL MAINTAIN THE CONFIDENCE AND PRESERVE INVIOLEATE THE
SECRETS OF MY CLIENT, AND WILL ACCEPT NO COMPENSATION IN
CONNECTION WITH A CLIENT'S BUSINESS EXCEPT FROM THAT CLIENT
OR WITH THE CLIENT'S KNOWLEDGE OR APPROVAL;**

**I WILL ABSTAIN FROM ALL OFFENSIVE PERSONALITY, AND ADVANCE
NO FACT PREJUDICIAL TO THE HONOR OR REPUTATION OF A PARTY
OR WITNESS, UNLESS REQUIRED BY THE JUSTICE OF THE CAUSE WITH
WHICH I AM CHARGED;**

**I WILL NEVER REJECT, FROM ANY CONSIDERATION PERSONAL TO
MYSELF, THE CAUSE OF THE DEFENSELESS OR OPPRESSED, OR DELAY
ANY PERSON'S CAUSE FOR LUCRE OR MALICE.**

For Lawyers, Is Moonlighting Worth It?

To take a side job or not to take a side job ... truth be told, the answer to this question is one where reasonable minds can see things differently. Some will say there's value in taking on additional work outside your main source of employment, others will say no; and of course, there will always be those who will take the middle ground. This is my way of saying that the answer isn't for me to decide, it's going to be entirely your call. All I can do is help you decide by discussing the benefits and risks as I see them.



What are the benefits of moonlighting?

When I was younger, I was told the fastest way to grow wealth is by first retiring all debt; and that lesson certainly proved true in my life. When my wife and I finally got to the point where we were able to accelerate payments on those seemingly never-ending student loans the relief was palpable. We were well on our way to financial security. I share this story because in my mind, the most obvious benefit would be **the additional income stream** from having a moonlighting side gig. This really can be an effective way to supplement your earnings and improve your financial security, particularly if you are straddled with debt.

Depending on the specifics of the opportunity, this could be a way to **grow professionally**. At a minimum, by taking on additional work you would continue to sharpen your legal skills. You might also gain experience in a different area of the law, thereby broadening your skill set and/or deepening your knowledge base. Regardless, the additional experience can only help ensure your long-term success as an attorney.

Moonlighting can sometimes be an opportunity to **expand your professional network**. Usually, the broader

your network, the greater likelihood of developing valuable referral sources and finding mentoring and perhaps even career advancement opportunities. Speaking personally, any opportunity to build or maintain connections to the broader legal community and stay informed about trends and developments in the legal profession is an opportunity worth considering.

In terms of benefits, the above are the big three in my mind. That said, I have heard others say that moonlighting can be a way to bring about autonomy and flexibility in their professional lives. I have trouble with this idea because by definition moonlighting is an extra job, a side gig. However, if deciding when and what additional moonlighting work you take on is entirely up to you, then there would be some accompanying flexibility and autonomy with this side gig.

Finally, if the additional income stream benefit isn't important, but the professional growth and networking benefits are, think about giving back. Not only will those two benefits be in play, one new benefit will come into play. It's the health and wellness benefit of **personal fulfillment**, which often results after a decision is made to make a positive impact in the lives of others and to

contribute to the greater good of your local community through the gift of pro bono moonlighting.

What about the risks of moonlighting?

Here again, I'll talk about what I see as the big three. The first is a **wellness concern**. Stress, burnout, depression, and addiction are significant problems for our profession. The reason why is often due to the time demands and pressures that come with the practice of law. To add in extra stress with additional work from moonlighting only risks further compounding the wellness problem. Even if the impact of extra hours is limited to fatigue, this alone can impair one's judgment. It can be quite difficult to continue to consistently serve your clients competently if you spread yourself too thin.

There are also **ethical and legal concerns** because moonlighting by definition is a side gig that your employer is unaware of. Lawyers have been suspended, forced to disgorge earned fees, fired, and even disbarred once their moonlighting work came to light. Also understand that there are no moonlighting exceptions to any of the rules of professional conduct. Conflicts must be tracked, unearned funds must be placed in a trust account, client confidences must be kept, data must be protected, and the list goes on. If you are interested in moonlighting, never take this step unless and until the firm you work for approves your request to do so. Otherwise, you are simply asking for trouble; and ethical missteps are just one of the ways that trouble can get its start.

Finally, there is an **insurance coverage concern**. Here's one way it can play. Assume a viable malpractice claim arises on one of your moonlighting matters and the exposure is more than you could ever hope to personally

handle. Now, if your thinking is something along the lines of "yes, having to fess up to my employer that I've been moonlighting is going to be problematic; but at least my firm's malpractice policy will take care of the claim," you're wrong.

Far too many lawyers seem to believe that once they are covered under a malpractice policy, they are covered for everything they do as a lawyer. This simply isn't true, and the moonlighting space is an excellent example of why. Malpractice policies cover lawyers for work they do on behalf of clients of the firm they work for. This means that any work you do outside of the scope of your employment with a firm will not be covered. Yes, you could go out and purchase your own malpractice policy to cover your moonlighting exposure, but in my experience this doesn't happen.

In sum, while the benefits of moonlighting can be enticing, they do need to be weighed against the associated risks and challenges. There's nothing wrong with pursuing additional income or experience. Just make sure you never compromise any ethical standards, sacrifice any client's interests, or allow your workload to become unmanageable along the way. Oh, and always check with the powers that be at your place of employment before doing any moonlighting. As I see it, that's never going to be optional.



Authored by: Mark Bassingthwaighte, ALPS Risk Manager

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

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July 22, 2024

VIA E-MAIL and U.S. MAIL

paul.cremer@sdbar.net

Paul Cremer
Executive Director and Secretary-Treasurer
State Bar of South Dakota
111 W. Capitol Avenue, #1
Pierre, SD 57501

RE: Foundation for Natural Resources and Energy Law.

Dear Paul:

The Trustees Council of the Foundation for Natural Resources and Energy Law held its Annual Meeting in Santa Fe, New Mexico on July 17, 18, & 19, 2024. I attended the meeting as Trustee for the State Bar of South Dakota. Professor Sean Kammer attended the meeting as Trustee for the Knudsen School of Law.

During the past year, the Foundation presented 26 live courses, including four Short Courses, thirteen Webinars, seven Special Institutes, and three Seminars, in addition to the Annual Institute. The Institutes, Short Courses, and Workshops were attended by nearly 3,700 people.

The Foundation's Scholarship Programs awarded almost \$360,000 in scholarships last year. The FENRL Scholarship Recipient Attendance Program pays travel, accommodation, and incidental expenses for law students to attend Foundation Institutes and Short Courses. Applications for this assistance can be made through the law school Trustee. Since 1980, the Foundation has awarded 786 scholarships to law students totaling almost \$4.5 million.

The following officers were elected to serve for the coming year:

- President - Michael J. Bourassa, Fasken, Toronto, ON;
- Vice President - Joel O. Benson, Davis Graham & Stubbs LLP, Denver, CO;
- Secretary - Robert C. Mathes, OXY USA Inc., Denver, CO;
- Treasurer - Amy E. Seneshen, Welborn Sullivan Meck & Tooley, P.C., Denver, CO.

The Annual Meeting of the Trustees Council is held during the Foundation's Annual Institute.

This year, 35 papers/topics were presented to over 800 registrants at the Annual Institute. The 2025 Annual Meeting and Institute will be held in Whistler, British Columbia from July 17 to 19.

If anyone wants further information, please feel free to contact me. You can also learn more about the Foundation and its many programs and publications, by visiting www.fnrel.org. It was an honor to represent the State Bar on the Foundation's Trustees Council.

Sincerely,

BENNETT MAIN GUBBRUD & WILLERT, P.C.



Dwight A. Gubbrud

DAG/ak

cc: Alex Ritchie, Executive Director, RMMLF (via email)

In Memoriam



Dale A. Wein

The memorial service for Dale A. Wein, 69, of Aberdeen, SD, will be 10:00am, Wednesday, July 24, 2024, at Good Shepherd Lutheran Church, with Pastor Leland Armbricht officiating. The family welcomes you to wear Twins Baseball or Vikings Football attire. Burial will be at Riverside Memorial Park. Dale died Sunday, July 14, 2024, at Avera St. Luke's Hospital in Aberdeen.

Visitation, with family present will be 5:00-7:00pm, Tuesday, followed by a prayer service at 7:00pm at Spitzer-Miller Funeral Home, 1111 South Main Street. In lieu of flowers the family prefers memorials to The Aberdeen Area Humane Society or Good Shepherd Lutheran Church Food Pantry.

Dale A. Wein was born on May 16, 1955, to Gail and Della (Ratliff) Wein in Watertown, SD. He grew up and attended school in Watertown and graduated from Watertown High School. He furthered his education by attending the University of South Dakota for Criminal Justice and later returned to obtain his Law Degree.

On August 9, 1975, Dale married the love of his life, Susan Albert Wein, in Clark, SD. They lived for a bit in Des Moines, IA and then made their home in Aberdeen. In their home, they raised their three children and provided a home for approximately 30 foster children. Dale practiced general law until he became the SD Bankruptcy Trustee in 1997. Together, Dale & Sue enjoyed camping with their family for many years. They would travel to Mexico for two weeks every year for the last twenty years to relax and rejuvenate. Sue collected mugs, Dale collected hats and together they collected magnets.

Dale was a loving, kind and patient person. His sense of humor was notorious for slapstick comedy and goofing around. He was a humble man who loved helping people and always did what was "the right thing". He loved sharing his coaching strategies very loudly for every Minnesota Vikings and Twins games. If anything

needed to be fixed, duct tape or WD-40 was the answer. Dale loved his children and grandchildren; he would do anything for them, whether it involved giving horseback rides, playing in the pool or having tea parties. He enjoyed attending their activities throughout the years, even if it involved naps during programs or recitals. He was a faithful member of Good Shepherd Lutheran Church and served the church in various capacities over the years including the church council, ushering, singing in the choir, and reading Scriptures.

Grateful for their time with Dale are his wife, Susan Wein; children: Jeremy Wein, Jennifer Barnes (Mark Breidenbach), Jordan (Sarah) Wein; grandchildren: Terrina (Alex) Heyd, Izebella Barnes, Olivia Barnes, Cooper Wein, August Wein; brothers: Jerry (Darla) Wein and Kevin (Darcie) Wein; many nieces and nephews.

Preceding in death are his parents; infant brother, David; and step-father, Don Butcher.



