

State Bar of South Dakota

**2023
ANNUAL
MEETING**

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Sioux Falls, South Dakota

JUNE 21-23, 2023
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May
NEWSLETTER
2023

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NOTICE

Please check this [link](#) on or after May 9, 2023, for proposed legislation to be considered at the [State Bar Annual Business Meeting on June 23, 2023.](#)

State Bar of South Dakota

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PRESIDENT'S CORNER

Lisa K. Marso

May is the month of graduations and new beginnings. It causes me to reflect on law school in particular (congratulations to you, graduates!) and spotlight two amazing public servants—4th Circuit Presiding Judge Michael Day and Beadle County State's Attorney Michael Moore.

I truly believe I would not have gone to law school but for knowing then "cousin Mike" and his father Bill Day from yearly Christmas Eve family gatherings. Their careers intrigued me. After I graduated from college, Bill allowed me the opportunity to spend a month with him at his law firm, watching what lawyers do and who they are . . . and here I now am 30+ years later. During those law school years, I had the opportunity to get to know Michael Moore from our 1994 graduating class. Since then, I have appreciated his willingness to serve repeatedly even outside the County when called upon. Michael is 1 of 66 State's Attorneys. Thank you to all of our State's Attorneys and the 92 Deputy State's Attorneys for your public service.

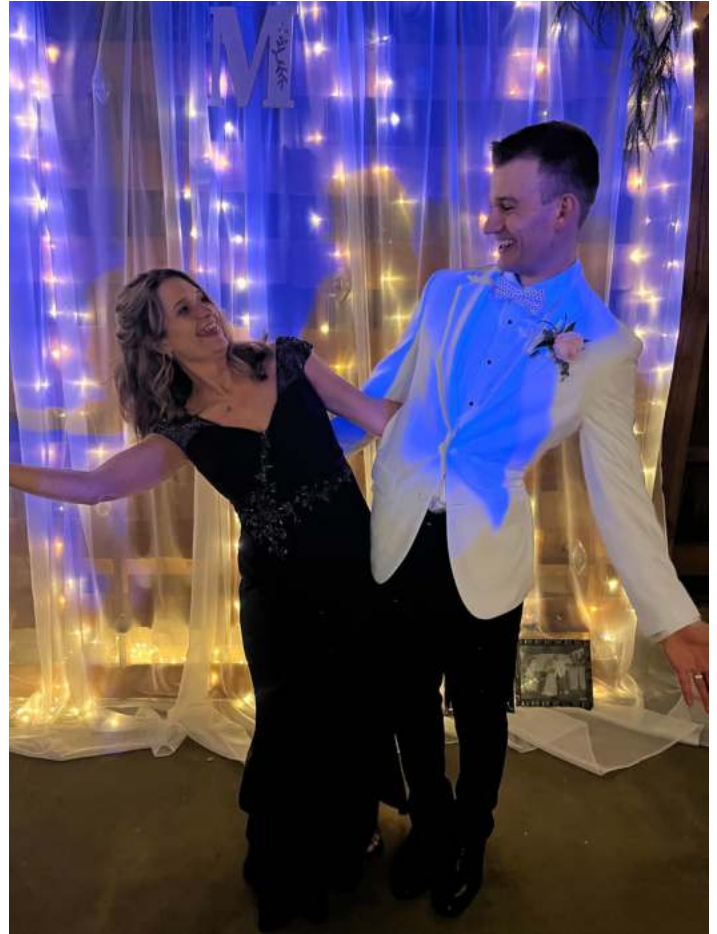
Judge Mike Day: Judge Day was born and raised in Winner, South Dakota, leaving to attend the University of South Dakota and then the University of South Dakota School of Law. In 1983, he started his law practice in Belle Fourche, being in six different law firms in the same building. After 30 years of practice, he was appointed to the bench in 2013 and then became the Presiding Judge of the Fourth Circuit in 2015, when Judge Warren Johnson retired. Public service has always been of great importance to

Judge Day. While in private practice, he served in numerous positions, such as the President of the State Bar of South Dakota, President of the State Bar Foundation, State Bar Disciplinary Board, Judicial Qualifications Commission, Young Lawyers Board of Directors, President of South Dakota Trial Lawyers Association, President of Belle Fourche Board of Education, Butte County Mental Health Board, and St. Paul's Catholic Church Finance Council. Last year he was honored to receive the Fred J. Nichol Outstanding Jurist Award from SDTLA. In his judicial position, he continues to serve on several different UJS Committees. Judge Day and his wife are blessed with three daughters (and yes, sons-in-law too) but, most importantly, five grandchildren. Of public service, Judge Day says, "Make a difference. Take the chance to make a positive difference in the lives of others." Thank you, Judge Day for your years of service to the State Bar and the public.

Michael Moore: Michael has dedicated his life to public service in South Dakota. After graduating from the University of South Dakota School of Law in 1994, Michael decided to stay in South Dakota rather than return to his hometown of Canton, Ohio. He began his legal career as a Deputy State's Attorney for Beadle County. Michael was then elected as the Beadle County State's Attorney two years later. In addition to prosecuting cases in that County, he often follows the cases through the appeal, briefing,

and arguing the cases to the South Dakota Supreme Court. Michael also has repeatedly stepped up to serve outside of the County. He has prosecuted numerous felony cases in other counties, such as Clark, Hughes, Jackson, Custer, Sully, Brule, Tripp, Mellett, Hyde, Hand, and Brookings. In 2021/22, he assisted with the Ravensborg prosecution. Michael also often provides training here in South Dakota and nationally to law enforcement, prosecutors, and domestic violence advocate groups. In 2010, he was selected as South Dakota Prosecutor of the Year by the South Dakota State's Attorney Association. In 2012, the SD Domestic Violence Coordinating Committee honored Moore as the Prosecutor of the Year. That same year, he was elected President of the National District Attorney's Association, an organization with nationwide membership representing over 2500 elected and 40,000 active prosecutors. Moore was the first president of NDAA from South Dakota. Michael is also an active member of the American Bar Association, where he was elected to serve on the Criminal Justice Section Council. Michael and his wife live in Huron with his youngest daughter Adison. His oldest daughter is a Sophomore at the University of Southern California in Los Angeles. Of public service, Michael states, "It is a great honor that the people of Beadle County have entrusted me with the responsibility to help keep the public safe and hold offenders accountable for all these years. I take this responsibility seriously every day I have been privileged to serve the public."

newsletter (particularly with Mother's Day being a few days away). So, here is a picture of us. I also hope the picture causes you to reflect upon those mothers you know in your life—your own mother, your children's mother, mothers of friends, foster care mothers, etc. I am sure a note of thanks or encouragement to any of them would be appreciated.



This month's newsletter completes the spotlight of each Circuit's Presiding Judge. Our State is blessed with their public service and the service by all of our State Court Magistrate Judges, Circuit Court Judges, Supreme Court Justices, and Federal Court Magistrate, District Court, and Eighth Circuit Court of Appeals Judges. A Bench-Bar Social will be held on June 29th from 5 to 6 pm during the State Bar Annual Meeting. I look forward to that gathering and hope you all can attend the Annual Meeting and this new event.

Lastly, as you may recall, my daughter got married in September; the October newsletter had a picture of us. Since my son got married in April, I would be a bad mother if I did not publish a picture of us in this month's

State Bar of South Dakota YOUNG LAWYER SECTION



Anthony Sutton
YLS President

May and June are shaping up to be busy months for the Young Lawyers Section. Although the current Board is preparing to end our term, we want to ensure that we do so with the same vigor as we had when we started our terms. Given the many events and updates we have, I thought it was appropriate for this month's newsletter to let you know about the activities planned for the next few months and provide some updates on the other work we have been doing:

Young Lawyer of the Year Award

We are now accepting nominations for our annual Young Lawyer of the Year award. The award will be presented at the Annual Meeting in June. Please consider nominating a South Dakota Young Lawyer for this prestigious award. To be considered, the nominee must be a member of the State Bar of South Dakota in good standing and must not have reached the age of 36 years by June 24, 2023, or been admitted to practice in South Dakota or any other state for more than 10 years. Lawyers are only eligible to receive the award one time and lawyers serving on the Young Lawyers Board are not eligible for consideration. Nominees should exemplify the following characteristics:

1. Professional excellence.
2. Dedication to serving the legal profession and the Bar.
3. Service to their community.
4. A reputation that advances legal ethics and professional responsibility.

Nominating attorneys should submit a brief letter in support of their nominee to Young Lawyer President-Elect Kelsey Blair at kelseyblair51@gmail.com and to Young Lawyer President Anthony Sutton at anthony@reiterlawfirmsd.com

reiterlawfirmsd.com no later than **Monday, May 22, 2023**. The nominating attorney should detail how the nominee meets the above-referenced characteristics.

Young Lawyers Section Speed Networking Event

As in past years, the Young Lawyers Section will be organizing a speed networking event for the Bar Convention. All are welcome to participate in this event. The goal is for any young lawyer, but especially those who may not have attended law school in South Dakota, to have the opportunity to meet and network with practicing attorneys and Judges. To make this event successful, however, we need both young lawyers and practicing attorneys and Judges who are willing to participate. If you are interested in participating in this event please register using the following link: <https://www.surveymonkey.com/r/ZLLQSCW>.

Young Lawyers Section Annual Meeting & Elections

Immediately following the Speed Networking Event, the Young Lawyers Section will hold our Annual Meeting. The purpose of the annual meeting is to elect the new members of the Young Lawyers Section Board for the next bar year. This year, the Board has vacancies in the odd-numbered circuits (1st, 3rd, 5th, and 7th) and will elect officers on our Board of Directors (President-Elect and Secretary/Treasurer). A written statement of intent to run for either an officer position or a circuit representative position should be submitted to both Kelsey Blair (kelseyblair51@gmail.com) and Anthony Sutton (anthony@reiterlawfirmsd.com) on or before **May 22, 2023**. Nominations for either the vacant officer positions or circuit representative positions may also be received from the floor during the Young Lawyer Section's Annual Meeting

Young Lawyers Section Legalpalooza

Immediately following the Young Lawyers Section Annual Meeting will be the annual Legalpalooza put on by the Young Lawyers Section. All are welcome and encouraged to attend this fun event. The YLS will hand out its annual Young Lawyer of the Year Award during the Legalpalooza and the State Bar will hand out a few other awards at the same time. Please put this event on your calendars and plan to attend before the Banquet.

Hagemann-Morris Young Lawyer Mentorship Coin Program

The YLS is also in the final process of revamping the Hagemann-Morris Young Lawyer Mentorship Coin program. This should not, however, discourage applicants from applying! Applicants interested in the program can apply by using the following link that will take you to our updated application: <https://www.surveymonkey.com/r/KKR8XXR>. The YLS is also looking for individuals who are interested in and willing to serve as mentors to young lawyers. If you are interested in serving as a mentor please contact either Mae Pochop at mae@meierhenrylaw.com or Rebecca Ronayne at rebecca@ronaynelawoffice.com.

YLS Strategic Plan

As mentioned in my August and January Newsletter articles, the YLS Board is continuing our efforts to reevaluate the role the YLS and young lawyers play in the future of the State Bar by redefining our vision and mission to ensure that our Board can better serve the needs of young lawyers and law students and continue providing services to the public as part of the State Bar. The results of our efforts have led the Board to engage in a strategic planning effort, a first for the Section, and begin drafting a strategic plan. The Board currently has a draft of the strategic plan and has one additional meeting to finalize it before sharing it with other stakeholders in the Bar for comment and input. It is our hope (as the current Board) that this work will put into place a foundation upon which future YLS Boards can build from to fulfill our vital role as a key stakeholder in the State Bar.

Statewide Swearing-In Ceremony

September 29, 2023

3:00PM CST

Save the Date!