Barbara Jo Anderson Lewis

Barbara Jo Anderson Lewis, 68, was born on April 9, 1956, in Rapid City, South Dakota, to Wayne R. and JoAnne Anderson. She was the second of five children and grew up in town, and then at the ranch in Rapid Valley. Barb was a helping hand on the ranch, working cattle and putting up hay the old-fashioned way. She loved sharing stories of riding horses through the grasslands, avoiding snakes, and bonding with her siblings through it all. When she visited home later in life, she would offer to help her father, Wayne, who always teased, "You forgot everything I taught you and now you talk back."

Barb's early education was at White Eagle, a true country school. She graduated from Rapid City Central in 1974, where she excelled in band and debate. Barb then attended Black Hills State College, discovering her natural ability to argue and her strong analytical skills. This led her to pursue law school at the University of South Dakota, where she earned her JD in 1984.

While friends in high school, Barb and Mike reconnected

at their tenth high school reunion. Barb and Mike were married in Sioux Falls on December 21, 1985. They were blessed with a son, Adam Theodore, on August 7, 1989.

After law school, Barb blazed her path by becoming the first female attorney at the state's oldest and largest law firm, Woods, Fuller, Shultz & Smith. On the day Adam was born, Barb broke the glass ceiling by becoming the first woman partner at Woods Fuller. She continued her legal career in Fargo before finally joining Lynn Jackson in Rapid City in 2012, where she practiced until her passing. Barb was known as a tenacious but fair opponent. She was impeccable with her words. Timeliness and respectfulness were truths she held dear.

Barb was a friend, a colleague, a sister, a daughter, a wife, and a mother. Her kindness, honesty, and appreciation for life touched everyone she met. While she took her professional responsibilities very seriously, she always made time to travel, to try new things, and to enjoy the outdoors. Barb cherished supporting Adam, whether it was through Scouting adventures like the Philmont trek in 2009 and the World Jamboree in 2019 or cheering for him in Taekwondo. She was a longtime member of PEO (serving as President of two different Chapters) and supported the Black Hills Boy Scout Council. She was also a member of the Central Region Trust Fund Committee for the Boys Scouts of America and the Executive Committee of the BSA Central Region. Barb served on and was chair of the Westhills Village Retirement Community Board of Directors. She was an avid reader with a voracious appetite for books.

Just as she began to enjoy preretirement activities, such as a European river cruise in 2022 with one of her siblings, Barb started experiencing early symptoms of ALS, or Lou Gehrig's disease. She faced her two+-year battle with the same grit and determination she brought to everything in life, never giving in and embracing every possible activity and treatment; including taking time for an Alaska cruise and a trip to see the New England colors.

Barb died on July 27, 2024, while a resident of Westhills Village Healthcare. The staff there providing incredible support, and her family is forever grateful.

Barb was preceded by the death of her father Wayne R. Anderson. She is survived by her loving and devoted

husband Michael; her son, Adam (Jessica) Lewis; her soon-to-be-born grandson, Baby Boy Lewis; her puppy, Misty; her mother, JoAnne Anderson; her siblings Bruce Anderson (Martha), Jill Carpenter (Bryan), and Karen deWit (Damon), Doug Anderson (Kristin), and many nieces and nephews.

A service will be held on Saturday, August 3, 2024, at Faith Lutheran Church, in Rapid City at 11am, with visitation before and after the memorial service. In lieu of flowers, a memorial will be established to the ALS Association and Westhills Village. If you have a charity you would prefer, please consider remembering Barb.

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THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE PROPOSED)	NOTICE OF RULES HEARING
AMENDMENTS TO THE APPENDIX TO)	
CHAPTER 16-16 REGULATIONS OF THE)	NO. 155
BOARD OF BAR EXAMINERS 1; 1.1; 7.1; 5)	
AMENDMENT TO SDCL 16-18-2.3)	
AMENDMENT TO SDCL 16-21-6)	
ADOPTION NEW RULE RELATING TO A)	
STATEMENT SIGNED UNDER PENALTY OF)	
PERJURY)	

Petitions for the amendment of existing sections of the South Dakota Codified Laws and a proposal for the adoption of a new rule having been filed with the Court, and the Court having determined that the proposed amendments should be noticed for hearing, now therefore,

NOTICE IS HEREBY GIVEN THAT ON August 27, 2024, at 11:00 A.M., C.T., at the Courtroom of the Supreme Court in the Capitol Building, Pierre, South Dakota, the Court will consider the following:

1. Proposed Amendment to the Appendix to Chapter 16-16 Regulations of the Board of Bar Examiners.

1. Application for Admission to Practice Law.

Each applicant for admission to practice law shall file with the Secretary of the Board of Bar Examiners an written application, ~~together with one complete machine or photo copy thereof~~, in the form prescribed by the Board of Bar Examiners. Such application and copies thereof shall be electronically submitted or postmarked on or before November 1 for the February examination

and on or before May 1 for the July examination and shall be accompanied by the fee prescribed in the applicable rules of court and a recent (within 6 months of the date of application) photograph of the applicant, and DCI and FBI fingerprint cards.

Each applicant for admission shall also file submit a request for preparation of a character report and application with the National Conference of Bar Examiners. Such request and application shall be electronically submitted or postmarked on or before November 1 for the February examination and on or before May 1 for the July examination and shall be accompanied by the fee prescribed by the National Conference of Bar Examiners.

2. Proposed Amendment to the Appendix to Chapter 16-16 Regulations of the Board of Bar Examiners.

1.1 Application for Admission Without Examination.

Each applicant for admission to practice law without examination shall file with the Secretary of the Board of Bar Examiners an written application, together with one complete machine or photo copy thereof, in the form prescribed by the Board of Bar Examiners. Such application and copy thereof shall be accompanied by the applicable fees, a recent (within 6 months of the date of application) photograph of the applicant, and DCI and FBI fingerprint cards.

Each applicant for admission without examination shall also file a request for preparation of a character report and application with the National Conference of Bar Examiners. Such request and application shall be accompanied by the fee prescribed by the National Conference of Bar Examiners.

3. Proposed Amendment to the Appendix to Chapter 16-16 Regulations of the Board of Bar Examiners.

7.1. Law Student Registration.

Applicants to law school and first-or second-year law students who intend to take the South Dakota ~~Bar~~ eExamination following graduation may register with the Board of Bar Examiners on forms prescribed by the Board through the Bar Portal. The registration must be accompanied by the \$100 South Dakota

registration fee as well as the fee required by the National Conference of Bar Examiners' law student registrant program for an initial character report. Registration under the rule is not deemed an application for permission to take the bar examination.

The Board of Bar Examiners shall review the registration and character report to identify character and fitness issues that may hinder or preclude later admission.

The Board will report its findings to the registrant. The Board's findings are both preliminary and non-binding in nature. Additionally, the findings will not constitute permission to take the bar examination or a waiver of the consideration of facts or conduct that are either later discovered or occur after the Board's review under this rule.

Explanation for Proposals 1-3.

This rule revision is being submitted by the Board of Bar Examiners. Over the last several years, resources have been expended to create a Bar Portal - a website that allows for the submission of applications for the admission to the practice of law and communication between administrators and applicants. These proposed changes recognize the use of the Bar Portal and eliminate the requirement of submitting a paper application. The proposed changes also clarify that photographs submitted as part of the application must be current within six months of the submission of the application.

These proposals are being offered pursuant to SDCL 16-3-5.1 and are not based upon any other state or federal rule or statute.

**4. Proposed Amendment to the Appendix to Chapter 16-16
Regulations of the Board of Bar Examiners.**

**5. Acceptance of Multistate Bar Examination Results from
Other States.**

In its discretion, the Board of Bar Examiners may accept an applicant's previous scores on the MBE administered in a jurisdiction other than South Dakota if the scaled score is 135 or higher and the score is obtained not more than twenty-four months from the date the applicant takes the South Dakota Bar Examination taken within two years prior to the next scheduled examination, if the score on the MBE is a scaled score of 135 or above. The Board of Bar Examiners may accept an applicant's MPRE score if the scaled

~~score is 85 or higher and is obtained not more than twenty-eight months from the date the applicant takes the South Dakota Bar Examination. taken within twenty-eight months prior to the next scheduled examination and if the score is a scaled score of 85 or above.~~

Explanation for Proposal 4.

This rule revision is proposed by the Board of Bar Examiners. Proposal 4 clarifies what constitutes a qualifying MBE score for transfer. The current version provides that an MBE score may qualify for transfer if taken within two years of the next examination. Determining how those two years are calculated has resulted in confusion for the applicants. The proposed change clarifies the calculation for both the MBE score and the MPRE score.

This proposal is being offered pursuant to SDCL 16-3-5.1 and is not based upon any other state or federal rule or statute.

5. Proposed Amendment to SDCL 16-18-2.3. Certification of legal intern or extern by law school dean--Filing--Effective period--Withdrawal by dean or termination by Supreme Court.

The certification pursuant to § 16-18-2.2 by the law school dean of a law student to become and perform as a legal intern or extern:

(1) Shall be filed with the clerk of the Supreme Court and the secretary of the Board of Bar Examiners and, unless it is sooner withdrawn, it shall remain in effect until the expiration of the term fixed by the certificate of the dean, or until the announcement by the Board of Bar Examiners of this state of the results of the first bar examination following the student's graduation, whichever is earlier. Provided, that as to any student who passes such examination, the certification shall continue in effect until the date he or she is admitted to practice law pursuant to § 16-16-17; but such continuation shall not exceed three months unless the Board of Bar Examiners finds good cause for further extension. However, any student who fails such examination on the first occasion may apply to the ~~dean of such law school~~ Board of Bar Examiners and obtain, upon a showing of good cause ~~in~~ and good faith, an extension certificate until the results of the next bar examination are announced. The Board of Bar Examiners may consult with, or seek advice from, anyone it deems appropriate when determining if an extension should be granted; ~~The Board of Bar Examiners announces the results of the bar examination by letter to the student informing him or her that s/he passed or failed the examination.~~

(2) May be withdrawn by the dean at any time by mailing a notice to that effect to the secretary of the Board of Bar Examiners and the clerk of the Supreme Court, which shall be filed by the clerk. Such withdrawal may be without notice or hearing and without any showing of cause.~~;~~

(3) May be terminated by the Supreme Court at any time without notice or hearing and without any showing of cause. Notice of termination shall be filed with the clerk of the court and the secretary of the Board of Bar Examiners~~;~~;

(4) May be terminated by the Board of Bar Examiners at any time without notice of hearing and without any showing of cause. Notice of termination shall be filed with the clerk of the Supreme Court.

Explanation for Proposal 5.

This proposal is submitted by the Board of Bar Examiners. Under the current rules, the dean of the law school determines whether a law student who has taken the bar examination may practice under the supervision of a licensed attorney pursuant to SDCL 16-18-2.1 to 16-18-2.10, inclusive. This proposed change seeks to remove the dean's responsibility to make that determination and place it with the Board of Bar Examiners who, by that stage, has a more thorough knowledge of the law student's character and fitness and ability to practice under supervision.

This proposal is being offered pursuant to SDCL 16-3-5.1 and is not based upon any other state or federal rule or statute.

6. Proposed Amendment to SDCL 16-21-6. Confidential information.

The confidentiality of an electronic record, or an electronic copy thereof, is the same for the equivalent paper record, with the exception of photographs or videos that

- a. Depict the death, killing, autopsy, rape, or sexual assault of a person; or
- b. Is of a sexual nature or contains depictions of the breasts of a female or the genitalia or anus of any person.

The depictions listed above will be accessible by way of the paper record only.

Access to confidential information, regardless of form, shall only be to the extent provided by law. The EDMS shall place a visible mark identifying confidential or sealed information and restrict access accordingly.

Explanation for Proposal 6.

Currently, on a case-by-case basis, a party can request the court to limit access to court records, or the court can limit access on its own motion. See SDCL 15-15A-13. This rule will seal certain sensitive electronic records. Unless otherwise ordered by the court, the hard copies will be available for viewing through the clerk's office.

7. Proposed Adoption of a New Rule as follows:

Section 1.

Unless specifically required by statute or court rule, a pleading, motion, affidavit, or other document filed with a court of this state, or presented to a judge or judicial officer in support of a request for a court order, warrant, or other relief, is not required to be notarized. Signing a document filed with the court or presented to a judge or judicial officer constitutes an "unsworn statement", as defined in section SDCL 18-7-2(6), without administration of an oath or notarized signature, provided that the signature, as defined by court rules, is affixed immediately below a declaration using substantially the following language: "I declare under penalty of perjury under the law of South Dakota that the foregoing is true and correct". In addition to the signature, the date of signing, the city or other location, and state where the document was signed shall be noted on the document. A person who signs knowing that the document is false in any material respect is guilty of perjury under SDCL 22-29-1, even if the date, county, and state of signing are omitted from the document.

Explanation for Proposal 7.

This proposal will allow a party to file a document under penalty of perjury without the requirement of an oath and notarized signature. This will make the electronic document filing more convenient, especially for pro se litigants.

The rule is based on, and is consistent with, SDCL 18-7-4.

Any person interested may appear at the hearing and be heard, provided that all objections or proposed amendments shall

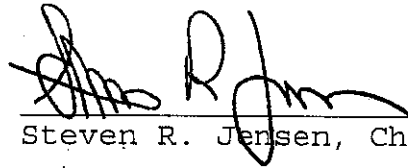
Notice of Rules Hearing No. 155 - August 27, 2024

be reduced to writing and filed with the Clerk of the Supreme Court no later than August 15, 2024. Subsequent to the hearing, the Court may reject or adopt the proposed amendments of any rule germane to the subject thereof.

Notice of this hearing shall be made to the members of the State Bar by electronic mail notification, by posting notice at the Unified Judicial System's website at <https://uj.s.sd.gov/Supreme Court/Hearings.aspx> or the State Bar of South Dakota's website <https://www.statebarofsouthdakota.com>.

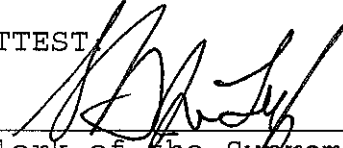
DATED at Pierre, South Dakota this 25th day of July, 2024.

BY THE COURT:



Steven R. Jensen, Chief Justice

ATTEST


Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

JUL 25 2024


Clerk

BOARD OF BAR COMMISSIONERS

Minutes, May 15, 2024

Via Zoom

President Heather Lammers Bogard called the meeting to order at 9:00 AM CDT on May 15, 2024. Present for all or part of the meeting were President Lammers Bogard, President Elect Sarah Sharp Theophilus, and Commissioners Tyler Matson, Carrie Srstka, Jerry McCabe, Justin Bell, Erika Olson, Amber Mulder, Hon. Francy Foral, Rory King, John Richter, and Steve Blair. Also present was Executive Director/Secretary-Treasurer Paul Cremer.

Commissioner Matson made a motion to go into executive session to discuss salary matters related to the budget. Commissioner King seconded the motion. Motion carried and the board moved into executive session. Present for the executive session were the Commissioners and Cremer, who answered questions and provided information. Commissioner King made a motion to adjourn the executive session, and Commissioner Foral seconded the motion. Motion carried. The Commission returned to regular business at 9:43 AM CDT.

President Lammers Bogard called the meeting to order at 9:43 AM CDT. Present for all or part of the meeting were President Lammers Bogard, President Elect Sarah Sharp Theophilus, and Commissioners Tyler Matson, Carrie Srstka, Jerry McCabe, Justin Bell, Erika Olson, Amber Mulder, Hon. Francy Foral, Rory King, John Richter, and Steve Blair. Also present were Cremer, Assistant Executive Director Nicole Ogan, Communications/Membership Director Tracie Bradford, Administrative Assistant Kylee Alfrey, and Access to Justice Inc. Coordinator Denise Langley.

Proposed Salary Policy: Commissioner Matson made a motion to approve the proposed salary policy, and to use the proposed salaries in the budget to be finalized in July. Commissioner King seconded the motion. Motion carried.

Approve minutes of April 17, 2024, Meeting: Commissioner King moved to approve the minutes of the April 17, 2024, Bar Commission meeting. Commissioner Mulder seconded the motion. Motion carried.

Amend Minutes of February 21, 2024, Meeting: Cremer requested the Commission to reopen, amend, and approve the minutes as amended from the February 21, 2024, meeting to correct an error. Commissioner Hon. Foral made a motion to reopen, amend, and approve those minutes. Commissioner Olson seconded the motion. Motion carried. The amended minutes will be published in the State Bar Newsletter.

Combined Financial Reports for 2022-2023: Nicole Ogan provided the Commission with an update on the financial report.

Preliminary 2024-2025 Budgets: Ogan provided the Commission with an update regarding the current financial report to assist with the budget to be finalized in July. Active membership numbers are down slightly from the previous year and, therefore, revenues from membership fees are slightly lower. The State Bar financial position is very sound. The Bar has placed \$300,000 into Certificates of Deposit to take advantage of higher interest rates.

Mandatory Sexual Harassment Prevention Training Update: Only three Bar members failed to complete the training, and those three members have been placed on inactive status as per SDCL 16-18-1.1. Members are reminded that this training is a continuing requirement and members should continue to comply with the deadlines in SDCL 16-18-1.1.

June Convention Update: The State Bar is planning to host an awards luncheon on Wednesday, June 12 from 11:30 AM to 1:00 PM at the Ramkota in Pierre. The State Bar will honor 50- and 60-year veterans and the McKusick Award winner on June 12 in the evening. Various CLE's will be presented Wednesday afternoon and Thursday. A social event is planned for Thursday evening. Attendees are encouraged to view a traveling exhibit regarding American Indian Voting Rights.

Business Meeting: The Annual Business Meeting will be held on June 14, and two proposals will be presented to members. First, the Ethics Committee is planning to present a proposal and will request a member vote on proposed amendments to Rule 1.8 (e) of the South Dakota Rules of Professional Conduct. Second, the Practice Rules Revision Committee is planning to present a proposal and will request a member vote on proposed amendments involving the issuance of judgments and orders. Members will also vote on four At Large Bar Commission positions, and the President Elect position. The Mandatory CLE Study Committee will lead a discussion regarding mandatory CLE.

Strategic Plan Committee Meeting May 30-31 – BC Input: Commissioners were encouraged to provide input to the Strategic Planning Committee for the upcoming SPC meeting.

President's Comments: President Lammers Bogard thanked the Commissioners, and particularly the four outgoing Bar Commissioners (Hon. Francy Foral, Nick Moser, Rory King, and John Richter) for their service to the Bar. Lammers Bogard also thanked Bar staff and various State Bar volunteers for their efforts.

Bar Commissioner Input, Ideas, Concerns: Commissioner King mentioned a report completed by a State Bar workgroup in Maryland regarding mandatory CLE. Maryland, Massachusetts, Michigan, and South Dakota are the only four states with no mandatory CLE requirements. The report is 132 pages, and Commissioner King cautions that the South Dakota Mandatory CLE Study Committee will have a great deal of work to complete and current proposed deadlines may be difficult to achieve.

Miscellaneous: The Bar Commission will hold a brief meeting after the Business Meeting on June 14. The Bar Commission will then hold their annual orientation, retreat, and July meeting on July 25 and 26 in Sioux Falls. The State Bar is working with USD law student

Cameron Morgan on research regarding Keller issues. ED Cremer thanked President Lammers Bogard for her time as President, and the four outgoing Bar Commissioners.

Adjourn: President Lammers Bogard adjourned the meeting at 10:30 AM CDT.

Reconvene for A2J Budget Supplement Request for 2023-2024:

The Bar Commission reconvened the Bar Commission meeting at 10:37 AM CDT to consider a budget supplement of no more than \$10,000 to the budget for Access to Justice. Commissioner Bell made the motion to amend the State Bar budget to include a budget supplement of no more than \$10,000 to the budget for Access to Justice. Commissioner Mulder seconded the motion. Motion carried.

Adjourn: President Lammers Bogard adjourned the meeting at 10:38 AM CDT.

Respectfully submitted,
Paul Cremer
Executive Director/Secretary-Treasurer

ACCESS TO JUSTICE BOARD OF DIRECTORS

Minutes, May 15, 2024

Via Zoom

President Heather Lammers Bogard called the meeting to order at 10:30 AM CDT on May 15, 2024. Present for all or part of the meeting were President Lammers Bogard, President Elect Sarah Sharp Theophilus, and Directors Caroline Srstka, Jerry McCabe, Justin Bell, Erika Olson, Amber Mulder, Hon. Francys Foral, Rory King, John Richter, and Steve Blair. Also present were Executive Director/Secretary-Treasurer Paul Cremer, Assistant Executive Director Nicole Ogan, Communications/Membership Director Tracie Bradford, Administrative Assistant Kylee Alfrey, and Access to Justice Inc. Coordinator Denise Langley.

Approve minutes of April 17, 2024, Meeting: Director King moved to approve the minutes of the April 17, 2024, A2J meeting. Director Bell seconded the motion. Motion carried.

Combined Financial Report: Nicole Ogan provided the Directors with an update on the combined financial report.

Preliminary 2024-2025 Budget (to be finalized in July): Nicole Ogan provided the Directors with an update on the current financial report, including information regarding contributions from the Bar Foundation and the State Bar.

Adjourn: President Lammers Bogard adjourned the meeting at 10:37AM CST.