CAPITOL ROTUNDA
PIERRE, SOUTH DAKOTA

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

Reception to follow at the Missouri Avenue Event Center

Fellows of the South Dakota Bar Foundation

Sustaining Life Fellow - \$50,000 plus

Fred & Luella Cozad

Life Fellow - \$25,000 plus

Frank L. Farrar
Gregory A. Yates

Diamond Fellows - \$10,000 plus

Thomas C. Barnett, Jr.
Robert E. Hayes
Scott N. Heidepriem
David L. Knudson
Kimberley A. Mortenson

Platinum Fellows - \$10,000

Hon. Richard H. Battey
Melissa Nicholson Breit
Chet Groseclose
Hon. John B. Jones
Jerome B. Lammers
Scott C. Moses
Charles L. Riter
William Spiry
Hon. Jack R. Von Wald

Gold Fellows - \$5,000

Renee H. Christensen
Richard A. Cutler
William F. Day, Jr.
P. Daniel Donohue
Dana J. Frohling
Richard L. Kolker
Robert A. Martin
Timothy J. Rensch

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

Jeremiah J. Davis
Hon. Bobbi J. Rank
Timothy J. Rensch

Presidential Fellows - \$10,000

John P. Blackburn
Richard D. Casey
Hon. Michael Day
Robert B. Frieberg
Thomas H. Frieberg
William C. Garry
David A. Gerdes
Hon. David R. Gienapp
Patrick G. Goetzinger
G. Verne Goodsell
Robert E. Hayes
Terry L. Hofer
Carleton R. "Tex" Hoy
Steven K. Huff
Hon. Charles B. Kornmann
Lisa Hansen Marso
Bob Morris
Thomas J. Nicholson
Gary J. Pashby
Stephanie E. Pochop
Reed A. Rasmussen
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)

Hon. John Bastian	Laura Clark Rowe
Hon. John L. Brown	Robert C. Riter, Jr.
Mary Jane Cleary	Thomas Eugene Simmons
Paul L. Cremer	Jason R.F. Sutton
Andrew L. Fergel	Sarah L. Thorne
Craig A. Kennedy	Rodrick L. Tobin
Denise Langley	Barry R. Vickrey
Hon. Judith K. Meierhenry	

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YOU ARE INVITED TO JOIN!

Fellows of the South Dakota Bar Foundation

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

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Address _____

City _____ State _____ Zip Code _____

I would like to contribute:

in Lump Sum Annually Semi-Annually Quarterly Monthly

- Life Patron Fellow – \$100,000 or more, cumulative.
- Sustaining Life Fellow – \$50,000 or more, cumulative.
- Life Fellow – \$25,000 or more, cumulative.
- 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 foundation are tax deductible and are applied to the various programs and educational materials that we provide.

Raising the Bar
Our Profession. Our Responsibility.

DEAN'S LIST : NEWS FROM THE LAW SCHOOL



After what seemed an interminable winter, it is finally the sunny month of May. May brings graduation and, for the Class of 2023, the end of three years that seemed at times to fly by and at other times to never end. As we say congratulations and good luck to the Class of 2023, let me remind you who they are and what they have done in their time at the Law School.

The Class of 2023 overwhelmingly came from South Dakota or close by. Of the 65 students who matriculated in August 2020, 65% came from South Dakota. Just over 90% of them came from South Dakota and adjacent states like Nebraska, Iowa, and Minnesota. They graduated from seven South Dakota undergraduate institutions, including one tribal college. USD and SDSU were the first and second most common undergraduate institutions, so there was plenty of fuel for friendly rivalry.

It may be hard to remember now, but the Class of 2023 came onto campus facing very unusual circumstances due to COVID-19. Fifteen admitted students deferred their matriculation late in the admissions cycle due to concerns about COVID. When they arrived, the Class of 2023 had to live with masks and social distancing. They alternated days of in-person and Zoom attendance of classes to stay below maximum occupancies for social distancing in our classrooms. These protocols were appropriate to keep everyone safe at that time, but they also made 1L year much different and more difficult than normal. It was harder to get to know classmates. Learning key legal concepts was made more complicated by constantly shifting modes of instruction. Speakers and events were rare, providing fewer opportunities

to explore career paths and meet members of the Bar. A lot of the social bonding that is so important to the experience of attending Law School was postponed or disrupted. I am happy to say that while they had a delayed start, the Class of 2023 has made up for lost time and formed deep bonds of friendship that will endure.

As interesting as where the Class of 2023 came from is where they are going. Already 76% of them have secured permanent employment after graduation. That number is high and is a testament to the great work of Teramie Hill as Director of Career Services and the ambition and tenacity of the Class of 2023. It is also a testament to your willingness to hire graduates of the Law School, so thank you.

Within the Class of 2023, 27% will begin their employment in judicial clerkships in state and federal courts from South Dakota to Alaska. Public service with public defenders, state's attorneys, and other offices attracted 10% of the Class of 2023. Private practice firms have hired 37%. South Dakota hired the most graduates (36), with Iowa (5) and Minnesota (2) coming in second and third. In many settings and jurisdictions, the Class of 2023 is ready to go to work.

During law school, the class of 2023 has achieved a lot. They have published five articles of their own in the South Dakota Law Review on topics like the initiative process, sexual harassment training, religious freedom, restrictive covenants, and a comparison of American and Australian gun regulations. They also hosted a symposium on agriculture and cybersecurity issues. They assembled a special edition that collected first-

hand accounts of the impeachment proceedings against then-Attorney General Jason Ravnsborg from lawyers who participated in the process in various roles. The Class of 2023 also piled up achievements in the trial team, ADR, and moot court. They received perfect scores in trial competition rounds, were chosen as top advocates of the competition, were recognized for authoring superior briefs, and have otherwise gone toe to toe as equals with advocates from larger schools across the nation.

The Class of 2023 has also cultivated a commitment to public service. Members of the class have assisted with estate planning in Indian country through our tribal wills clinic. They have helped pro se family law litigants across South Dakota through the WORKS clinic. They have offered hundreds of hours of pro bono service through the RD Hurd clinic and other avenues. Two students worked with the Center for the Prevention of Child Maltreatment to provide training and develop public policy to protect South Dakota children. They helped veterans and their families with legal issues in the VLEG clinic. Public service and pro bono work are well-established commitments for the Class of 2023.

As the Class of 2023 makes its way into the world, I am reminded of thoughts I shared with them at orientation that seem crucial to recall. First, it is imperative for the Class of 2023 to get comfortable with being uncomfortable. Law school is demanding and requires students to develop comfort with the discomfort of intense work, complicated questions, and not consistently winning. Lawyers solve the problems that clients cannot solve for themselves. They face disagreement without becoming disagreeable. They find solutions to complicated problems, even when the answer is unclear. Great lawyers must be comfortable being uncomfortable; comfort with discomfort is perhaps the most important thing the Class of 2023 has learned in these last three years.

Second, on the first morning of orientation, I challenged the Class of 2023 to make the Law School their home and build a community within it. Over the last three years, they have done exactly that. The Class of 2023 has built friendships from the uncertain and disconnection of their early, isolated days. They have worked together to hone their skills and execute their assignments with excellence. They have taken opportunities to serve the world around them and leave their communities

better than they found them. They have accepted the responsibility of leadership at a young age. They have done all these things together as a community.

Our identity as a community of excellence, service, and leadership does not exist simply as words on the outside of the building and does not simply happen. These values are given life by the actions of our students and alumni. The Class of 2023 has given those values life over the last three years. They have built a community here and now join the larger community of Law School alumni and friends. On behalf of everyone at the Law School, we are proud of the Class of 2023, honored to have been a part of their last three years, and excited to see all that comes next. It has been a pleasure to share this home with them, and as they leave to make new communities elsewhere, everyone at the Law School hopes that they remember that they can always come home.

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<https://npweather.com> | nrnplnsweather@gmail.com



JUSTICE SQUAD

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

Thomas Blake

Dylan Miller

Dan Pahlke

Shane Vogt

Cassie Wendt

Sheila Woodward

Special Thanks to:

Joseph Hogue

Steve Huff

Kyle Krause

Denise Langley

Marwin Smith

James Taylor

Linda Lea Viken

ATTENTION SOUTH DAKOTA ATTORNEYS: How to sign up as an attorney volunteer through the sd.freelegalanswers.org website



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.

imgflip.com



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

Please send a message to access.to.justice@sdbar.net

2023

A2J ANNUAL STATE BAR CONVENTION GOLF TOURNAMENT

Thursday, June 22, 2023

Elmwood Golf Course - Sioux Falls

ONE Shotgun Start at 8:00 a.m.

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

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

Registration:

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

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

(no T-shirts this year)

Register
Here

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

ANNOUNCEMENTS

Hustead Law Office, P.C.
has moved to a new location!

Hustead Law Office, P.C.
145 N Chicago Street
Hot Springs, SD 57747

Telephone: (605) 745-5161
Facsimile: (605) 745-3154

Email: whustead@husteadlaw.com
cromey@husteadlaw.com
aschaefer@husteadlaw.com

www.husteadlaw.com

Olin R. Clyne
is pleased to announce the opening of his law firm

O. R. Clyne Law Office, LLC
effective May 1, 2023.

O. R. Clyne Law Office, LLC
101 S. Reid Street, Suite 307
Sioux Falls, SD 57103

Telephone: (605) 215-0816

Email: olin@orclynelaw.com

Denevan Falon Prof. L.L.C.
is pleased to announce that

Meghann M. Joyce
has joined the firm.

Denevan Falon Prof. L.L.C.
100 S. Dakota Avenue, Second Floor
Sioux Falls, SD 57104

Telephone: (605) 219-9465
Facsimile: (605) 219-9523

Email: meghann@denevanfalon.com

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

Danielle M. Ihler
has become associated with the firm.

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

Telephone: (605) 275-5665

Email: danielle@legacylawfirmpc.com

www.legacylawfirmpc.com

Bangs, McCullen, Butler, Foye & Simmons, L.L.P.
is pleased to announce the addition of

Matthew J. Lucklum
as an associate attorney in Rapid City.

Bangs, McCullen, Butler, Foye & Simmons, L.L.P.

First Interstate Gateway Building
333 West Boulevard

Suite 400

P.O. Box 2670

Rapid City, SD 57709-2670

Telephone: (605) 343-1040

Facsimile: (605) 343-1503

Email: mlucklum@bangsmccullen.com

www.bangsmccullen.com

Bangs, McCullen, Butler, Foye & Simmons, L.L.P.
is pleased to announce the addition of

Rick L. Ramstad
as an attorney in Sioux Falls.

Bangs, McCullen, Butler, Foye & Simmons, L.L.P.

6340 S. Western Ave. Suite 160

Sioux Falls, SD 57108

Telephone: (605) 339-6800

Facsimile: (605) 339-6801

Email: rramstad@bangsmccullen.com

www.bangsmccullen.com

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

Brian K. Kirby
has become a partner of the firm
effective April 17, 2023.

Boyce Law Firm, I.I.P.

300 S. Main Avenue

P.O. Box 5015

Sioux Falls, SD 57117-5015

Telephone: (605) 275-5665

Email: bkkirby@boycelaw.com

www.boycelaw.com

Office Space for Rent!

4 Room Office Suite in Historic Building
Private Entrance / Off Street Parking
Other Tenants in Building are Murphy Law Office
and Cascade Counseling

\$700 per month plus some utilities

Call John at (605) 342-2909

Office Space for Rent!

Office Space Available

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

Can be built out to specification.
Street signage available.

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

Office Share Available

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

Fully furnished or bring your own.

Call Tom or Melissa: (605) 338-3220

PUBLIC SERVANT SPOTLIGHT

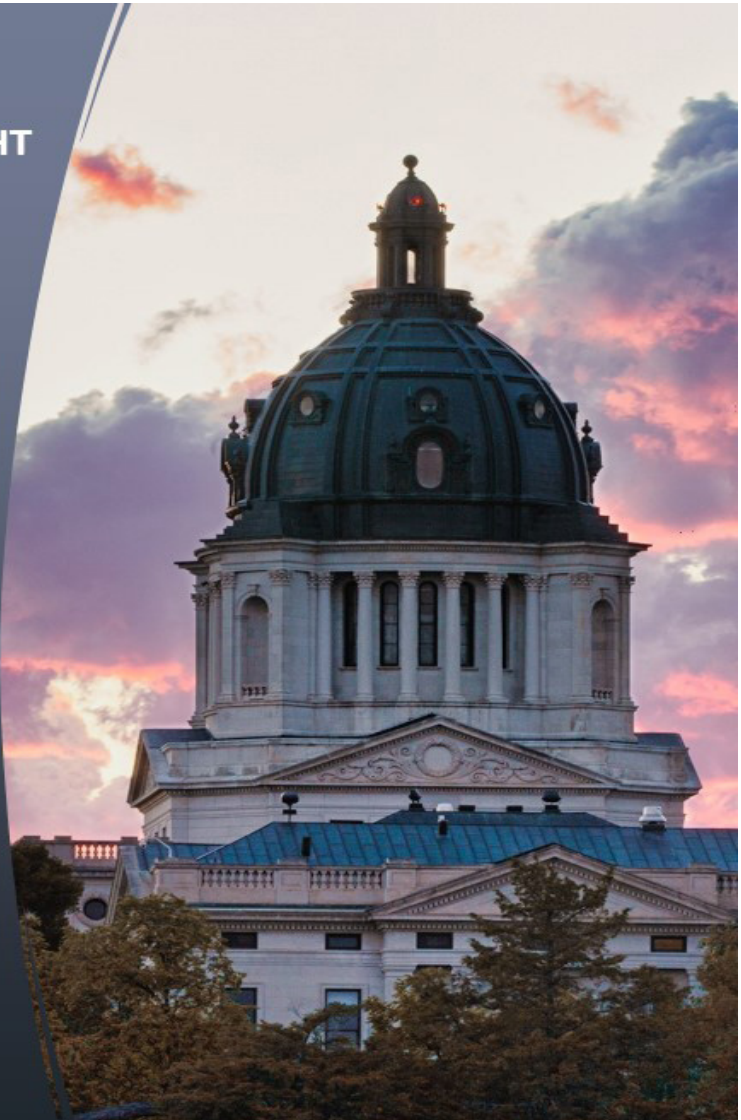
featuring

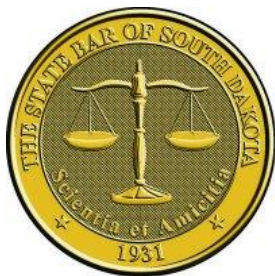
LRC Code Counsel Justin Goetz

The Public Sector Section and the Administrative Law Committee invite you to join us on May 11, 2023 at 2:00 p.m., CT, via Zoom:

<https://us02web.zoom.us/j/81321360490?pwd=Q05MYzk0U1dtclJzdnJYODVFcj9rZz09>

LRC Code Counsel Justin Goetz has agreed to visit with us about the administrative rules process. This spotlight will focus on the technical aspects of the rules process and how you can be more efficient and effective!