Respectfully submitted,
Paul Cremer, Executive Director/Secretary-Treasurer

BOARD OF BAR COMMISSIONERS

Minutes, February 21, 2024

Via Zoom

Amended Version

President Heather Lammers Bogard called the meeting to order at 2:00PM CST on February 21, 2024. Present for all or part of the meeting were President Lammers Bogard, President Elect Sarah Sharp Theophilus, and Commissioners Tyler Matson, David Strait, Kimberly Kinney, Jerry McCabe, Justin Bell, Erika Olson, Nick Moser, Amber Mulder, Hon. Franci Foral, John Richter, and Steve Blair. Assistant Executive Director Nicole Ogan was also present.

Commissioner Judge Foral made a motion to go into executive session to discuss personnel matters, and Commissioner Bell seconded the motion. Motion carried and the board moved into executive session. Present for the executive session were the Commissioners and Nicole Ogan, who answered questions and provided information during the initial portion, and then Ogan left and was not present during the latter portion of the executive session discussion. The Commissioners ended the executive session at 2:20 PM CST and returned to regular business.

Present at the regular business meeting were President Lammers Bogard, President Elect Sarah Sharp Theophilus, and Commissioners Tyler Matson, David Strait, Kimberly Kinney, Jerry McCabe, Justin Bell, Erika Olson, Nick Moser, Amber Mulder, Hon. Franci Foral, John Richter, and Steve Blair. Also present: Executive Director/Secretary-Treasurer Paul Cremer, Assistant Executive Director Nicole Ogan, Communications/Membership Director Tracie Bradford, Administrative Assistant Kylee Alfrey, Lawyer's Assistance Program Director Becky Porter, and Access to Justice Inc. Coordinator Denise Langley.

Approve minutes of January 10, 2024, Meeting: Commissioner Moser moved to approve the minutes of the January 10, 2024, Bar Commission meeting. Commissioner Olson seconded the motion. Motion carried.

Welcome President Elect Sarah Sharp Theophilus: President Lammers Bogard introduced and welcomed Sarah Sharp Theophilus as the new State Bar President Elect. The Bar Commission appointed Sharp Theophilus on February 9, 2024, via email vote to fill the President Elect vacancy after Judge Julie Dvorak was appointed to serve as a circuit court Judge. Sharp Theophilus has served as an attorney for the federal Department of Veterans Affairs for several years and she has served in various State Bar roles. She currently serves as the South Dakota ABA Delegate.

Financial Report: Upcoming Budget – Disciplinary Board

The Frieberg Law Firm currently provides Disciplinary Board counsel services to the State Bar. Their contracted amount has remained at \$6000 per month since 2017. The firm is requesting an increase to \$7500 per month, starting August 1, 2024. Thus, the State Bar would be paying \$90,000 per year for Disciplinary Board services, which also includes administrative support services provided by the law firm, and the firm pays the sales tax from that amount. Frieberg believes that South Dakota is the only state that does not employ full-time disciplinary board counsel.

Commissioner Bell made a motion to approve the requested increase. Commissioner Mulder seconded. Motion carried unanimously. The Commissioners thanked the Frieberg Law Firm for their continued commitment and service to the State Bar.

Executive Director Salary: The Commissioners memorialized discussions held during the executive session. The Commissioners approved a salary increase to \$140,000, and the Commissioners approved an additional \$5,000 payment for extra duties necessitated by the strategic plan coordinator vacancy. The State Bar will use surplus funds that are available because the strategic plan coordinator position has been vacant since December 15, 2023, and salary and benefits normally paid to that position are not being paid.

Approval of FY 2023 990 Forms for State Bar: The Commission reviewed the State Bar 990 forms. Commissioner Olson made a motion to approve the State Bar 990 forms, and Commissioner Mulder seconded the motion. Motion carried.

Strategic Plan Coordinator Position Update: Executive Director Cremer provided the commission with an update on the status of the Strategic Plan Coordinator position vacancy. The Commissioners discussed options to fill the vacancy.

Practice Rules Revision: The Commissioners discussed a written request dated February 5, 2024, from John Burke, the chair of the Practice Rules Revision Committee. The Committee is requesting permission from the Bar Commission to present proposed rules revisions to Bar members at the June 14, 2024, business meeting. The proposed revisions involve the submission of Orders and Judgments. The Commissioners did not oppose the presentation of the proposed revisions to members. [See separate Newsletter posting for further information about the proposed revisions.]

Mandatory CLE Update: President Lammers Bogard provided an update regarding the request from Chief Justice Jensen to form a committee to study mandatory CLE issues. Committee members include President Lammers Bogard, Justice Mark Salter, Judge Craig Pfeifle, Judge Julie Dvorak, Dean Neil Fulton, Rory King, Colleen Zea, Jessica Larson, Jason Sutton, Jamie Simko, Kristen Edwards, Pamela Reiter, Nicole Ogan, and Paul Cremer. The committee held their first meeting on February 5, 2024, and discussed plans. The State Bar is collecting survey results from members to determine member opinions.

Legislative Update: Cremer provided an update regarding various legislative matters, including the State Bar Immunity Bill (HB 1023). The House Judiciary Committee sent the bill to the House with a Do Pass recommendation by a vote of 9-2, and the House passed the bill 48-17. The Senate Judiciary Committee sent the bill to the Senate with a Do Pass recommendation by a 7-0 vote. The Senate passed the bill 30-3. [The Governor later signed the bill on February 27, 2024.] The Commission thanked Representative Mary Fitzgerald and Senator Lee Schoenbeck for their extra work in serving as prime sponsors, and Senator David Wheeler for speaking on behalf of the bill. The Commission also thanked the other legislators who signed on as sponsors. The Commission also thanked Tim Dougherty for his continued assistance, and Doug Abraham, representing the American Property Casualty Insurance Association, and Steve Siegel, representing SDTLA, for providing proponent testimony. The Commission also thanked the Legislative Research Council and the Executive Branch for their legislative work.

The Commissioners discussed other legislative matters, including Keller issues. Several State Bar associations are currently involved in litigation involving Keller issues. The State Bar of South Dakota is taking steps to minimize our potential exposure involving Keller issues.

April Bar Commission Meeting: The Commission discussed options to hold meetings in alternate locations for outreach purposes. The April meeting is currently scheduled for Pierre on April 17, 2024.

LLC Act Discussion: The Bar Commission discussed concerns raised and action taken by the Bar Commission regarding proposed LLC Act revisions.

Pathways Update: The Pathways Committee is exploring the availability of retirement and insurance benefits for the Pathways coordinator position.

Sexual Harassment Prevention Training Update: The Commission discussed member compliance with mandatory sexual harassment prevention training. The Commission thanked State Bar staff for the extra hours and work they provided to assist members to ensure compliance. The imposition of mandatory member requirements necessitates increased staff resources to track and ensure compliance.

Rural Practice Internships: The Commission discussed the success of the rural practice internship program and noted that four slots appear to be filled for 2024 summer internships. More slots may be funded if requested. The Commissioners thanked the Fred and Luella Cozad Family for their generous and ongoing gift involving rural practice funding.

President's Comments: President Lammers Bogard thanked the Commission for approving the Civility Creed and she noted that feedback from members has been overwhelmingly positive. She also reported on her attendance at the National Conference of Bar Presidents meeting, and she noted that other states are facing issues including efforts to improve inclusion; efforts to increase access to legal services in both urban and rural areas; efforts to remain in compliance with Keller restrictions; and efforts to improve civility.

Miscellaneous: Cremer noted that on June 23, 2023, State Bar members approved amendments to State Bar Bylaws regarding President Elect qualifications, and those amendments were approved by the South Dakota Supreme Court in Rule 24-01 on February 20, 2024. The Supreme Court also approved a Rule that established a committee to improve efforts to assist pro bono litigants. The Commissioners thanked State Bar volunteers who will be named to serve on that committee. The Commissioners also discussed two open positions on the JQC.

Adjourn: President Lammers Bogard adjourned the meeting at 3:58 PM CST.

Respectfully submitted,
Paul Cremer
Executive Director/Secretary-Treasurer

SD CLE, INC. BOARD OF DIRECTORS MEETING

Minutes, July 14, 2023

Cadillac Jack's

Deadwood, SD

President Heather Lammers Bogard called the meeting to order at 11:59 AM MDT on July 14, 2023. Present for all or part of the meeting were President Lammers Bogard, President Elect Julie Dvorak, Directors Tyler Matson, Jerry McCabe, Erika Olson, Amber Mulder, Steve Blair, and John Richter. Directors Rory King and David Strait appeared via Zoom. Also, present at the meeting were Executive Director/Secretary-Treasurer Paul Cremer, Assistant Executive Director Nicole Ogan, Lawyer's Assistance Program Director Becky Porter, and Communications Director Tracie Bradford. Strategic Plan Coordinator Elizabeth Overmoe and Access to Justice Inc. Coordinator Denise Langley appeared via Zoom.

Approve Minutes of May 17, 2023, Meeting: Director Olson moved to approve the minutes of the May 17, 2023, CLE, Inc. meeting. Director Mulder seconded the motion. Motion carried.

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

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

Respectfully submitted,
Paul Cremer
Secretary-Treasurer

BOARD OF BAR COMMISSIONERS

Minutes, June 14, 2024

Ramkota, Pierre, SD

As mandated by the Bylaws of the State Bar of South Dakota, the Board of Bar Commissioners met at the close of the Annual Meeting on Friday, June 14, 2024, in Pierre, South Dakota. President Sarah Sharp Theophilus called the meeting to order at approximately 11:20 am Central Time. Present were Sharp Theophilus, President Elect John Richter, Commissioners Tyler Matson, Jerry McCabe, Justin Bell, Erika Olson, Steve Blair, Teramie Hill, Sarah Covington, Stacy Johnson, and Kristen Edwards. Also present during the meeting was Executive Director/Secretary-Treasurer Paul Cremer.

President Sharp Theophilus congratulated new commissioners and notified the group that the next meeting of the board would be in Sioux Falls, SD, on July 25 and 26, 2024.

There being no other business, President Sharp Theophilus adjourned the meeting at approximately 11:25 am.

Respectfully submitted,
Paul Cremer
Secretary-Treasurer & Executive Director

**NINETY-SECOND ANNUAL MEETING OF
THE STATE BAR OF SOUTH DAKOTA**

**RAMKOTA HOTEL AND CONVENTION CENTER
PIERRE, SOUTH DAKOTA
JUNE 12, 13, and 14, 2024**

The 2024 Annual Meeting of the State Bar of South Dakota was held at the Ramkota Hotel and Convention Center on June 12, 13, and 14, 2024.

State Bar committees, sections, and related groups meeting during the Annual Meeting were: South Dakota Bar Foundation, American College of Trial Lawyers, CLE Committee, South Dakota Trial Lawyers, Young Lawyers Section, American Board of Trial Advocates, SD Judges Association, SD Code Commission, Judicial Qualifications Commission, American College of Trust and Estate Counsel, Federal Practice Committee, Council of School Attorneys, Real Property, Probate and Trust Law Section, Public Sector Section, Administrative Law Committee, Agricultural Law Committee, In-House Counsel Section, Lawyers Committee for Diversity and Inclusion, SD Court Reporters Association, Debtor/Creditor Committee, SD Association of Criminal Defense Lawyers, Project Rural Practice Committee, Solo and Small Firm Committee, Judicial-Bar Liaison Committee, Lawyers Assistance Committee, Lawyers Concerned for Lawyers, Family Law Committee, SD Paralegal Association, Women In Law, Fellows of the American Bar Foundation, and Disciplinary Board.

Wednesday, June 12th

On Wednesday, the State Bar hosted its first awards luncheon to honor the following award winners:

- **A2J William F. Day, Jr. Law Student Pro Bono Award** – USD Knudson School of Law student Cameron Morgan
- **LCDI Diversity and Inclusion Award** – The Hon. Karen Schreier
- **President’s Pro Bono Award** – Joel Arends
- **USD Women in Law Attorney of the Year** – Kelsea Sutton
- **YLS Young Lawyer of the Year** – Paige Petersen

Brent Kempema skillfully served as Master of Ceremonies for the awards. Over 200 members attended the luncheon.

On Wednesday afternoon, the following CLE was held:

<u>CLE Title</u>	<u>Number Registered to Attend</u>
Generative AI: The Future is Here. Ethically Navigating This Brave New World	383

The Young Lawyers Section kicked off the social events of the annual meeting by hosting a speed networking event. The event provided an opportunity for bar members, law students, first-time attendees, and non-USD law school graduates to get to know each other better. YLS also hosted the Pretrial Conference mixer, during which YLS President Kelsey Blair presented Lara Roetzel with a silver mentorship coin for the YLS President’s Appreciation Award. The Teesdale Law Firm helped sponsor the event.

On Wednesday evening, the State Bar hosted a casual social event that featured cocktails, conversation, and heavy hors d’oeuvres. During the event, Brock Brown, President of the USD Knudson School of Law Student Bar Association, announced Robert C. Riter, Jr., as the winner of the Marshall M. McKusick Award. Riter’s uplifting remarks promoted professionalism, service, and collegiality. His father, Robert Riter, Sr., won the McKusick Award in 1981. State Bar President Heather Lammers Bogard and Supreme Court Chief Justice Steven Jensen presided over the recognition and celebration of the 50-year and 60-year veterans of the State Bar. Over 300 people attended the event, and an enjoyable time was had by all.

Thursday, June 13th

The following CLEs were held were held on Thursday:

<u>CLE Title</u>	<u>Number Registered to Attend</u>
Early Bird	194
Legal Potpourri Track 1	228
Legal Potpourri Track 2 – Elder Law	253
Public Sector / Government CLE	221
Indian Law CLE	215

The Public Sector Section announced the following award winners:

- **Public Sector Attorney of the Year** – Alison Ramsdell
- **Public Sector Rising Star Award** – Morgan Erickson

Members of the Bar Licensure Steering Committee held an informational session to answer questions and to discuss their December 2023 report and potential future actions.

The South Dakota Bar Foundation, the USD Foundation, and the South Dakota Community Foundation hosted a bench-bar social on Thursday afternoon.

On Thursday evening, powerhouse rockers extraordinaire The Sidehackers entertained the crowd with a rousing outdoor performance for the ages. Neil Diamond made a surprise appearance in the form of Dick Casey, who led attendees

in a stirring rendition of "Sweet Caroline." East River attendees battled West River attendees in a singing contest. The band found and concluded that the contest was a tie in a ruling that is not subject to appeal.

Total attendance for the 2024 Annual Meeting and Convention was 451; the 548 registrants included 401 members, 41 law students, and numerous spouses and guests.

Friday, June 14th

State Bar President Heather Lammers Bogard called the 92nd Business Meeting of the State Bar of South Dakota to order at 8:30 a.m. at the Pierre Ramkota. A quorum was determined to be present. Rob Anderson, representing the Sixth Circuit Bar, welcomed members to Pierre with an entertaining presentation about the Pierre area. President Lammers Bogard also welcomed new members.

State Bar Executive Director/Secretary-Treasurer Paul Cremer gave the financial report and noted that the State Bar is financially sound. Cremer also recognized and thanked former Executive Director Andy Fergel for his service to the State Bar. Cremer introduced State Bar Staff and thanked them for their hard work. Bar members honored State Bar Staff with a standing ovation. Staff presented Nicole Ogan with flowers to thank her for her 14 years of dedicated service to the State Bar. Ogan is planning to leave the State Bar to work in the federal judicial system. Cremer thanked President Lammers Bogard for being a model of civility, and for setting a positive and optimistic tone. Bar staff appreciates her steady and reassuring leadership. Cremer also thanked President Elect Sarah Sharp Theophilus for stepping into her role on short notice, and Will Mortenson for serving as Parliamentarian at the business meeting.

Justin Bell, a member of the Bar Commission's Audit and Finance Committee, reported that an independent audit by ELO CPAs and Advisors was conducted on the combined financial statements, and other related financial documents, of the State Bar of South Dakota, SD CLE, Inc., and Access to Justice, Inc. Commissioner Bell noted that, based on the audit, ELO expressed the opinion that the financial statements presented fairly, in all material respects, the financial position of the State Bar, SD CLE, Inc., and Access to Justice, Inc. as of July 31, 2023, and the changes in net assets and its cash flows for the year then ended in accordance with generally accepted accounting principles. Steve Blair moved that the financial report and audit be accepted as presented. Judge Craig Pfeifle seconded the motion. Motion carried.

Reed Rasmussen, outgoing President of the South Dakota Bar Foundation, provided the Bar Foundation report. The Bar Foundation provides grants to support law-related projects and has three funding sources: interest income from investments, contributions from attorneys above the recommended \$75 donation amount, and the

recommended \$75 donation amount from attorneys. Rasmussen thanked attorneys for their continued support, and respectfully requested members to donate at least the minimum recommended \$75 donation amount when renewing their annual membership. The Bar Foundation awarded over \$200,000 in grants for the upcoming year to various projects, including SD Teen Court, WORKS Project, Access to Justice, Ask-a-Lawyer, and the Rural Lawyer Program. Members are reminded to promote projects that would be eligible for Bar Foundation grants and to connect eligible projects to the Bar Foundation.

Stephanie Judson, President and CEO of the South Dakota Community Foundation, provided the Community Foundation report. For 20 years, the SD Community Foundation SD Community Foundation has managed the investments of the SD Bar Foundation. The South Dakota Community Foundation was established 37 years ago to assist communities in South Dakota and manages over \$900 million in assets. Last year, the Foundation granted more than \$30 million to communities and nonprofit organizations across South Dakota.

The SD Bar Foundation has invested over \$2 million with SDCF and has awarded thousands of dollars to law-related grants and charities. Ms. Judson urged members to “opt-in” to the \$75 recommended minimum donation to support the Bar Foundation. She asked all attorneys to become Fellows through investment in the Bar Foundation.

Access to Justice Coordinator Denise Langley provided the A2J Inc. report. More than 100 South Dakota Bar members have provided over \$175,000 of pro bono and reduced-rate legal assistance since June of 2023, and have answered over 300 legal questions online through SD Free Legal Answers. A legal needs assessment performed in SD showed the need to improve information sharing about legal services in South Dakota. As a result, East River Legal Services, Dakota Plains Legal Services, and Access to Justice are working together to revise the SDLawhelp.org website. Access to Justice led efforts to produce a Spanish language version of the Guardianship and Conservatorship training, which will be available in the next few months.

The Third Annual A2J golf fundraiser was held on June 13, and the winners were the Costello Porter team of Michael Steve, Reece Weber, Garrett Keegan, and Adam Shiffermiller with a score of 49 (14 under par).

Dean Neil Fulton provided the USD Knudson School of Law report and thanked the faculty and staff. Three of the last five classes have been notably large. The law school has increased enrollment while maintaining requirements of strong LSAT scores and high undergraduate grades. The law school has expanded its writing program and students are passing the bar exam and are working in law-related fields at a high number. The law school has updated all of the classrooms.

The law school is continuing to work with the Bar and the Pathways task force to develop the next generation of lawyers. Efforts include increasing the affordability of law school through scholarships, and potential changes to the Bar exam. The profession continues to address Artificial Intelligence issues.

Dean Fulton also recognized USD Law Professor Tamara Nash, who is completing her year as Chair of the ABA Young Lawyers Division. Nash is the first South Dakota attorney to serve as chair of an ABA division.

Chief Justice Steven Jensen provided the UJS report and noted that South Dakota will soon have 46 circuit court judges and 17 magistrate judges to handle approximately 180,000 cases. UJS strives to consistently apply the rule of law and ensure everyone has meaningful access to the courts.

UJS projects include increasing probation services available to persons aged 18-25; enhancing statewide court security; providing increased indigent criminal defense services; improving resources available to pro se litigants; and continuing UJS strategic planning.

Chief Justice Jensen discussed the potential implementation of mandatory CLE. The Supreme Court is mindful that a license to practice law is a continuing commitment to be competent to practice.

Chief Justice Jensen noted the continued excellent relationship between the State Bar and the Judiciary, and he thanked our judiciary, court staff, State Bar members, and the State Bar. Chief Justice Jensen concluded his remarks by complementing McKusick Award winner Bob Riter and reiterating Riter's message regarding professionalism, service, and collegiality.

The meeting was then recessed for a short break.

President Lammers Bogard called the meeting back to order at 9:40 AM and made introductory remarks regarding the work being done by the Mandatory CLE Study Committee. The State Bar formed the Committee after UJS leadership requested consideration of the issue. Various legislators and citizens have raised issues regarding competency measures.

Committee member Rory King discussed a study and written report recently completed in Maryland, which recommended the implementation of mandatory CLE. King also discussed the results of the State Bar of South Dakota member survey and noted that the Committee reviewed the results and comments made by members. The Committee has made no determinations and is continuing to gather input from members.

Committee member Judge Craig Pfeifle noted that numerous other professions in South Dakota require continuing education, which may affect public perception. He also noted that the District of Columbia, Maryland, Massachusetts, Michigan, and South Dakota are the only jurisdictions with no mandatory CLE requirements. Committee member Pamela Reiter noted that the committee intends to continue to proceed slowly and carefully. Members may continue to provide input to the committee by submitting comments via email to MCLE@sdbar.net

The Committee presentation and audience questions concluded at approximately 10:00 a.m.