YOUNG LAWYERS SECTION STATE BAR OF SOUTH DAKOTA

May 1, 2023

PRESIDENT

ANTHONY SUTTON
101 S Main Ave. #100
Sioux Falls, SD 57104
(605) 705-2900
anthony@reiterlawfirmsd.com

PRESIDENT-ELECT

KELSEY BLAIR
515 9th St. #201
Rapid City, SD, 57701
(605) 342-7822
kelsey.blair@usdoj.gov

SECRETARY/TREASURER

CHELSEA WENZEL
1302 E Hwy. 14 #1
Pierre, SD 57501
(605) 773-3215
chelsea.wenzel@state.sd.us

BOARD OF DIRECTORS

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Vermillion

THE YOUNG LAWYERS SECTION SEEKS NOMIATIONS FOR THE YOUNG LAWYER OF THE YEAR AWARD

Members of the State Bar of South Dakota are invited to submit nominations for the 2022 South Dakota Young Lawyer of the Year. This award will be presented at the Annual Meeting in June. Please consider nominating a South Dakota Young Lawyer for this prestigious award. To be considered, the nominee must be a member of the State Bar of South Dakota in good standing and must not have reached the age of 36 years by June 23, 2022 or been admitted to practice in South Dakota or any other state for more than 10 years. Lawyers are only eligible to receive the award one time and lawyers serving on the Young Lawyers Board are not eligible for consideration. Nominees should exemplify the following characteristics:

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3. Service to their community.
4. A reputation that advances legal ethics and professional responsibility.

Nominating attorneys should submit a brief letter in support of their nominee to Young Lawyer President-Elect Kelsey Blair at kelseyblair51@gmail.com and to Young Lawyer President Anthony Sutton at anthony@reiterlawfirmsd.com no later than **Monday, May 22, 2022**. The nominating attorney should detail how the nominee meets the above-referenced characteristics.

Cheers to 50 years!

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



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

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



Join bar members in a morning of service during the annual meeting at:

THE BANQUET

Serve a meal. Make a difference.

June 21, 2023

900 E 8th St, Sioux Falls, SD 57103

Volunteers needed at 5:30AM and 6:30AM

If you would like to contribute to the sponsorship cost of the meal or have any questions, please contact Banquet board member and fellow lawyer Chris Madsen at cmadsen@claimsassoc.com.

REGISTER NOW



50
YEAR CLASS
REUNION!

THE CLASS OF 1973 REUNION
WEDNESDAY | JUNE 21 | RAMKOTA HOTEL

Immediately following the
50 Year Veterans Presentation
being held during the Not A Black
Tie Affair at 6:00 pm.
Room TBA

CRIMINAL LAW CLE

Chair:
Victoria Reker

Presenter:
Colleen Zea

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

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

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

REGISTER
HERE

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

FAMILY LAW CLE

MAY 5, 2023

1 PM TO 4 PM

Melissa Neville, Chair



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

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

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

2:30 pm – 3:00 pm Jurisdiction Issues with Terri Williams & Kylie Riggins

3:00 pm – 4:00 pm Custody Evaluations with Dr. Daniel Kremin (remote)

[REGISTER HERE](#)

RAMKOTA HOTEL | ANNEX
SIoux FALLS, SOUTH DAKOTA



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

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

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

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

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

Respectfully,

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

The Foundation for Improvement of Justice is now accepting nominations for the 2023 Paul H. Chapman Award

Every year up to 10 nominees from across the U.S. are recognized for their improvement to the civil or criminal justice systems. The \$10,000 awards are presented at our annual banquet at the Four Seasons Hotel in Atlanta. This year's ceremony will be held on Saturday, September 30, 2023.

Since the Foundation's creation in 1984, it has honored 286 winners from 43 different states and the District of Columbia. More than 2.8 million dollars have been awarded to individuals and organizations who have made a significant impact on our justice system.

You are in a position to know people, organizations and programs in South Dakota that deserve recognition for making a difference in the justice system. We have never had a winner from South Dakota and we'd like to ask for your help. Will you nominate someone or help spread the word about the Foundation for Improvement of Justice?

Our selection process is unique in that all nominations are submitted without any identifying data about the individuals or organizations. The selection committee votes strictly on accomplishments without regard to any demographic information, political or religious affiliations.

Nominations are due no later than May 15, 2023. For details about the nomination process, visit justiceawards.com/nominations.

If you have any questions, please contact me.
Shawn O'Connor
Executive Director
Foundation for Improvement of Justice, Inc.
executivedirector@justiceawards.com



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

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

May Law for Lunch - 2023 Legislative Updates

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

<< Presenter >>
Julie Johnson

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

During this program, you will:

- (1) Learn updates regarding important legislation passed during the 2023 South Dakota Legislative Session.
- (2) Understand how new bills could impact you or the clients you represent.

REGISTER HERE



*Volume 68
Dedicated to
David Lust &
Terry Westergaard*



**The South Dakota Law Review Banquet
April 14, 2023**



Participating in South Dakota Free Legal Answers

OR

Can a Gen X Attorney Successfully Provide “Virtual” Pro Bono Legal Advice?

A TEST IN TWO
OR MORE PARTS.

BY: ERIKA S.
OLSON

Part 1.

I have known for a few years that the South Dakota Bar has a “free legal answers” service online, but unfortunately, I never really took the time to find out more about what it is and how it works. With some encouragement from Denise Langley with Access to Justice, I decided to learn more about the South Dakota Free Legal Answers (SDFLA) website.

[Freelegalanswers.org](https://freelegalanswers.org) is an online virtual legal advice clinic and website hosted by the American Bar Association. Each separate jurisdiction can sign up to participate and have its own site. South Dakota's site is sd.freelegalanswers.org. When I first heard about the service, I wondered how it would work from an ethical point of view. If I sign up, what are my ethical obligations for conflict checks in order to participate? What is the scope of representation? Am I tech savvy enough to provide “virtual” legal advice?

On the “Attorney Registration” tab (<https://sd.freelegalanswers.org/Attorneys/Account/Agreement>), the website itself provides some background information on how to participate and the ethical rules that may apply in your jurisdiction. It also explains how malpractice coverage works for participating attorneys and how the limited scope representation through the site works. This was a helpful start, but after reviewing the information and doing a little research myself, I still had questions.

After discussing the service with others on the Bar Commission's Access to Justice sub-committee, we decided to ask the Ethics Opinion Committee for some input on the application of Rule 6.5 in South Dakota in regards to participating in this service. Generously, the committee provided us with an opinion, which is published in this same issue of the Newsletter.

So, after much procrastination on a sunny Sunday afternoon at home, I decided to make the leap and sign up. After accepting the “Agreement” page referenced above, I had to fill in my information to confirm that I am in fact an attorney licensed to practice in South Dakota. The hardest part was getting my password manager app to suggest and save a password. (Note: password managers are the worst and the best.) This application information is then immediately forwarded to the SDFLA website administrator for application review and approval. After submitting, I received an email confirmation saying that my application would be reviewed soon. Which meant I still had time to go to the grocery store and do some laundry. Before I knew it, it was Monday morning and there in my inbox was a shiny approval email from SDFLA letting me know that I had been approved as an attorney volunteer and could log in to the website ANY TIME to see what legal questions from my fellow South Dakotans are waiting for me.

Stay tuned...

Question Presented: When a lawyer is providing services under a pro bono program sponsored by a nonprofit organization or court on a short term basis, without expectation that there will be future representation, such as for a legal help line or free legal clinic, what obligations does the lawyer have to check for conflicts of interest, and are there any particular record keeping requirements or recommendations.

Short Answer: The lawyer is not required to check for conflicts, but the lawyer must decline to provide advice if the lawyer has actual knowledge that the lawyer or the lawyer's firm's representation of another client, either concurrently or in the past, gives rise to a conflict of interest.

Rules Implicated: 6.5

FACTS

Lawyer is one of several lawyers participating in a free program whereby low-income South Dakota residents can submit legal questions to be answered by a South Dakota lawyer. Lawyer wants to know what obligations Lawyer and other participants in the program have to check for conflicts of interest arising from their representation or their firms' representation of other clients, and whether the Committee has any advice or suggestions regarding best practices.

ANALYSIS

Rule 6.5(a)(1) provides that a lawyer who is participating in a nonprofit program providing short-term legal services without expectation of further representation, such as the circumstances Lawyer has described, is subject to Rules 1.7 and 1.9(a) regarding concurrent conflicts and duties to former clients only if the Lawyer knows that providing the advice through the program involves such a conflict, including imputed conflicts under Rule 1.10. Rule 1.0(f) defines "knows" and "knowledge" to mean actual knowledge. Consequently, the Lawyer does not need to decline to answer a question through the program unless the Lawyer has actual knowledge that the Lawyer or Lawyer's firm has or has had previous representation that gives rise to a conflict, and does not need to check for conflicts.

The Ethics Committee is not permitted to provide the opinion requested about "best practices" in open ended fashion, but could, potentially, opine whether a specific practice would be permitted or desired under the Rules.

Fellow State Bar Members:

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

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

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



Julie Dvorak
For President-Elect

2023

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

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

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

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

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




Sarah Sharp Theophilus

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

HOSPITALITY

Room



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

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

2023 Convention CLE/Speaker Line Up



Enhancing the Culture of the Legal Profession by Well-Being & Civility

📅 Wednesday 1 PM

Summary

1 pm - Featured Speaker: Justice Elizabeth 'Beth' Walker, Supreme Court of Appeals of WV
2:15 pm - Panel Discussion with Moderator Chris L. Newbold (President of the Institute for Well-Being In Law and Executive Vice President of ALPS), and Panelists Justice Elizabeth 'Beth' Walker, Supreme Court of Appeals of WV; Stephanie Thornton, Clinical Director of the WV Judicial & Lawyer Assistance Program; Mike McKnight, McKnight Mediations; Gregg Greenfield, Greenfield Law



Early Bird

📅 Thursday 6:30 AM Early Bird

Speakers

- **Greg Sattizahn - What Lawyers Need to Know: Working with Court and UJS Personnel**
- **Jennifer Williams - Strategic Plan Update - Legal Pathways**
- **Meghann Joyce - Supreme Court Update**
- **Pamela Reiter - South Dakota Bar Foundation Update**

Summary

Chair - Holly Farris



Legal Potpourri CLE

📅 8 AM Thursday

Summary

Chairs - Eric Hanson, Anita Fuoss, Brandy Rhead: Two tracts featuring Problem Solving Specialty Courts, IOLTA and Trust Accounting, Title Standard Revisions, Hiring, Firing and Discipline (Best Practices for Employers), Construction Contract Drafting Pitfalls, Tips & Tricks in Construction Law Negotiating



Pozner on Cross: The Chapter Method

📅 Thursday 1 PM Pozner CLE

Summary

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



Keynote Speaker Callie Russell

📅 Friday Keynote - During Business Meeting

Summary

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

REGISTER HERE

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



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

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

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

2 pm - Panel Discussion: Thriving and Working Together

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

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

June 21, 2023

Ramkota Hotel, Sioux Falls

Sign Up



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

The Early Bird



A South Dakota Tradition

6:30 - Supreme Court Update

- Meghann Joyce

6:45 - Strategic Plan Update - Legal Pathways

- Jennifer Williams

7:00 - What Lawyers Need to Know: Working
with Court and UJS Personnel

- Greg Sattizahn

7:15 - South Dakota Bar Foundation Update

- Pamela Reiter

6:30 AM, Thursday, June 22nd
Ramkota, Sioux Falls

Holly Farris, Chair

Legal Potpourri Program

THURSDAY, JUNE 22 - 8 AM

TRACT 1

**8:00 AM - Problem Solving
Specialty Courts**

Presented by UJS Staff

9:00 AM - IOLTA and Trust Accounting

Compliance Issues and Best Practices

Presented by Pamela Reiter -

Reiter Law Firm and

Tom Frieberg - Frieberg, Nelson & Ask

**10:00 AM - Time for Update - Title Standard
Revisions and Future Real Estate Needs**

Presented by Billy Stitz - Moody County
Abstract and

Eric Hanson - Dakota Homestead Title
Insurance Company



TRACT 2

8:00 AM - Hiring, Firing, and Discipline

Best Practices for Employers

Presented by Jennifer Frank - Lynn, Jackson,
Shultz & Lebrun,

Lisa Marso - Boyce Law Firm,

Nichole Mohning - Cutler Law Firm, and

Catherine Cano - Jackson Lewis

**Construction Contract Drafting:
An Act in Two Parts**

**9:00 AM - Construction Contract
Drafting Pitfalls**

Presented by Jim Wiederrich -
Woods Fuller

**10:00 AM Tips & Tricks in
Construction Law Negotiating**

Presented by Shawna Hanson and

Jennifer Clites - Daktronics,

Dan Doyle - Lloyd Companies,

Amy Arndt - Ballard Spahr

& moderated by Jason Unger with
Dakota Layers

Co-Chairs - Eric Hanson, Anita Fuoss, Brandy Rhead



GUEST SPEAKER
LARRY POZNER

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

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

Jennifer Williams, Chair

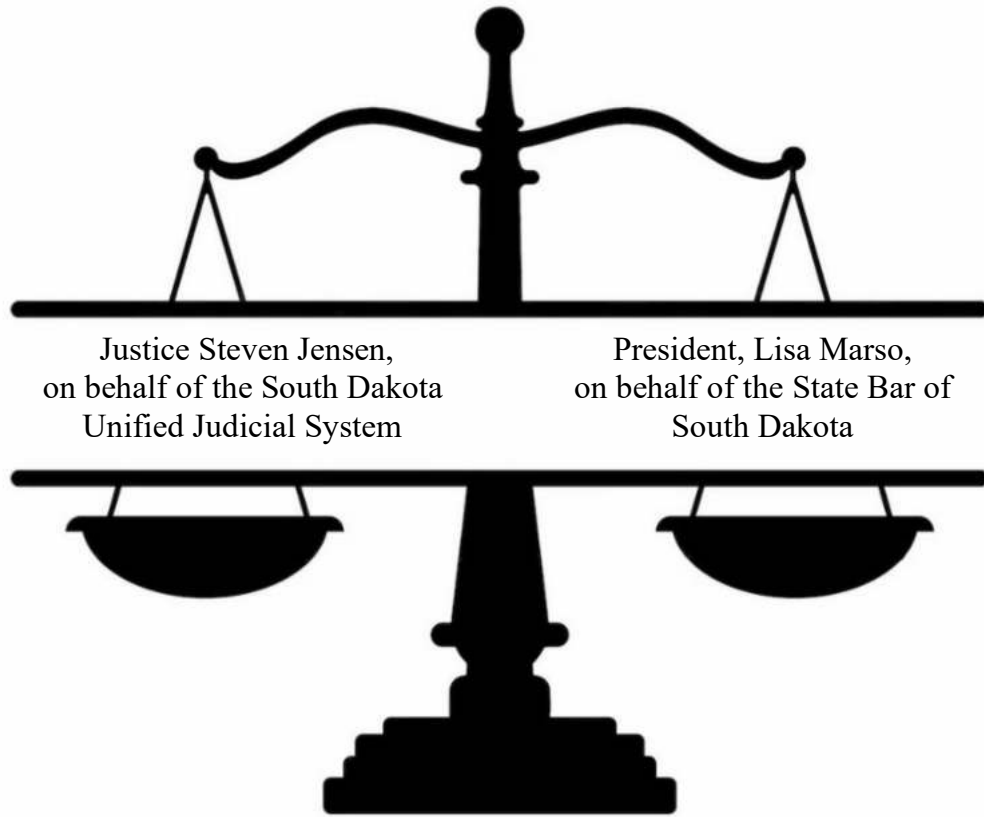
POZNER ON CROSS: *THE CHAPTER METHOD*

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

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

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

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



Justice Steven Jensen,
on behalf of the South Dakota
Unified Judicial System

President, Lisa Marso,
on behalf of the State Bar of
South Dakota

CORDIALLY INVITE YOU

TO PLEASE JOIN THEM FOR THE

2023 BENCH & BAR SOCIAL

THURSDAY, JUNE 22, 2023

5:00 PM – 6:00 PM

RAMKOTA CONVENTION CENTER

ROOM: TO BE DETERMINED

3200 W. MAPLE ST.

SIOUX FALLS, SD 57107

AWARDS PRESENTED FOR:

USD WOMEN IN LAW ATTORNEY OF THE YEAR

LCDI DIVERSITY AND INCLUSION

CALL FOR VOLUNTEERS



The State Bar of South Dakota
ASK-A-LAWYER PROGRAM
is returning May 23 and 24, 2023!

STATE BAR MEMBERS
WE NEED YOU!

Attorney volunteers will answer calls May 23-24 from 6-9 p.m. MDT and 7-10 p.m. CDT. They will answer calls at locations in Rapid City and Sioux Falls.

To volunteer in Rapid City, contact AAL Chair, Chris Christianson at: cchristianson@gpna.com.

To volunteer in Sioux Falls, contact AAL Chair, Reece Almond at: RALmond@dehs.com.

Each call is handled anonymously by an attorney volunteer. In 2019, Ask-A-Lawyer answered over 800 calls on topics ranging from family issues to contracts, wills, real estate, and more. The calls are not intended to be an in-depth analysis of the caller's legal concerns, but to answer general legal questions, and if appropriate, refer the caller to a specific service or government agency.



HOW-TO FIRE A CLIENT AND MOVE ON

Sometimes when a lawyer calls in, there is a despondency in the voice that comes across loud and clear. The lawyer isn't always aware of it; but usually by the time the call ends, that has changed. During such calls, lawyers have shared they feel abused, taken advantage of, threatened, or obliged to stay the course. Others have actually shared they feel victimized and almost powerless. I have come to refer to this type of call as a life is too short call because the call always ends up being about dealing with the reality that an attorney-client relationship has completely broken down. As I see it, since that's what was driving the despondency, life is too short to stay in the game. When on such a call, all I try to do is help the lawyer realize that perhaps the time has come to time fire the client and move on. After all, continuing to work in a state of despondency serves no one. This is when the conversation can get interesting.

I say this because exiting a dysfunctional relationship comes with its own challenges. It isn't always easy, and the excuses must be addressed. Let's start with a lawyer's obligations. Some fear they can't withdraw because doing so may or will adversely affect the legal interests of the client. Not true! ABA Model Rule 1.16 Declining or Terminating Representation enumerates several factors permitting withdrawal even if doing so might have a "material adverse effect on the interests of the client."

Of import here is 1.16(b)(6), which states that a lawyer may withdraw if **"the representation will result in an**

unreasonable financial burden on the lawyer or **has been rendered unreasonably difficult by the client."** (Emphasis supplied.) When a client's actions and behaviors are such that there is a complete breakdown of the attorney-client relationship, I'm pretty confident in stating this Rule is now in play. So yes, it's okay to say goodbye to the client with ever-changing objectives, who is substantially in arrears, has become very difficult to reach, is beyond unreasonable, and who is going to have an extremely difficult time finding another lawyer willing to take over.

That said, don't overlook, Rule 1.16(d), which states: "Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred." While Model Rule 1.16 recognizes that a permissive withdrawal might have a material adverse effect on the interests of a client, this in no way should be interpreted as giving you permission to maximize any adverse effects. You do need to take whatever reasonably practical steps you can to try and minimize those adverse effects. Yes, I know this can be hard and at times doesn't seem fair or perhaps right; but this responsibility does come with the territory. Be the professional you are.

Next up is the dysfunctional relationship itself. One

concern that consistently comes up is a fear of being sued or having this client file a disciplinary complaint if the lawyer tries to withdraw. I'm often asked what can be done to prevent that from happening. Here's the honest answer. This problem client is going to do whatever he or she decides to do. There's nothing you or anyone else can do to prevent them from filing a complaint or making an allegation of malpractice.

All I can say is staying in a dysfunctional relationship isn't the answer and just because a claim is alleged, or a complaint is filed doesn't mean either have any merit. If this does happen, those waters can be successfully navigated. The best advice I can share is again, life is too short. Withdraw, and once that's completed, commit to remaining completely disengaged from the relationship. You actually don't need to respond to any email, text or voicemail that might follow. Remember that it takes two to have a dysfunctional attorney-client relationship. Once you end this relationship, you're out. Stay out! Never allow yourself to get pulled back in.

Now, about the exit itself. If this is a litigated matter and you are attorney of record, you will need to seek permission to withdraw. Admittedly, this can be problematic for some, because judges don't always make the decisions we'd like them to make. Here's the rub. That reality is no excuse for stating in your motion to dismiss that "this client is a complete jerk, has no money, is cheating on his wife, and has made your life a living hell" all shared with the hope that this will help the judge see things your way. You simply cannot disparage your client or share client confidences in a motion to withdraw. Follow the advice set forth in Comment [3] to ABA Model Rule 1.16, which states: "The lawyer's statement that professional considerations require termination of the representation ordinarily should be accepted as sufficient."

Another rule that comes into play when exiting is ABA Model Rule 1.4 Communications. You have an

obligation to keep your clients informed about the status of their matters and enable them to make informed decisions. This obligation doesn't end once you decide to fire a client. When withdrawing from representation, particularly under these circumstances, I strongly encourage you to think about this rule and document your way out. There are risk management reasons for doing so as well.

First, don't make this personal, don't apologize, and don't try to justify your decision by setting forth a laundry list of reasons why. Again, be the professional that you are. Simply state your decision to withdraw and detail the status of the matter at the time of your withdrawal. For example, if there are deadlines approaching, let the client know what they are and what the legal ramifications would be if an issue isn't addressed prior to any deadline. The goal is to make certain that this client is fully informed as to the status of the matter, thus enabling them to make informed decisions going forward now that you are out.

Finally, once the dust settles and you've had a little time to recover, don't forget to look for the learning. Ask yourself, and anyone else at your firm who was involved with this client, questions like the following. Were there any warning signs, particularly during client intake? If not, as the relationship started to sour, were there warning signs you should have paid attention to? Is there anything you could have done differently that might have prevented the attorney-client relationship from deteriorating so significantly? My concern is that if you fail to ask and answer these kinds of questions, you run a higher risk of finding yourself in the same or similar situation down the road. So, I'll say it one last time. Life's too short. It's worth taking a little time to look for the learning. Trust me. It's there.

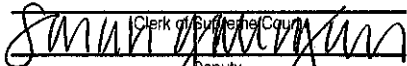


Authored by: Mark Bassingthwaighte, ALPS Risk Manager

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.

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

13 day of April, 2023.


Clerk of the Supreme Court
Deputy

IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

* * * *

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

APR 12 2023


Clerk

In the Matter of the Discipline
of RONALD R. FRAUENSHUH, as an
Attorney at Law.

JUDGMENT OF SUSPENSION

#29824

On November 16, 2021, the Disciplinary Board of the State Bar of South Dakota, pursuant to the provisions of SDCL 16-19-67, filed its findings of fact, conclusions of law, recommendation, and formal accusation against respondent Ronald R. Frauenshuh. On December 10, 2021, respondent filed objections to the Board's findings of fact the conclusions of law, recommendation, and formal accusation.

On January 4, 2022, the Court appointed the Honorable Kathleen R. Trandahl as Referee to take and hear testimony and submit findings of fact, conclusions of law and recommendation; said findings of fact, conclusions and recommendation having been filed on October 11, 2022. On October 11, 2022, respondent filed objections to Referee's findings of fact, conclusions of law. Respondent filed proposed additional findings of fact.

The matter was set for hearing before the Court on January 10, 2023, the Board represented by its counsel, Thomas H. Frieberg, and respondent represented by his counsel James E. Moore.