Sander Morehead presented a resolution on behalf of the Ethics Committee to amend Rule 1.8(e) of the South Dakota Rules of Professional Conduct to add a third exception to the general rule that a lawyer shall not provide financial assistance to a client. Lisa Marso made a motion to adopt the proposed amendments to Rule 1.8(e) of the South Dakota Rules of Professional Conduct and that the amendments be presented to the South Dakota Supreme Court for their consideration and potential adoption via the Supreme Court rules process. Tyler Matson seconded the motion. Motion carried.

John Burke presented a resolution on behalf of the Practice Rules Revision Committee to adopt a new Rule regarding the submission of Orders and Judgments. The Practice Rules Revision Committee recommends that the new Rule be placed in SDCL Chapter 15-6, as part of SDCL 15-6-58, which concerns the entry of Judgments and Orders. The Committee further recommends that the existing Rule found at SDCL 15-6-58 be renumbered as SDCL 15-6-58(a), and this new Rule be labeled SDCL 15-6-58(b). Bob Morris made a motion to adopt the proposed new Rule, and that the new Rule be presented to the South Dakota Supreme Court for their consideration and potential adoption via the Supreme Court rules process. Steve Huff seconded the motion. Motion carried.

President Lammers Bogard announced the unopposed nominees for the four vacant At Large Bar Commission positions. Petitions had been filed for Teramie Hill (First Circuit At Large), Sarah Covington (Fourth Circuit At Large), Stacy Johnson (Fifth Circuit At Large), and Kristen Edwards (Sixth Circuit At Large). No names were submitted to State Bar Staff, pursuant to Article VII, Section 7.4.b. of the State Bar Bylaws that would allow someone to run from the floor. Therefore, President Lammers Bogard asked for a motion to cast a unanimous ballot for the four uncontested nominees for the Bar Commission. Pamela Reiter made a motion to cast a unanimous ballot for those four candidates. Sarah Richardson Larson seconded the motion. Motion carried. President Lammers Bogard congratulated and thanked the four new Commissioners.

Kelsey Blair, Young Lawyers Section President, read the Necrology in memory of the following members who have passed since the last annual meeting: Robert Joseph Burns, Tulsa, OK; Thomas F. “Tom” Burns, Watertown, SD; Ronald Dale Buskerud, Rapid City, SD; Erin Leah Colgan, Yankton, SD; Ryan Darling, Pierre, SD; Hon. Jeff W. Davis, Rapid City, SD; Hon. Jon R. Erickson, Huron, SD; Mark Goodenow, Spirit Lake, IA; Chet Groseclose, Sioux Falls, SD; Dana Hanna, Rapid City, SD; Donald Leon Heck, Kulm, ND; Danny Lee Kelley, Custer, SD; Jeanne Lorraine Kelly, Rancho Mirage, CA; Todd Cannon Lockwood, Phoenix, AZ; Gene N. Lebrun, Rapid City, SD; Ryan J. Loker, Pierre, SD; William David Matheson, Sioux Falls, SD; Michael David O’Leary, Sioux Falls, SD; Gerald “Jerry” C. Rachetto, Rapid City, SD; Dr. Anita Remerowski, Olympia, WA; Joseph D. Roach, Edina, MN; Clifton Rodenburg, Fargo, ND; Roger Alan Schiager, Sioux Falls, SD; Ronald Gene Schmidt, Rapid City, SD; Bradley Allen Schreiber, Pierre, SD; J.I. Milton Schwartz II, Sioux City, IA; Emily Christine Steinhoff, Garner, NC; James “Jim” Wells Olson, Rapid City, SD; David J. Vickers, Sioux Falls, SD.

After the Necrology, Ms. Blair presented a report on the activities of the Young Lawyers Section. The YLS Strategic Plan emphasizes core values including: Dedication to Public Service, Promoting Leadership, An Inclusive Profession, and Member Focus and Support. YLS activities included the statewide swearing-in ceremony, the Nuts and Bolts CLE, the Spring Boot Camp, and continued work on the Hagemann-Morris Mentorship program.

President Lammers Bogard gave an inspiring final address, and she expressed her gratitude to the outgoing Bar Commissioners, the current Bar Commissioners, President Elect Sarah Sharp Theophilus, Nicole Ogan for her 14 years of service to the State Bar, and State Bar staff. Lammers Bogard also expressed gratitude to our Judiciary and thanked Judge Jane Wipf Pfeifle and Judge Craig Pfeifle for serving on multiple committees and for their efforts to promote civility. Lammers Bogard also thanked the USD Knudson School of Law for their partnership and civility efforts. Lammers Bogard thanked State Bar members who volunteer and serve on State Bar Committees and Sections and she encouraged all Bar members to become involved with Bar activities. She thanked the Bar Commission for their work in enacting the Creed of Civility and Guidelines for Professionalism. President Lammers Bogard’s address was met with a standing ovation.

Bob Morris introduced President Elect Sarah Sharp Theophilus. She was appointed by the Bar Commission on February 9, 2024, to fill the vacant President Elect position after Judge Julie Dvorak was appointed to serve as a circuit court judge. Sharp Theophilus graduated from USD Knudson School of Law and has worked for the United States Department of Veterans Affairs for the last 15 years. Sharp Theophilus has been active in numerous State Bar activities, including serving as President of the Young Lawyers Section during the establishment of the Hagemann Morris Mentorship program, and serving as Chair of the Veterans Committee.

President Lammers Bogard then presided over the installation of Sarah Sharp Theophilus as President of the State Bar. Upon accepting the gavel, President Sharp Theophilus thanked Past President Lammers Bogard for her leadership and service to the Bar.

Thereafter, in her first official act, President Sharp Theophilus called for nominations for the position of President Elect of the State Bar of South Dakota. Jeff Hallem nominated John Richter. Kinsley Groote seconded the nomination, and Teramie Hill provided further remarks in support. There being no other nominations, Teramie Hill made a motion that nominations cease, and a unanimous ballot be cast for John Richter. Kinsley Groote seconded the motion. The motion carried and a unanimous ballot was cast for John Richter, who provided brief remarks.

There being no further business, President Sharp Theophilus adjourned the meeting at approximately 11:15 a.m.

Respectfully submitted,

Paul Cremer
Executive Director / Secretary-Treasurer

SOUTH DAKOTA BAR FOUNDATION

Minutes of January 31, 2024, Meeting, held via Zoom

South Dakota Bar Foundation (“SDBF”) President Reed Rasmussen called the meeting of the Board to order at 2:01 PM CST. Board members present were President Rasmussen, Vice President Steve Huff, Eric Schulte, Renee Christensen, Thomas Frieberg, Stephanie Judson, Lisa Marso, Kim Mortenson, and Anthony Sutton.

Also present for all or part of the meeting were Assistant Director Nicole Ogan, Access to Justice Coordinator Denise Langley, and Executive Director/Secretary-Treasurer Paul Cremer.

Director Judson made a motion to approve the minutes of the June 21, 2023, South Dakota Bar Foundation Meeting. Director Schulte seconded the motion. Motion carried.

Director Judson made a motion to memorialize email votes listed below from August 24, August 25, and August 31, 2023. Director Frieberg seconded the motion. Motion carried.

On August 24, 2023, the Bar Foundation Board, through a motion and email vote, approved a request from the Project Rural Practice Committee of the State Bar of South Dakota to provide \$2000 as a sponsor for an evening meal at the Law Review Symposium regarding Rural Lawyers to be held September 21-23, 2023, at USD Knudson School of Law.

On August 25, 2023, the Bar Foundation Board, through a motion and email vote, approved a request from the State Bar of South Dakota for a \$15,000 grant to help establish and provide sexual harassment ombuds services within the South Dakota legal profession.

On August 31, 2023, the Bar Foundation Board, through a motion and email vote, approved a request from South Dakota News Watch to provide \$500 to help sponsor training sessions for journalists to help understand court processes.

Director Sutton made a motion to allow the South Dakota Bar Foundation to execute a contract with the State Bar to allow the State Bar to provide services to the Bar Foundation for \$1, in similar fashion to previous years. Director Christensen seconded the motion. Motion carried.

Nicole Ogan provided information regarding the audit conducted by ELO of the Bar Foundation. Director Mortenson made a motion to approve the IRS Form 990 and to allow Cremer to execute related audit and IRS documents. Director Schulte seconded the motion. Motion carried.

The Foundation Directors discussed rural practice internship funding requests. Director Mortenson made a motion to allow funding for at least six summer internship positions. Director Frieberg seconded the motion. Motion carried. The Foundation Directors agreed to consider more funding for internship positions if needed.

The Foundation Directors discussed some potential future grant applications, including Pathways. It appears that the South Dakota Guardianship Program will no longer be an ongoing entity, and the Bar Foundation will likely not need to provide funds for the Guardianship Program.

Denise Langley presented the board with a report on the Access to Justice Program, including statistics and successes from the previous fiscal year, and plans for the upcoming fiscal year. Langley noted that A2J attorneys handled 173 cases, involving approximately 700 hours of service, with an estimated value of \$163,000. Approximately 33 attorneys provided assistance to citizens via South Dakota Free Legal Answers, and those volunteers answered 272 questions, including questions involving family law, and landlord-tenant issues. Langley noted that A2J, East River Legal Services, and Dakota Plains Legal Services are continuing to work on website and online application improvements. The legal needs assessment has been beneficial for legal aid entities. A Spanish translation of video training regarding guardianship and conservatorship matters will be produced using CEAC funding. Increased use of the website by citizens has led to increased applications to legal services entities. Langley is spending more time reviewing applications and spending less time on case-matching activities. Langley may need assistance with some administrative tasks to allow her to spend more time on case-matching activities.

South Dakota Public Broadcasting thanked the Bar Foundation for continued support of various activities, including legislative coverage. The Bar Foundation thanked SDPB for our continued partnership. The Bar Foundation considered a particular request for program sponsorship involving a podcast series, and the Bar Foundation determined that the sponsorship for that particular project does not fit within the Bar Foundation mission. Directors Frieberg and Schulte recused themselves from the SDPB discussion.

The Foundation Directors discussed the Bar Foundation Strategic Plan. Topics included a potential RFP for an IOLTA enhancement plan and exploring options involving Foundation activities and fundraising.

Cremer provided an update regarding ongoing State Bar efforts to obtain ombuds services.

The Foundation Directors discussed efforts made by the Bar Foundation to promote awareness of the Bar Foundation.

Bar Foundation President Rasmussen adjourned the meeting at 3:00 pm CST.

Respectfully submitted,

Paul Cremer
Executive Director/Secretary-Treasurer

SOUTH DAKOTA CONTINUING LEGAL EDUCATION, INC.