The Court having thoroughly considered the Board's findings of fact conclusions of law and recommendation, respondent's objections, Referee's findings of fact, conclusion of law and recommendation, respondent's objections to referee's findings of fact,

#9824, Judgment of Suspension

conclusions of law, recommendation and respondent's proposed additional findings of fact, the argument of the parties, it is now

ORDERED that Ronald R. Frauenshuh be suspended from the practice of law for a period of thirty days. Respondent must comply with the requirements of SDCL 16-19-77 through SDCL 16-19-80 regarding a suspended attorney's duties to wind up business, give notice to office clients of suspension, give notice to counsel and clients involved in litigation and administrative proceedings, and file an affidavit of compliance with this Court.

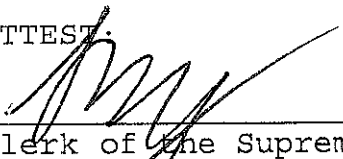
IT IS FURTHER ORDERED that pursuant to SDCL 16-19-77 said suspension shall become effective May 12, 2023.

IT IS FURTHER ORDERED that the State Bar of South Dakota and the Unified Judicial System shall file proof of costs and expenses with the Clerk of the Supreme Court, and serve the same upon Respondent, within 10 days pursuant to SDCL 16-19-70.3, and that a final judgment for costs shall enter thereafter pursuant to SDCL 16-19-70.4, and that Ronald R. Frauenshuh shall be responsible to reimburse such costs and expenses as a condition of his reinstatement.

DATED at Pierre, South Dakota this 12th day of April, 2023.

BY THE COURT:

ATTEST:



Clerk of the Supreme Court
(SEAL)



Steven R. Jensen, Chief Justice

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

Employment Law

Corner



By: Catherine A. Cano
Attorney at Law
Jackson Lewis P.C.

Pregnant Workers Fairness Act to Take Effect on June 27, 2023

The legal framework surrounding pregnancy accommodations in the workplace is complex, but that is all about to change when the Pregnant Workers Fairness Act (PWFA) takes effect on June 27, 2023. The PFWA is likely to have a greater impact in states like South Dakota, where state law does not already require accommodations for pregnancy and childbirth.

Title VII of the Civil Rights Act of 1964 (Title VII) has prohibited discrimination against for workers affected by pregnancy, childbirth, and related conditions for decades. The law requires employers with at least 15 employees to treat employees affected by pregnancy, childbirth, and related conditions the same as other employees who are similar in their ability or inability to work. In addition, some pregnancy-related conditions can fall under the Americans with Disabilities Act (ADA). Between Title VII and the ADA, it is evident that employers must provide accommodations for pregnancy and childbirth in some situations, but it can be difficult to know when those circumstances are present.

The PFWA offers clarity and closes the gaps in existing law. The new law requires employers with at least 15 employees to provide reasonable accommodations to employees affected by pregnancy, childbirth, or related

medical conditions, absent undue hardship.

Under the PWFA, employers will be required to provide reasonable accommodations to employees and applicants with “known limitations” on their ability to perform the essential functions of their jobs based on a physical or mental condition related to pregnancy, childbirth, and related medical conditions (regardless of whether the condition meets the definition of “disability” under the ADA). The employee or their representative can communicate an employee’s “known limitations.”

The PWFA adopts the ADA definitions of “reasonable accommodation” and “undue hardship,” including the interactive process that will typically be used to determine an appropriate reasonable accommodation.

In addition to making it unlawful for failure to provide reasonable accommodation absent undue hardship, the PFWA makes it unlawful to:

- Require a qualified applicant or employee to accept an accommodation other than any reasonable accommodation arrived at through the interactive process (of course, that does not mean the employee gets the accommodation of

their choice);

- Deny employment opportunities to a qualified employee based on an employer's need to provide reasonable accommodation;
- Require a qualified employee to take leave (paid or unpaid) if another accommodation can be provided;
- Take an adverse employment action against a qualified employee because the employee requested or used a reasonable accommodation;
- Interfere with an individual's rights under the PWFA; or
- Retaliate against an individual for opposing unlawful discrimination under the PWFA or participating in an investigation or other proceeding under the PWFA.

The U.S. Equal Employment Opportunity Commission (EEOC) has until December 2023 to issue regulations to enforce the PWFA. However, the EEOC has already posted a summary of the law, which discusses possible reasonable accommodations, including the ability to sit or drink water, additional restroom breaks, leave, or time off to recover from childbirth, flexible hours, closer parking, being excused from strenuous activities and/or activities that involve exposure to substances that are not safe for pregnancy, among other accommodations.

Practitioners representing employers can help clients get ready for the PWFA by reviewing reasonable accommodations policies (if applicable), creating processes to follow when an employee requests a pregnancy-related accommodation, and training both human resources and management employees on the new legal obligations.

* * * * *

DeRouche Agricultural & Legal Consulting, LLC

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605-770-8080
derouche.agconsulting@triotel.net

- 34 years Farm Business Instructor at Mitchell Tech
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- Expert witness on agricultural issues

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

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Court



Improvement Program

Training



TRAUMA-INFORMED COURT SYSTEM

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

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

LEARNING MORE CAN KEEP KIDS SAFE

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

UPCOMING TRAININGS

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

[Wed March 29: Situational Awareness](#)

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

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

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

For more information or to suggest future training topics, email cpcm@usd.edu or visit www.sdcpcm.com/ciptraining

Attorney Health & Wellness Resources

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What Does the Data Say? Creating Value for Clients in Resolving Conflict *is* Early Dispute Resolution.

By Ellie K. Vilendrer

Early in my career, I co-founded a data science tech startup. Our technology leveraged data to help app developers maximize profits by informing their most important business decisions. Consequent to my venture into data science, I witnessed firsthand the power of data to transform decision making. This background, a career in litigation, and a confluence of disciplinary studies—including finance, traditional and behavioral economics, game theory, and negotiation strategy—led me to an important question: *How could attorneys maximize value for their clients in resolving conflict?* I realized that, just as data could help app developers optimize their business outcomes, it could help litigants in the same way.

Wanting to understand the factors that lead to better outcomes, and the magnitude of the impact of those factors, we designed a study to confirm and measure the value add of early dispute resolution (“EDR”) in resolving legal disputes. We are currently in the process of collecting responses from civil litigators to a national [survey](#) and are a quarter of the way to our goal.

The data that we collect will allow us to quantify the value of the outcome for each case reported in the survey. Our objective is to use data segmentation to identify the factors correlated with the best outcomes. Some of the factors that we examine include: dispute resolution methods used and those which were dispositive; type of attorney-client fee agreement; phase of litigation at disposition; duration and expense of litigation; and counsel cooperation.

The qualitative metrics that we are obtaining from the survey will serve to enhance and contextualize the quantitative data gathered. The survey seeks attorney opinions on what makes for a successful outcome, whether the attorney considered the case a win for their client, and whether fees exceeded their estimate.

Cases reported in our sample thus far come from 24 different states. Of the cases reported, approximately 43% are valued between \$100,000 - \$1,000,000, 36% are valued below \$100,000, and 20% exceed \$1 million in controversy. Undoubtedly, there are different pressures, resources, and norms for cases with significant exposure than for those with relatively little. Looking at the correlations by case size would be fascinating and valuable—but only possible with more data.

We deeply appreciate the support of the attorneys, bar associations, and organizations who are enabling this research with their participation. If you are a civil litigator, please consider taking our [survey](#). If you are willing to share the survey or connect us with a bar association or affinity group which may be interested in participating, we would be grateful. The aggregated results will be shared with participating organizations, and we will publish the results in the hope that this will provide useful guidance to improve outcomes through a time-efficient and cost-effective means of resolving disputes.



Ellie K. Vilendrer is a business lawyer, arbitrator, and mediator. She has extensive experience serving healthcare, software, and technology companies, ranging from start-up to publicly traded, in roles including outside general counsel, intellectual property counsel, and privacy counsel. She is a co-Chair of the EDR Committee of the American Bar Association's Dispute Resolution Section. Ellie@Vilendrerlaw.com.

You Asked, We Answered.

State Bar of South Dakota Association Healthcare Plan Now Available

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

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

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

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

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

Questions on Eligibility, Rates, and Services?

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



2023 State Bar of South Dakota

Association Group Health Plan
Health Insurance Options

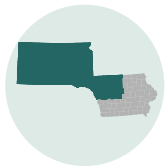


Your Partner In Offering Coverage to Move Your Business Forward



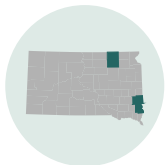
REVIEW NETWORK AND COVERAGES

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



Standard Network

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



Direct Network

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

This network provides zero out-of-network coverage.



Expanded Network

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

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

1 – 2 employees: 1 plan

3 – 9 employees: 2 plans

10 – 24 employees: 3 plans

25 – 50 employees: 4 plans

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

Essential Health Benefits

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

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



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

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



EXPLORE VALUE-ADDED SERVICES

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

Fitness Center Discounts

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

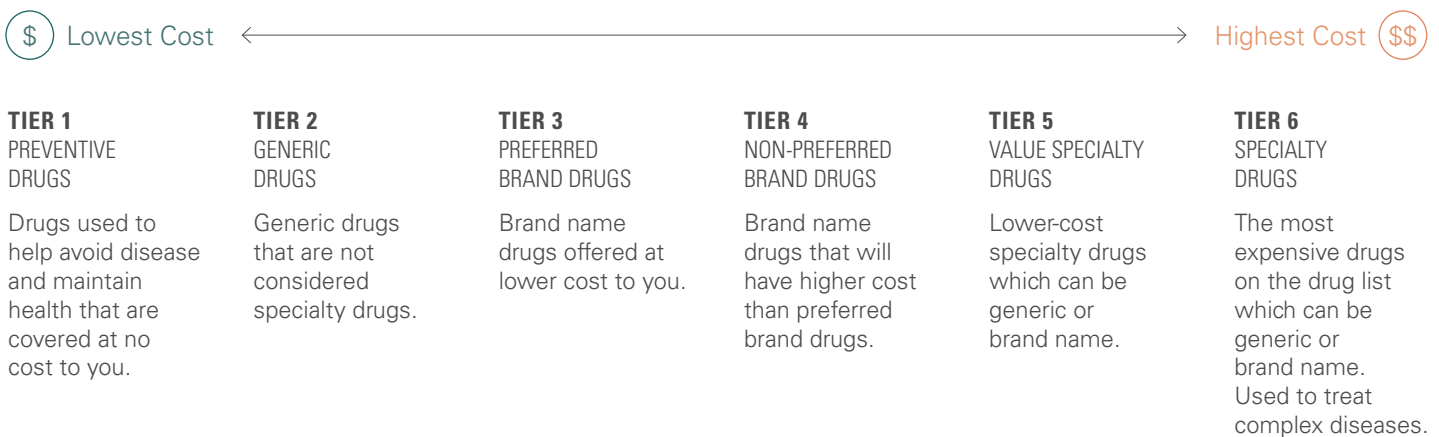
Virtual Visits*

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

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

Pharmacy Drug Tiers

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



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

- Consumer Guide
- Provider Directory
- Drug Formulary

Avera Standard Association Plan Options for SDBA

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

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

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

Avera Standard Association Plan Options for SDBA

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

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

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

Avera Expanded*** Network Association Plan Options for SDBA

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

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

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

Avera Expanded*** Network Association Plan Options for SDBA

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

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

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



Avera Direct Association Plan Options for SDBA

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

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

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

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Medical Deductible		
Individual	\$4,500	\$6,000
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Urgent Care Services		
Chiropractic Visit †		
Specialist Visit		
Lab and X-Ray (Diagnostic Test)		
Hospital Services		
Emergency Services		
Maternity Services		
Mental Health and Substance Use Disorder		
Outpatient Services	This is an HSA-compatible plan. Member will pay \$0 after meeting the Medical Deductible	This is an HSA-compatible plan. Medical Deductible/ 50% Coinsurance
Inpatient Services		
Pharmacy Benefits		
Pharmacy Deductible - Individual	NA	NA
- Family	NA	NA
Tier 1: Preventive Drugs	\$0	\$0
Tier 2: Generic Drugs	Member will pay \$0 after meeting the Medical Deductible	Medical Deductible/ 50% Coinsurance
Tier 3: Preferred Brand Drugs		
Tier 4: Non-Preferred Brand Drugs		
Tier 5: Value Specialty Drugs		
Tier 6: Specialty Drugs (Brand and Generic)		
	Silver	Bronze
Quote:	\$ _____	\$ _____

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



Questions?