Minutes, February 21, 2024
Via Zoom

President Heather Lammers Bogard called the meeting to order at 3:58 PM CST on February 21, 2024. Present for all or part of the meeting were President Lammers Bogard, President Elect Sarah Sharp Theophilus, and Commissioners Tyler Matson, David Strait, Jerry McCabe, Justin Bell, Erika Olson, Nick Moser, Amber Mulder, Hon. Francy Foral, John Richter, Steve Blair. Also, present at the meeting were Executive Director/Secretary-Treasurer Paul Cremer, Assistant Executive Director Nicole Ogan, Communications/Membership Director Tracie Bradford, Administrative Assistant Kylee Alfrey, Lawyer's Assistance Program Director Becky Porter.

Approve Minutes of July 14, 2023 – Commissioner Mulder made a motion to approve the minutes from the July 14, 2023, SD CLE Inc. meeting. Commissioner Olson seconded the motion. Motion carried.

Approval of FY 2023 Form 990's – Commissioner Blair made a motion to approve the South Dakota Continuing Legal Education Form 990's, prepared by ELO, with the correction of the spelling of his first name. Commissioner Olson seconded the motion. Motion carried.

Adjourn: President Lammers Bogard adjourned the meeting at 4:00 PM CST.

Respectfully submitted,

Paul Cremer
Executive Director/Secretary-Treasurer

Career Center

STATE BAR OF SOUTH DAKOTA CLASSIFIEDS

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



Deputy State's Attorney - Brookings

POSITION TITLE: Brookings County Deputy State's Attorney

REPORTS TO: State's Attorney

FLSA STATUS: Exempt

WAGE: \$86,286 to \$109,431

DESCRIPTION OF WORK

General Statement of Duties

Handles the prosecution of misdemeanor cases for Brookings County. Assists the State's Attorney and Chief Deputy State's Attorney as needed with the prosecution of adult criminal matters and civil work on behalf of the County. Reports to the State's Attorney.

EXAMPLES OF DUTIES: (Any one position may not include all of the duties listed, nor do the listed examples include all duties which may be found in positions of this grade.)

- Prepare and manage a caseload of predominantly misdemeanor and felony cases.
- Assist law enforcement with involuntary mental health committals. Assist with civil representations of the County.
- Present cases for legal proceedings. Perform legal research. Prepare, draft, and file legal documents and correspondence.
- Review offenses, police reports, and evidence to make determination on charges. Prepare, send, and track subpoenas for witnesses and records. Prepare and interview witnesses for legal proceedings.
- Stay informed on changes in relevant law and

statutes and proposed legislation and policy pertaining to criminal law, juvenile delinquency, and juvenile abuse and neglect.

- 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. Make recommendations for custody, parental rights, sentences, and restitution.
- Represent the State's Attorney's Office at public, private, and inter-governmental programs and events.
- Train and educate volunteers, law enforcement, and social workers on their roles and duties on legal issues and the court process duties.
- Answer, handle, or direct phone calls and walk-in traffic from clients and the general public regarding legal concerns and questions.

QUALIFICATION FOR APPOINTMENT

Required Knowledge, Skills, and Abilities

- Ability to prepare clear, concise, and accurate documents.
- Ability to understand and follow both verbal and written instructions quickly and accurately.
- Ability to communicate effectively both verbally and in writing.
- Ability to establish and maintain effective relationships with employees, other agencies, and the public.
- Ability to maintain confidentiality when handling sensitive information.

- Ability to display efficient use of time and proficient organizational skills with specific attention to detail.
- Extensive knowledge of modern office practices, procedures and equipment including computers, scanner, calculator, fax machine, copy machine, etc.
- Extensive knowledge and skill in the use of computers and computer programs to include Microsoft Word, Access, Excel, PowerPoint, Exchange and the Internet.

Education/Experience

- Obtained Juris Doctorate degree and is licensed to practice law in the State of South Dakota, or will be prior to the start date.
- 0-3 years experience in prosecution, litigation, or criminal law.

Please send cover letter and resume to State's Attorney Dan Nelson Dnelson@brookingscountysd.gov

Staff Attorney – Sisseton

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

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

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

SALARY: Starting at \$60,000 plus, depending on experience. Staff work a 4-day work week, and DPLS has

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

CLOSING DATE: Open until filled.

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

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

Staff Attorney – Mission

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

DAKOTA PLAINS LEGAL SERVICES (DPLS), a nonprofit legal services program, has an opening for a Staff Attorney position in our Mission, South Dakota, branch office. The Mission office serves the counties of 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 regular appearances in court; and must demonstrate an interest in poverty law and working with Native American and low income clients.

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

CLOSING DATE: Open until filled.

APPLICATION INFORMATION: Please submit a letter of interest and resume to: Thomas S. Mortland, Executive Director, Dakota Plains Legal Services,

PO Box 489, Mission, SD 57555, (605) 856-4444, tmortland@dpls.org.

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

Staff Attorney – Fort Yates, ND

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

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney in our Fort Yates, North Dakota, branch office. The Fort Yates office serves the counties of Campbell, Corson, Walworth, and the Standing Rock 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: Starting at \$60,000 plus, depending on experience. Staff work a 4-day work week, and DPLS has an excellent fringe benefits package including generous leave benefits and employer paid employee insurance coverage (medical, dental, life, disability).

CLOSING DATE: Open until filled.

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

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

Paralegal (Tribal Advocate) – Fort Yates, ND
DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a paralegal (tribal advocate) position at our Fort Yates, North Dakota, office. The Fort Yates office serves the counties of Campbell, Corson, Walworth, and the Standing Rock reservation.

QUALIFICATIONS/RESPONSIBILITIES: Applicants, through formal education, training, and experience, must have knowledge and expertise regarding the legal system, substantive and procedural law, and the ethical considerations of the legal profession which qualify them to do work of a legal nature under the direct supervision of a licensed attorney; must have strong written and oral communication skills; must be able to handle a significant caseload with regular court appearances; must demonstrate an interest in poverty law and working with Native American and low income clients; must be qualified to obtain a license to practice law in the Standing Rock Sioux Tribal Court. The primary duties of the successful applicant will be to advise and provide legal representation to clients on matters that are within the jurisdiction of the Standing Rock Sioux Tribal Court.

SALARY: Based on experience. DPLS has excellent fringe benefits, including generous leave benefits and employer paid employee insurance coverage (medical, dental, life, disability). DPLS observes a 4-day work week.

CLOSING DATE: Open until filled.

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

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

Legislative Attorney – Pierre

South Dakota Legislative Research Council

This is a full-time, 40 hours weekly position with the Legislative Research Council. For more information on the Legislative Research Council, please visit the LRC website.

The Legislative Research Council, the nonpartisan drafting, research, and support office for the South Dakota State Legislature, is accepting applications for a permanent, full-time Legislative Attorney. An applicant must have an interest in the legislative process and be results oriented, honest, discrete, trustworthy, and articulate.

A remote work option may be considered for the position. However, a full-time presence in Pierre is required during the legislative session and periodically throughout the interim.

Duties and Responsibilities: A Legislative Attorney will assist legislators by providing accurate, objective, and relevant research information, informed by a professional understanding of the law. The significant duties include the following:

1. Draft and edit bills, resolutions, and amendments to implement legislators' ideas;
2. Conduct general and legal research for legislative committees and individual legislators and present alternative solutions for their consideration;
3. Confer with and advise legislators on legislative legal questions;
4. Staff legislative standing committees during sessions, consult with committee chairs to develop agendas and obtain testimony, prepare committee reports, and draft amendments to bills;
5. Staff interim committees of the Legislative Research Council, consult with committee chairs to develop agendas, assist with meeting arrangements, prepare background materials, and prepare final reports;
6. Review administrative rules for form, style, clarity, and compliance with statutory authority; and
7. Research and write issue memoranda and develop other resources on selected topics for review and use by the Legislature, Legislative Research Council staff, and the public.

Minimum Qualifications:

1. A Juris Doctorate from an ABA-accredited law school; and
2. An active license in good standing with the State Bar of South Dakota, or the ability to become eligible for and become admitted to the State Bar of South Dakota within one (1) year after employment.

Preferred Qualifications:

1. Strong writing skills;
2. Strong research and analytical skills;
3. A willingness to expand expertise into various subject areas;
4. The ability to communicate, both orally and in writing, in a manner that clearly and efficiently conveys information to legislators and the public; and
5. The ability to work under tight deadlines and extended hours during the legislative session.

Salary Range: The annual salary will range from \$72,000 to \$102,000. Actual starting salary will depend on qualifications and experience.

Application Process: The application deadline for this position is 5:00 PM CT on July 19. This position is exempt from the Civil Service Act and is employed at will. Any application or resume submitted for consideration will be kept confidential. Applications (consisting of a letter of interest and resume) should be submitted online or by e-mail to:

John McCullough, Director
South Dakota Legislative Research Council
E-Mail: Legis.Resume@sdlegislature.gov |
Phone: 605-773-3251

Staff Attorney – Sioux Falls

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our Sioux Falls, South Dakota, office.

SALARY/BENEFITS: Salary starting at 60,000 plus, based on experience. DPLS has an excellent fringe benefits package including generous leave benefits of 6 weeks paid leave, and 15 paid holidays. Employer paid employee insurance coverage (medical, dental, life,

disability). DPLS observes a 34 hour 4-day work week and offers matching 401(k).

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. Some same day travel is required.

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 at tmortland@dpls.org, or by mail at PO Box 489, Mission, SD 57555, (605) 856-444.

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

Deputy State's Attorney - Lincoln County

Come Join Our Team!

The Lincoln County State's Attorney's Office is accepting applications for a Deputy State's Attorney to join our team. You are an integral part of the criminal justice system closely collaborating with law enforcement, probation, parole, juvenile justice centers, and numerous community agencies. This opening will be working primarily with our magistrate court cases.

By joining one of the fastest-growing counties in the country, you will find a caseload that keeps you engaged and provides you the opportunity to make a difference in the community.

In addition to a thriving work environment, you will enjoy an extensive benefits package that includes 12 paid holidays; health, dental, vision, and life insurance; generous PTO program; extended sick leave program; matching inclusion into the South Dakota Retirement System (SDRS); and a deferred compensation plan!

Please include a cover letter and resume alongside your online application.

The hiring range is \$3,581.93 - \$3,953.55/biweekly with full earning potential up to \$5,300.79/biweekly.

The posting will remain open until the position is filled.