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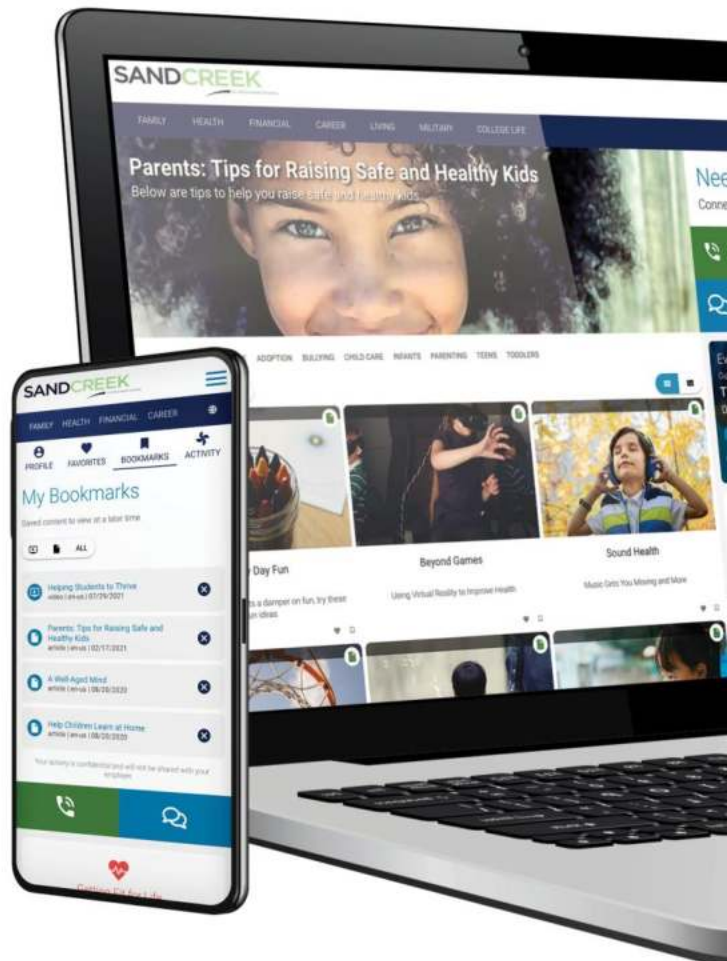
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 Visit: SandCreekEap.com
 Code: **SBSD1**

In Memoriam



Steve Oberg
January 19, 1964 -
April 2, 2023

Steve Oberg, 59, of Sioux Falls, South Dakota passed away on Sunday, April 2, 2023, under the care of hospice at his home in Sioux Falls. Memorial services will be 2:00 p.m., Monday, April 10, 2023, at George Boom Funeral Home & On-Site Crematory in Sioux Falls. In lieu of flowers, memorials may be directed to the family for a future designation.

Steve Oberg was born January 19, 1964, to James and Margaret (Eller) Oberg. He grew up in and around Colton, South Dakota where he graduated from Tri-Valley high school. After high school he attended the University of South Dakota where he graduated in 1986 with B.S. magna cum laude. Steve spent a gap year working with troubled adolescents at the Youth Forestry Camp in Custer, South Dakota before continuing with Law School at the University of Minnesota where he graduated cum laude in 1990. In 1991 he relocated to Rapid City, South Dakota and joined the law firm Lynn Jackson Shultz & Lebrun. While living in Rapid City, he was blessed with three beautiful, healthy children. In October of 2017 Steve was united in marriage to Racheal Hoversten Vockler. This marriage allowed him the blessing of being a dad to four more children.

Steve was a man of action with a zest for life! Steve was passionate for hunting and co-hosted an annual turkey camp with friends Dan and Brian. He has also been on fishing trips all over the United States, Canada, and parts of Costa Rica. His love of the outdoors also included: camping, canoeing rivers and the boundary waters, boating, and scuba diving which had taken Steve to Mexico, Costa Rica and Africa. He has experienced the thrill of sky diving, hot air ballooning, and white-water rafting. Backpacking was a great way to experience the outdoors of Wyoming, Idaho, Colorado, California, Washington, with the most recent summited of Mt Kilimanjaro September 2022. From his high school days he had a love of wrestling that lead to wrestling matches with the kids, their friends, and even once a brown bear.

Steve loved entertaining around the campfire and was sure to serenade anyone at any time with his guitar or harmonica. He had even written his own song about the family dog, Baxter. In recent years, he also enjoyed broadcast commentary provided by Rob Hart on 102.9 CFAR radio and the Flin Flon Bombers Hockey team. He was also a fine artist and author, often inspired by sites he had seen on his travels. Steve also has several work-related accomplishments.

Steve has been repeatedly named to the list of Best Lawyers in America in the areas of personal injury, products liability, commercial litigation and insurance litigation. Steve is a member of the American Association for Justice, South Dakota Trial Lawyers Association, Electric Coop Bar Association and American Board of Trial Advocates, as well as the South Dakota, second Circuit, and American Bar Associations.

Steve was preceded in death by his grandparents, Floyd and Georgina Oberg and Joe and Dorothy Eller; uncles, Don (Wanda) Oberg, Alfred (Irene) Eller, and Howard Hoven.

He is survived by his wife, Racheal; children, Jack, Tess, Meg; bonus children, Jordyn, Kaite, Jake, and Zach; parents, James and Margaret; siblings, Peggy and Wade; his aunt, Dian Hoven; and his nephews, Ryan Corrigan and Wesley Lowery; and in laws, Dave and Marilyn Hoversten.

Steve touched and inspired many lives. That was evident by the flood of family, lifelong friends, and associates Steve was blessed to have known during his incredible 59 years on this planet.

A circular graphic with a coffee-stain background. The words "VIRTUAL WELLNESS" are arched across the top, and "COFFEE BREAK" is arched across the bottom. In the center, text reads: "Join us in a confidential, open and safe space. Any attendee can choose to remain anonymous! Every Thursday at noon CST (11:00 a.m. MST) same time - same link Join Zoom Meeting This event is independent of the State Bar."



Randolph "Randy" Seiler
July 7, 1946 -
April 17, 2023

Randolph "Randy" John Seiler, 76, of Ft. Pierre, SD passed away Monday, April 17th, at the Avera Heart Hospital in Sioux Falls. A visitation will be held on Monday, April 24th from 5-7pm at the Pat Duffy Community Youth and Involved Center in Ft. Pierre with a prayer service starting at 7:00pm. A funeral service will be held at 10:00am on Tuesday, April 25th at Ss. Peter and Paul Catholic Church in Pierre with burial at the Mt. Calvary Cemetery in Pierre. For those unable to attend the services they will be live streamed on this page the day of his service.

Randy was born on July 7, 1946, at the Mobridge Hospital. His parents were Matt and LaVaun Seiler. Randy and his younger sister Kutzie grew up in Herreid where Matt ran the theater and gas station and LaVaun worked for the USPS. After graduating from high school in 1964, Randy enrolled at South Dakota State University in Brookings. As Randy tells the story – at SDSU his BAC was higher than his GPA and Uncle Sam invited him to serve in the Air Force. Three years in the military including a year in Vietnam changed his life. He served with distinction earning the Air Force Commendation Medal for meritorious service. He had always been proud to be an American. In Vietnam, he learned how lucky he was to be an American.

Interested in public service, Randy enrolled in the University of Nebraska Omaha, where he graduated cum laude in 1973 with a B.S. in Criminal Justice. His uncle, Les Heisler, took him to Pierre where he met and was tapped by Governor Kneip, to be the Director of the Division of Law Enforcement Assistance, a post he held from 1973-77. After working in the Kneip Administration, he fulfilled his life-long dream to become a lawyer. He graduated from USD Law with honors, was chosen to be Editor-in-chief of the South Dakota Law Review, and was selected by the faculty as the outstanding graduate in his law school class. Randy clerked for the U.S. District Court before returning to Mobridge in 1981 as a partner in a private law firm.

As a young attorney in a small-town practice, he handled civil and criminal cases, served as the Campbell County Deputy State's Attorney, appeared in local, state, and federal court as well as the tribal courts. He was a Special Judge for the Cheyenne River Sioux Tribe, beginning his lifelong commitment to tribal justice and sovereignty.

In Mobridge, he and wife Patti (Graff) had two sons, Christopher and Jeffrey. His boys were raised to understand the concept of distributive justice – the extent to which society's institutions ensure that benefits and burdens are distributed in ways that are fair and just. The family made room in their home and hearts for scores of foster children. When Randy's clients couldn't afford representation, he bartered – once for a horse that wasn't broken that nearly broke him. One Christmas Eve he drove to the Walworth County Jail and paid bail for his client so he could spend the holiday with his family. He just did the right thing for someone else – quietly, with no expectation of recognition.

In 1995, Randy sold his law practice and moved to Pierre to accept a position as an Assistant U.S. Attorney for the District of South Dakota. Randy believed that being an AUSA was one of the greatest jobs a lawyer can ever have. Representing victims of crimes – homicide, child sexual abuse and rape – broadened his understanding of justice. He never walked away from a difficult case. He was the lead counsel on more than 70 jury trials and more than 500 criminal cases.

In 2009, he became the First Assistant U.S. Attorney, showing a skill for management and organization that was a career trademark. In March 2015, Randy was named South Dakota's acting U.S. Attorney and on February 5, 2016, his appointment was made official by the U.S. District Court. Creating a Civil Rights division was one of his proudest achievements as U.S. Attorney.

In 2018, Randy was the Democratic nominee for SD Attorney General, and with broad bipartisan support, ran a strong race against the Republican challenger. As a Democrat in a predominately Republican state, Randy was defeated, but in typical Randy fashion, he seized the opportunity, re-focusing his time and energy on the causes and people important to him. He served on the Ft. Pierre City Council, and was a founding member of the Badlands National Park Conservancy. He was honored to serve as legal counsel to the Lower Brule and

Crow Creek Sioux Tribes. In 2019, the South Dakota Democratic Party, struggling to remain financially viable, elected Randy as Chair. Randy was determined to right the ship. He and others personally guaranteed loans to make sure the Party could be competitive and relevant. His goal was to create a bridge to a new generation of leaders. Randy served the SDDP with distinction for four years.

While the law and politics were major parts of his life, his family was his priority. On October 12, 1996, he married the love of his life, his wife Wanda. Their union was a true partnership. They challenged and supported one another to be their best self. Together they raised daughters, Jennifer and Paige. The family spent summers on the river – from dawn till dusk. Randy enriched their lives – expanding their worldview – always their champion, advisor, and friend. Their home was filled with love and happiness. Randy was the heart of their family and their marriage set the standard the girls would aspire to in their adult lives.

In 2013, the Seilers welcomed their first grandchild, Brooklyn, with whom Randy formed a special bond. They talked daily. When Brooklyn named Grandpa Randy as her “favorite person in the world,” Randy said it was the best recognition he could ever receive. With the addition of grandchildren – Alley, Orson, and Otto - Randy began to shift his focus. Seeking to enjoy and enrich their lives, he attended their events and was the instigator of regular adventures – hiking, sledding, boating, skiing. After a long career in public service, Randy declared Grandpa as the best job he would ever have.

Randy was a lifelong runner and always had a four-legged companion by his side. In 2013, he founded Four on the 4th in the Fort, a fun run that kicks off Ft. Pierre’s July 4th celebration. Randy also loved the outdoors, the law, the great State of South Dakota, and the community he called home – Ft. Pierre.

Randy is survived by his wife Wanda (McDaniel), sons Chris (Diana Gomez) and Jeff Seiler, daughters Jennifer (Derek) Newcomb and Paige Jensen and grandchildren Brooklyn and Alley Newcomb, Orson Robertson and Otto Seiler, sister Kutzie Flyger and Nelson. He was preceded in death by his parents, and brother-in-law Steve Flyger.



**JUDICIAL QUALIFICATIONS COMMISSION
STATE OF SOUTH DAKOTA**

500 East Capitol Avenue
Pierre, SD 57101
Telephone 605-773-2099
Fax 605-773-8437

Mark Haigh, Chair
Rebecca Porter, Vice Chair
Hon. Robert Gusinsky, Secretary
Timothy Engel
Robert Morris
Rory King
Hon. Cheryle Gering

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

May 1, 2023

Notice of Judicial Vacancy

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

FROM: Robert Gusinsky, Secretary, Judicial Qualifications Commission

The retirement of the Hon. Tony L. Portra will create a vacancy for a Circuit Court Judge position (Position B) in the Fifth Judicial Circuit. The duty station for this position shall be located in Aberdeen, SD. The Judicial Qualifications Commission is now taking applications for this position.

All lawyers and judges interested in applying should obtain the application form at <http://uj.s.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 July 5, 2023**. Applicants should make sure the application submitted is the 2018 revision.

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@uj.s.state.sd.us

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

The Fifth Circuit is comprised of the following counties: Brown, Campbell, Day, Edmunds, Faulk, Marshall, McPherson, Roberts, Spink, and Walworth.

Career Center

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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



Assistant Prosecutor – Rosebud

Supervisor: Attorney General
Chief Prosecutor

Salary: Negotiable

Location: Rosebud Sioux Tribe, Rosebud, SD.

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

DUTIES:

- The Assistant Prosecutor shall institute proceedings before Judges of the Rosebud Sioux Tribe for the arrest and convictions of persons charged with criminal offenses against the Rosebud Sioux Tribe, or the people of the Rosebud Sioux Tribe.
- The Assistant Prosecutor shall prosecute or intervene for the Rosebud Sioux Tribe in all tribal courts civil matters in which the Rosebud Sioux Tribe may be a party, or may be interested or concerned.
- The Assistant Prosecutor, when directed by the Chief Prosecutor to prosecute civil actions in the Rosebud Sioux Tribal Courts against those convicted of criminal offenses for the restitution of any property or money due to the Rosebud Sioux Tribe.
- The Assistant Prosecutor shall keep a record

of activities of the Prosecutor, and enter every action prosecuted, criminal, and civil.

- The Assistant Prosecutor shall consult on a frequent basis with the Chief Prosecutor.
- The Assistant Prosecutor shall meet with the Rosebud Sioux Tribal Police concerning criminal or other matters.
- The Assistant Prosecutor shall review Rosebud Sioux Tribal police reports for criminal charging.
- The Assistant Prosecutor shall interview victims and witnesses to prepare criminal charging.
- The Assistant Prosecutor represents the Rosebud Sioux Tribe in all stages of the criminal proceedings, including arraignments, probable cause hearings, suppression hearings, trials, mental illness cases, and alcohol commitment cases.
- The successful applicant must have a desire and energy to work with people in and out of court and courtroom settings.
- The Assistant Prosecutor shall take cases through the appeal process at the requests of the Chief Prosecutor.
- To act as Assistant Prosecutor in juvenile cases when appointed by the Chief Prosecutor.
- The Assistant Prosecutor shall prepare and provide monthly reports to the Chief Prosecutor.
- The Assistant Prosecutor shall attend meetings regarding activities, needs, and accomplishments of the Tribal Prosecutor's Office, when requested to do so.
- The Assistant Prosecutor shall maintain strict confidentiality in all work aspects.
- The assistant Prosecutor shall uphold Rosebud Sioux Tribal Court Personnel Ethics Code.

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

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

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

- The Assistant Prosecutor shall exhibit consistent professionalism and courtesy to coworkers, clients, and the public.
- The Assistant Prosecutor shall be responsible for all other duties assigned.

MINIMUM QUALIFICATIONS:

- Juris Doctorate Degree from an accredited Law School. Previous legal and courtroom experience will be considered in lieu of a degree.
- Applicants must also demonstrate competence in criminal and civil advocacy.
- This position is one where contact with the public is of great confidence.
- Must be of high moral character and integrity.
- Must never been convicted of a felony for which he or she has not received a pardon.
- Applicant will be required to take, and pass the Rosebud Sioux Tribal Bar at the earliest date following employment.
- Must have knowledge of computer word processing software, and experience working with Microsoft Word and Excel
- Must have a South Dakota Driver's License, and be able to successfully pass a background and drug testing.

For more information Contact Sharon Guerue 605-747-3193 or sharon.guerue@rstjustice.org

Applications can be found online at <https://www.rosebudsiouxtribe-nsn.gov/employment>

Associate Attorney – Sioux Falls

Cutler Law Firm, LLP is seeking an associate attorney to join its Business Section. Practicing attorneys, law clerks and students are encouraged to apply.

Business Associate Attorneys have the opportunity to work alongside partners and other associates on a broad range of business transaction, contract and real estate matters. Our clients include large and small companies in manufacturing, telecommunications, logistics, financial services, real estate development, and others.

Qualified candidates will have:

- Strong oral and written communication skills
- Capable of high-level analytical and critical thinking and problem solving
- Top academic credentials
- Excellent interpersonal skills and the ability to work well as part of a team
- J.D. from an ABA-Accredited Law School or in the final year of study and on track to graduate
- Practicing attorneys must have a license and be in good standing to practice in South Dakota or intentions to obtain a license in South Dakota.

Cutler Law Firm, LLP offers competitive salary and a full benefit package. Interested applicants are asked to send a cover letter, resume and references to:
Cutler Law Firm, LLP

Attn: Shawn Noem, Business Manager
140 N Phillips Ave, Fourth Floor
Sioux Falls, SD 57104
Or email to: shawnn@cutlerlawfirm.com

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Job ID: 22281

Location: Statewide

Salary: \$79,164.24 - \$93,134.40 DOE

<http://dhs.sd.gov>

LICENSING:
Licensed to practice law in South Dakota.

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

MAKE YOUR CAREER HERE

DUTIES AND RESPONSIBILITIES:

In accordance with the Rosebud Sioux Tribe Attorney General Ordinance No. 88-01 Section 8. the Attorney General of the Rosebud Sioux Tribe shall carry out the purposes of this ordinance and shall have the following duties and responsibilities:

1. As Chief Judicial Officer for enforcement of Tribal law represent the Rosebud Sioux Tribe on law enforcement legal issues to which the Tribe is a party provided the Tribal Council shall approve any action prior to any filing in any court(s) by the Rosebud Sioux Tribe Attorney General, and supervise and direct the Rosebud Sioux Tribe Department of Justice.
2. As Chief Judicial Officer for the enforcement of Tribal law of the Rosebud Sioux Tribe and shall enforce tribal criminal law, tribal civil and criminal regulatory law and regulations, treaty and Federal Indian law; as well as supervise the RST Prosecutor's Office, work with the RST Criminal Investigation department and RST Law Enforcement Services Department.
3. As Chief Judicial Officer for the enforcement of Tribal law shall consult, collaborate and work with the United States Attorney to enforce law and order on the Rosebud Reservation; and also to promote tribal Criminal Jurisdiction and shall review and supervise the gathering of evidence by law enforcement officers to make sure each case is promptly and fairly presented to the proper Tribal or Federal Court.
4. Consult and advise the governing body on legal issues. Protection of Tribal members and the interests of the Rosebud Sioux Tribe in the Tribal, State, and Federal courts in litigation and cases involving Criminal Law, Federal Civil Rights, Juvenile Justice, and Indian law. Provide for the protection of all minors, mentally incompetent, and any others who need protection and assistance for reason of health, age, or other extenuating circumstances. Supervise all reports and cases alleging child abuse, child neglect, child in need of care or supervision. Supervise all cases and reports of elderly abuse and neglect. Supervise and direct the Rosebud Sioux Tribe Judiciary Department to provide whatever services are needed for the protection of all Tribal members. Responsibility for overall enforcement of Tribal Civil regulatory authority,

Attorney General– Rosebud

SALARY: Negotiable

LOCATION: Rosebud Sioux Tribe, Rosebud, SD.

MINIMUM QUALIFICATIONS:

1. Must be a graduate of an accredited Law School with a JURIS DOCTORATE degree.
2. Must be a member in good standing of the South Dakota State Bar and the Sicangu Oyate Bar Association and admitted to practice before the courts of the Rosebud Sioux Tribe. The courts of the United States and courts of other states or courts of other tribal and foreign nations and be of high moral character and integrity.
3. Have not been convicted of any felony.
4. Be physically able to carry out the duties of this office.
5. Extensive experience and knowledge of the Rosebud Sioux Tribe's Constitution, criminal and civil law and Federal law. Tribal state and Federal courts in litigation cases involving Criminal law, federal Civil Rights, Juvenile Justice and Indian Law.
6. Shall not be an incumbent judge of the Rosebud Sioux Tribal System.

and other duties assigned by the Rosebud Sioux Tribal Council and President of the Rosebud Sioux Tribe.

5. When requested, issue legal opinions to the governing body concerning the legal interpretation of any proposed or actual law or activity.
6. Must serve as overall legal representative of the Rosebud Sioux Tribe.
7. Must have some knowledge of areas of legal research relating to Federal Indian Law, hunting and fishing, water law, taxation, Tribal, State, and Federal jurisdiction, liquor laws, and gaming.
8. General knowledge of Federal regulations relating to the Bureau of Indian Affairs.
9. Duties and responsibilities also includes the overall legal representation of Tribal programs, code drafting, including Constitutional review and amendments, drafts explanations for amendments to the Constitution. Initiatives, referendums, recall and removal, issues legal opinions at the request of the President and the Rosebud Sioux Tribal Council. Drafts and reviews revisions to the Rosebud Sioux Tribal Law and Order Code. Ensures compliance of Tribal law with any Federal law and grant conditions, and supervises and provide legal counsel and advice in Indian Child Welfare cases including review and supervision of temporary and permanent foster care placement.

For more information Contact Sharon Guerue 605-747-3193 or sharon.guerue@rstjustice.org

Applications can be found online at <https://www.rosebudsiouxtribe-nsn.gov/employment>

Family Law Attorney – Sioux Falls

Ver Beek Law, Prof. L.L.C. is seeking a FAMILY LAW ATTORNEY for our Sioux Falls office. We are looking for candidates with experience levels ranging from newly licensed lawyers to those with several years of experience. Only candidates seeking a long-term employment opportunity will be considered. The position offers competitive salary. Interested applicants should send their cover letter and resume to kelsey@verbeeklaw.com.

Paralegal – Pierre

DETAILS: The Office of Attorney General seeks a paralegal for an entry level position. The duties of a paralegal may include, but are not limited to: conducting legal research; investigation, collection, and compiling case material; interviewing witnesses and assisting at depositions; drafting pleadings and interrogatories; preparing appendices on briefs; assisting with trial preparation; and drafting subpoenas for the procurement of records. This position will be stationed in Pierre but some travel will be required.

STARTING WAGES: Hourly wage will be \$20.00 to \$26.00 per hour depending on experience. The State of South Dakota has an excellent benefit package including leave and employee insurance coverage.

QUALIFICATIONS: Requires a successful completion of the Certified Legal Assistant Examination, or Associate or Baccalaureate Degree in business law or legal studies, or completion of an ABA approved paralegal training program, or three years of advanced clerical work with experience in a legal services operation, or an equivalent combination of training and experience.

APPLICATION PROCESS: Interested persons should send a resume containing three references, a writing sample and a letter describing their qualifications to Brent Kempema, Office of the Attorney General, 1302 E. Highway 14, Suite 1, Pierre, SD 57501 or brent.kempema@state.sd.us. The position will remain open until filled.

Attorney – Rapid City

The law firm of Thomas Braun Bernard & Burke, LLP in Rapid City is seeking a lateral attorney with at least 4 years' private practice experience in the areas of estate planning and/or business transactional work. The ideal candidate will possess strong communications skills, be attentive to detail, and be self-motivated. Compensation will be commensurate with education and experience. Benefits include 401(k), health insurance, professional dues and memberships, CLE tuition, and various other incidentals. Confidential inquiries, including a cover letter and resume should be mailed to John W. Burke, Thomas Braun Bernard & Burke, LLP, 4200 Beach Drive – Suite 1, Rapid City, SD 57702, or e-mailed to jburke@tb3law.com.

Staff Attorney – Pierre / Sioux Falls / Rapid City

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

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

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

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

Open until filled

Deputy/Senior Deputy Public Defender – Minnehaha County

SALARY: \$3,325.60 - \$3,580.00/Biweekly
OPENING DATE: 4/24/2023
CLOSING DATE: Continuous

WHY JOIN OUR TEAM:

The Minnehaha County Public Defender's Office is looking for a dedicated Deputy/Senior Deputy

Public Defender with excellent advocacy skills who is committed to ensuring justice to indigent clients appearing in the criminal and juvenile justice system. We are currently seeking someone who is interested in becoming part of an experienced litigation team that has a high capacity for trials and offers an expansive opportunity for courtroom practice. Apply now to be considered for this opportunity to grow your criminal defense practice, access our expansive document library, and surround yourself with skilled criminal defense attorneys.

Please attach a cover letter to the online application.

The hiring range is \$3,325.60 - \$3,580.00/biweekly with full earning potential up to \$4,581.60/biweekly.

This posting will remain open until filled. Review of applications begins on May 8, 2023.

HOW YOU WILL MAKE AN IMPACT:

Advocate on behalf of individuals charged with felonies and misdemeanors through all phases of litigation to include pre-trial, trial, and litigating all aspects of the case through disposition. Coordinate efforts with a support team of paralegals and other staff to ensure the responsible handling of a demanding caseload through disposition of the case. Maintain client communications by telephone, office appointments, and institutional visits. Keep client apprised of investigations, negotiations, and court rulings. Appear at regularly scheduled court dockets and appearances related to an assigned caseload. Conduct legal research and draft motions and pleadings. Interview witnesses. Review legal documents, police reports, transcripts, and related correspondence. Attend professional development training both within and outside the office.