How You Will Make an Impact

- Prepare and manage a caseload of predominantly misdemeanor cases, low-level felonies, juvenile violation cases, and juvenile abuse and neglect cases. Present cases for legal proceedings. Perform legal research. Prepare, draft, and file legal documents and correspondence.
- Review offenses, police reports, and evidence to make determinations on charges. Prepare, send, and track subpoenas for witnesses and records. Prepare and interview witnesses for legal proceedings. Select jurors.
- Stay informed on changes in relevant laws, statutes, and proposed legislation and policy pertaining to criminal law, juvenile delinquency, and juvenile abuse and neglect. Draft proposed legislation and appear before legislative committees.
- 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 and the media.
- Make recommendations for custody, parental rights, sentences, and restitution.
- Represent the State's Attorney's Office at public, private, and inter-governmental programs and events, communicate with the media, prepare press releases, and serve on boards, panels, and task forces.
- Train and educate volunteers, law enforcement, and social workers on their roles and duties on legal issues and the court process duties. Train interns. Supervise clerical staff and interns.
- Answer, handle, or direct phone calls and walk-in traffic from clients and the general public regarding legal concerns and questions.
- Occasional travel between work sites.

Minimum Qualifications

- Graduation from a college of law, attainment of

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

- A comparable combination of education and experience may be considered.
- 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 work under strict time constraints.
- 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.

Ideal Candidates Will Have

Previous experience in and a working knowledge of civil and criminal law and methods and practices of pleadings, court procedures, and rules of evidence.

Associate Legal Counsel – Sioux Falls

Location: Sioux Falls, SD

Shift: M-F 8AM to 5 PM

Job Status: Full-Time

Company: PREMIER Bankcard

About the Role

Responsible for providing a broad range of legal support for regulatory, compliance, credit card lending, retail banking, payments, vendor contracts and other related matters. Assists with a wide range of legal matters including product counseling, commercial transactions and contractual support, litigation, regulatory exams and compliance, and general business line requests.

Job Duties and Responsibilities

- Develop legal assessments, interpretations, recommendations, and opinions on laws, policies and regulatory issues related to bank policy,

product, service, or course of action.

- Monitor regulatory changes, communications and significant legislation that may affect marketing and operations and provide input to company's departments on the impact of proposed changes in regulation.
- Advise on special projects as needed, including new product developments, by providing creative, proactive and results orientated advice while taking into consideration their legal and regulatory impact.
- Review and determine appropriate responses to third-party subpoenas and government requests for information and documents.
- Conduct research on various multijurisdictional legal issues.
- Under the direction of Senior Legal Counsel, assist with nationwide consumer financial services litigation matters and disputes of all levels of exposure with an emphasis on TCPA, FCRA and consumer lending matters, fact investigations, legal holds, research, discovery, and other related tasks.
- Under the direction of Senior Legal Counsel, review and draft a wide range of contracts with third party vendors and service providers, providing guidance and advice in connection with the contract execution process, assisting as needed with contract renewals and amendments, and supporting contract compliance.
- Assist with development and standardization of disclosures across businesses for credit card marketing programs.
- Collaborate with marketing, risk and compliance to develop and approve material.
- Identify regulatory and legal gaps within area of expertise and assists in addressing such gaps.

Skills and Qualifications

- Preferred 3-5 years of experience in the banking or finance industry.
- Preferred 3-5 years of experience practicing law.
- Juris Doctor from an American Bar Association accredited law school and licensed to practice law in the State of South Dakota, or able to qualify for admission in South Dakota within 180 days of employment.
- Will interact with multiple areas and management, must be flexible and able to successfully manage a wide range of assignments simultaneously.

Competitive Benefits Package

- Full medical benefits when working 20+ hours per week
- Traditional and High Deductible health plan options available
- FREE dental and vision coverage
- Generous Paid Time Off plans
- 401(k) – dollar-for-dollar match up to 5% of total compensation
- Special discounts and offers for events at the Denny Sanford PREMIER Center
- PREMIER Wellness Program
- Paid Community Volunteer Hours – PREMIER averages 30,000 hours per year
- Fun Employee Parties

Our Culture

- Emphasis on personal success, respect, health, wellness, fun and giving back
- Employees are rewarded, valued, and celebrated for hard work
- Various Career advancement opportunities and growth
- Appreciation is shown through concerts, outdoor bashes, cash, car giveaways and more

Apply at: [Legal Counsel Associate](#) | Sioux Falls, SD | [Careers at PREMIER \(firstpremier.com\)](#) or [careers.firstpremier.com](#)

Circuit Court Staff Attorney – Yankton

Circuit Court Staff Attorney, First Judicial Circuit

Location: Yankton, SD

Salary: \$77,778.00 annually

JOB ID: 27330

Closing Date: Open Until Filled

Position Purpose: This position performs professional legal work through legal research and writing during all phases of the judicial process to assist the judges of the Unified Judicial System (UJS); supervises circuit court law clerks and reviews and coordinates their work.

Duties may include:

- performing legal research and writing to provide assistance to Circuit Judges in analyzing legal issues or cases before them and to facilitate efficiency in court operations;
- training and supervising law clerks and coordinating their work to facilitate continuity in

the quality of assistance provided by law clerks in the performance of judicial duties;

- providing assistance to Judges, clerks of courts offices, circuit administrative offices, the public, commissions, and individuals to contribute to the effective operation of the circuit;
- performing other work as assigned.

Minimum Qualifications: Graduation from an accredited law school and possession of a Juris Doctorate. Licensed to practice law in South Dakota. One (1) year of experience in the legal profession; or an equivalent combination of related education and experience. 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;
- library and technical resources.

Skill in:

- legal writing;
- organizational management;
- time management.

Ability to:

- perform extensive legal research;
- analyze and summarize complex legal issues and facts;
- research and summarize applicable laws, and recommend appropriate resolutions to issues in question;
- exercise discretion, confidentiality, and impartiality in handling matters before the court;
- communicate effectively both orally and in writing with a wide variety of people;
- understand, analyze, and research issues raised throughout the circuit and provide timely and concise responses.

About the South Dakota Unified Judicial System

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.

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

Apply at:

<https://sodakprod-lm01.cloud.infor.com:1443/lmg/hr/xmlhttp/shorturl.do?key=Q4X>

Unified Judicial System
500 East Capitol Avenue
Pierre, SD 57501-5070
Phone: 605.773.4884

“An Equal Opportunity Employer”

Magistrate Judge – Sioux Falls or Canton

MAGISTRATE JUDGE
Second Judicial Circuit
Sioux Falls, or Canton, South Dakota

Requisition #: J25-09

Agency: Unified Judicial System

Salary: \$138,465.52 annually; with a possible cost of living salary increase per legislative approval

Closing Date: August 16, 2024

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 and 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 misdemeanor cases and actions or proceedings for violation of any ordinance 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 judgment;
- 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 August 19, 2024.**

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
Deputy State Court Administrator
Unified Judicial System
500 East Capitol Avenue
Pierre, SD 57501
Phone: (605) 773-4884; Fax: (605) 773-8437

Vice President, Chief Legal Officer & Secretary – Bismarck, ND

Description

Responsible for placing safety as #1 priority in day-to-day work routine for self and others. Provide legal counsel to all segments of the corporation and its subsidiaries. Ensure compliance with laws, rules, and regulations. Serve as corporate governance officer. Serve as corporate secretary. Serve as a member of the executive Management Policy Committee.

Exercise primary responsibility for (1) management of all legal matters involving the corporation, with supervisory and coordination responsibilities for both internal and outside counsel; (2) review of the adequacy of the corporation's corporate governance procedures and reporting to the corporation's management and Board of Directors on recommended changes; and (3) maintenance and custody of corporate minute books.

This vacancy is contingent upon the spinoff of our subsidiary construction materials company, Knife River. Should the spin not be completed, the vacancy will be cancelled.

MINIMUM QUALIFICATIONS

- Juris Doctor degree from an American Bar Association (ABA) accredited law school.
- Must be licensed or eligible to be licensed in North Dakota.
- Minimum of ten years' experience in the practice of law.

PREFERED QUALIFICATIONS

- 15 years legal experience.
- Experience working with or in a publicly traded company and familiarity with compliance requirements for publicly traded companies.
- Legal experience working with regulated energy delivery or related businesses.
- Courtroom litigation and/or administrative law proceeding experience.

OTHER REQUIREMENTS

- Residing in or relocating to the Bismarck, ND area is a requirement of this position.
- Must take all measures necessary to protect networks, devices, programs and data from cyber-attack, damage, or unauthorized access.
- Must maintain a valid driver's license and pass background check requirements.
- Requires minimal travel (up to 10%).

JOB RESPONSIBILITIES

- Act as legal advisor to the Chair of the Board, President and Chief Executive Officer, committees of the board and to the subsidiary Boards of Directors.
- Review legal matters that may have an impact on the company. Coordinate legal issues among all departments within the corporation.
- Assist the Chair of the Board, the President and Chief Executive Officer, and the Chairs of the committees of the Board in preparation for Board and Board committee meetings. Subject to the review by the Chair, and as appropriate, the chairs of the Board committees, (a) prepare Board and Board committee meeting agendas; (b) record minutes of the Board of Directors, committees of the Board, and annual shareholders' meetings; (c) draft and send proxy statement and proxy card; (d) draft and send other communications to shareholders as directed by the Chair; (e) prepare the agendas of all meetings of businesses; (f) prepare written consents for actions taken by the Boards of subsidiaries, or their shareholders, in lieu of actions taken at a meeting.
- Supervise and coordinate the activities of outside counsel and the Legal Department attorneys and all legal matters facing the corporation.
- Act as the corporation's corporate governance and compliance officer, with responsibility for monitoring and assessing developments on corporation governance including stock exchange listing standards, legislative enactments, SEC

regulations and judicial decisions. Provide regular reports to the corporation's senior management and Board of Directors regarding matters of most significant importance and make recommendations regarding (a) corporate governance guidelines, (b) business codes of conduct and ethics policies, (c) Board committee charters, (d) executive compensation policies and (e) director evaluation processes.

- In coordination with the Chief Financial Officer: serve as a liaison to rating agencies with respect to their rating of the corporation's governance procedures and assist in communication with D&O insurance brokers and underwriters in conjunction with corporate governance issues.
- Participate as a member of the corporation's Disclosure Committee to assure the disclosure of procedures and internal controls are adequate

to collect the information necessary for the corporation to meet its disclosure obligations in a timely manner.

- Meet privately on a periodic basis with the Audit Committee to review matters within its scope of responsibilities, including evidence of any material violation of laws or breach of fiduciary duty by the corporation, its directors, officers, employees, or representatives.
- Supervise the maintenance of corporate minute books and related files for the company and its businesses.
- Ensure the corporation's ethics and integrity policies are maintained.
- Performs other tasks and special projects as assigned.

Deadline to Apply: August 16, 2024

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