WHAT YOU NEED TO SUCCEED IN THIS ROLE:

Graduation from a college of law and attainment of a Juris Doctorate degree from an accredited law school. Admission by the Supreme Court of South Dakota to practice law in the State of South Dakota or be licensed to practice law in any other state and able to take the next bar examination offered in South Dakota. This opportunity is also open to recent law school graduates who are eligible to sit for the next available South Dakota bar examination. Comparable combination of education and experience may be considered. Possession of a valid driver's license and must maintain a safe driving record with Minnehaha County. Must

successfully complete pre-employment background process. Working knowledge of civil and criminal law, court procedures, and the principles and practices of legal research. Ability to work with a diverse population and be attentive to the needs of the clientele. Working knowledge of the principles, methods, materials, and practices utilized in legal research. Working knowledge of general law and established precedents. Ability to speak and write effectively in the preparation and presentation of legal matters. Ability to maintain effective working relationships with co-workers, clients, other agencies, and the public. Ability to maintain professional appearance and demeanor. Consideration for appointment as a Senior Deputy Public Defender requires a minimum of two years of relevant work experience.

OTHER APPLICABLE EXPERIENCE:

Demonstrates a commitment to working with the indigent accused and to providing social advocacy to the clientele served by the Public Defender's Office.

APPLICATIONS MAY BE FILED ONLINE AT:

<http://jobs.minnehahacounty.org>

OUR OFFICE IS LOCATED AT:

415 N Dakota Avenue, Sioux Falls, SD 57104

Phone: 605-367-4337

Email: jobs@minnehahacounty.org

Seeking Associate or Partner-track Attorney –Sturgis

Nelson Law, with offices in Sturgis and Rapid City, is seeking to add an associate or partner-track attorney to its team practicing primarily in Meade County and the Black Hills.

Applicants should be licensed to practice law in South Dakota with at least 3 years of relevant experience. Practice will be a mix of retained and court-appointed work with full legal assistant and paralegal support, a fun and professional work environment, generous compensation package, flexible schedule, and work-from-home opportunities.

Interested applicants should start a discussion by emailing Nate Nelson at nate@nelsonlawsturgis.com. All inquiries will be kept strictly confidential.

Staff Attorney – Pine Ridge

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 position in our Pine Ridge, South Dakota, office. The Pine Ridge office serves the Pine Ridge Reservation and Bennett, Jackson and Shannon counties in South Dakota.

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

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

CLOSING DATE: Open until filled.

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

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

Staff Attorney – Rapid City

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 position in our Rapid City, South Dakota, office. The Rapid City office serves Butte, Custer, Fall River, Harding, Lawrence, Meade, Pennington and Perkins counties in South Dakota.

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

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

CLOSING DATE: Open until filled.

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

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Staff Attorney – Ft. 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 position in our Ft. Yates, North Dakota office. The Ft. Yates office serves Campbell, Corson and Walworth counties in South Dakota and the Standing

Rock Indian Reservation.

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

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

CLOSING DATE: Open until filled.

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

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

Staff Attorney – Mission

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

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

poverty law and working with Native American and low income clients.

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

CLOSING DATE: Open until filled.

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

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

Staff Attorney – Fort Thompson

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 position in our Fort Thompson, South Dakota, office. The Fort Thompson office serves the counties of Brule, Buffalo, Hyde and Lyman, along with the Lower Brule and Crow Creek Reservations.

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

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

CLOSING DATE: Open until filled.

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

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

Senior Assistant City Attorney – Sioux Falls

HIRING RANGE DOQ: \$3,947.20 - \$5,164.00 bi-weekly

DEADLINE FOR FILING: Monday, May 22, 2023

JOB SUMMARY

Perform advanced professional legal services representing serious and complicated aspects of the law that require extensive research. Provide legal assistance, advice, counsel to, and representation of City government, elected officials, officers, and employees regarding complex legal matters across various disciplines as assigned.

MINIMUM QUALIFICATIONS

Graduation from an accredited school of law and a minimum of six (6) years' experience in the practice of law, preferably in public sector law, regulatory compliance work experience, or diversified program management experience including conducting research and/or investigations and analyzing data; or any such combination of education, experience, and training as may be acceptable to the hiring authority.

Admission in good standing to the State Bar of South Dakota.

APPLICATION AND SELECTION

Apply online at www.siouxfalls.org/careers. If an ADA accommodation is needed, please contact, 72 hours prior to closing date, 605-367-8740 or recruiter@siouxfalls.org.

The City of Sioux Falls takes pride in being an Employer of Choice including our Culture, Values, and Compensation and Benefits. Apply today to become part of ONE Team and help us take care of today for a better tomorrow!

(Senior Assistant City Attorney – Sioux Falls
Continued)

OUR CULTURE

Sioux Falls is growing exponentially, and we need you to join our team of 1,300 full-time and hundreds more part-time and seasonal employees. Find a place to serve alongside us in a range of careers available in 12 diverse departments.

There's a role for every interest from public safety and health, to culture and recreation, to technology and internal operations. Our employees partner with local businesses and community members to provide the infrastructure, safe neighborhoods and recreation opportunities that keep Sioux Falls consistently ranked among the top places to live and work.

Our core values of safety, teamwork, innovation, character and respect build community from the inside out. Employees' top culture drivers include a strong sense of accomplishment, growth through learning and training, and supportive colleagues. Team members achieve job satisfaction everyday with the knowledge that their service positively impacts the high quality of life this community enjoys.

OUR COMPENSATION AND BENEFITS SUMMARY

- Competitive salary with other public and industry positions, including step advancements.
- The City participates in the South Dakota Retirement System. Employees receive a 6% match. Additionally, employees may choose to enroll in a Deferred Compensation Plan.
- Health, Dental, and Vision Insurance: Competitive rates for single, 2-party, and family.
- 11 paid holidays and 2 personal leave days each calendar year.
- New employees are granted 40 hours of vacation at time of hire and accrue an additional 2 weeks in their first year.
- Sick leave accrues over 96 hours per year.

PAI Coordinator – Sioux Falls

East River Legal Services (ERLS) is seeking to hire a PAI Coordinator. This position is in our Sioux Falls, South Dakota office. We are a non-profit law firm serving low-income individuals in the 33 Eastern South Dakota counties. ERLS exists to better the lives of the over 52,000 people living in poverty in Eastern South Dakota.

We offer free legal services to our community's veterans, older Americans (60+), individuals with disabilities, victims of crime, and all those facing financial insecurity and/or homelessness.

General Responsibilities:

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

Duties and Responsibilities:

1. Recruit volunteer attorneys, law students, paralegals, and other professionals to participate in the PAI program.

- Partner with private bar organizations to support the ERLS PAI program, which includes presenting to lawyers and legal organizations.
- Branch out to encompass law student involvement in the program to allow law students, through attorney supervision, to give legal information and assistance to eligible clients.
- Identify and build relationships with community partners who share the goal of improving the lives of low-income and vulnerable South Dakotans.

2. Develop a pro se clinic plan to recruit volunteer attorneys to assist clients with pro se civil matters, which will include the following components:

- Partner agencies to identify clients and host clinics;
- Pro se forms for clients;
- Introduction for volunteer attorneys.

3. Determine and direct the delivery of legal assistance to eligible clients by volunteer attorneys through programs such as organized pro bono plans, private attorney assisted pro se clinics, reduced fee plans, judicare panels, private attorney contracts, or those modified pro bono plans which provide for the payment of nominal fees by eligible clients and/or organized referral systems; except for limitations that are outlined in grant funding.

- Establish a criteria standard to determine what cases qualify for possible pro bono placement or clinics.
- Provide regular communication about its activities, services to clients, and the importance of access to justice to the community/state.

4. Execute a system designed to provide direct legal

assistance to eligible clients of ERLS by volunteer attorneys on either a pro bono or reduced fee basis, which will include at a minimum, the following components:

- Intake and case acceptance procedures consistent with ERLS' established priorities in meeting the legal needs of eligible clients;
 - Case assignments which ensure the referral of cases according to the nature of the legal problems involved and the skills, expertise, and substantive experience of the participating attorney;
 - Case oversight and follow-up procedures to ensure the timely disposition of cases to achieve, if possible, the result desired by the client and the efficient and economical utilization of ERLS resources;
 - Access by private attorneys to ERLS resources that provide back-up on substantive and procedural issues of the law;
 - Manage and close PAI case files through adherence to strict funding guidelines.
5. Support volunteer attorneys involved to include, but not limited to, training, technical assistance, research, advice and counsel or the use of recipient facilities, libraries, computer assisted legal research systems or other resources.
- Craft an onboarding policy and orientation process for volunteers specific to their educational level to ensure success for the volunteer and ERLS;
 - Develop time tracking consistency for volunteers;
 - Produce a volunteer handbook and update information on a yearly basis.
6. Collaborate with the SD Bar associations and/or Courts to establish legal clinics in South Dakota, where volunteer attorneys will provide legal information and/or legal assistance to clients.
- Maintain records sufficient to document the resource the clinic will be giving, such as legal information or legal assistance.
 - i. If the clinic focuses on giving clients legal information, then no restrictions are applied.
 - ii. If the clinic focuses on giving clients legal assistance, then the coordinator will maintain records sufficient to document that the clinic has an eligibility screening process to ensure clients are eligible for LSC-funded legal services.
7. Develop and implement a volunteer recognition program.
8. Apply for a Pro Bono Innovation Grant, in the hopes of increasing volunteer attorneys through outreach.
9. Assist with the expansion of Legal Server to allow

volunteers to update case status, increase follow-up, and note outcomes.

10. Show support for other non-profit agencies throughout the State by:

- Providing content for social media;
- Attending events in person;
- Supporting community agencies as chosen by staff and the Executive Director and approved by the Board of Directors;
- Participating in Statewide Coalitions;
- Exploring joint organizational efficiency opportunities.

Knowledge, Skills, & Abilities:

1. Ability to prioritize and multi-task;
2. Must be detail-oriented, self-motivated, and can act in a manner that will reflect positively on the organization;
3. Demonstrated success in following through and completing routine tasks;
4. Proficient computer skills;
5. Excellent listening and communication skills;
6. Commitment to serving low-income and underserved communities;
7. Position requires participation in occasional weekend and evening events and clinics.

Salary and Benefits:

Salary based on experience. Benefits include paid holidays and vacation days, parental leave, health, dental, vision, travel reimbursement, Life, AD & D, and IRA.

Pay: \$50,000.00 - \$60,000.00 per year

To Apply:

Interested applicants should send their Cover Letter and Resume to:

East River Legal Services

Attn: Melissa Frericks

335 N. Main Ave., Suite 200

Sioux Falls, SD 57104-6038

Or Email to:

Melissa@erlservices.org

Closing Date: Open Until Filled

Walworth County State's Attorney – Selby

Due to the recent resignation of the Walworth County State's Attorney, the Walworth County Commission is accepting applications for the position of State's Attorney. Successful applicant will be appointed until the next election cycle. The position may be full or part time. This is a salaried position and the salary depends on experience. The salary will be set by the Walworth County Commission. Posting will remain open until filled. Must have a Juris Doctorate Degree from an accredited University. Must be licensed to practice as an attorney and counselor at law by the Supreme Court of South Dakota. Must be a member of the SD State Bar. Must be able to carry files to court on the third floor. Must be able to communicate effectively orally and in writing both electronically and face to face. You will be responsible to provide opinions and advice to the Board of County Commissioners and other civil officers in the county on all matters, develop and maintain a budget, appear in court on behalf of the state or county in all actions or proceedings, civil or criminal in which the state or county is an interested party, make bond arguments before the courts, attend and advise the grand jury, abide by all victims' rights and assist victims through the criminal justice system, prepare officers, witnesses and victims for courtroom testimony plus any other duties that come before the office.

Please submit a cover letter and resume to:

Charity Pepin
Walworth County Auditor
PO Box 199
Selby SD 57472

You may also call 605-649-7878 for further information.

Associate Attorney – Sturgis

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

Qualifications:

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

probate areas. Opportunities for civil and criminal litigation are also available.

Salary: Competitive, depending on experience.

To Apply:

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

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

Or Email to:

mike@mormanlaw.com (All applications will be kept confidential)

Financial Examiner– Sioux Falls or Pierre

Division of Banking Financial Institution Examiner

Job ID: 20584

Salary: \$50,000 annually

Closing Date: Open Until Filled

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

Examiners at the Division of Banking enjoy:

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

• Advancement – Successful examiners will receive numerous certifications with internal promotional opportunities available.

As part of a team, you will:

- determine the financial condition of state-chartered banks, trust companies, and licensed financial institutions;
- evaluate adequacy of financial institutions' internal control procedures;
- determine compliance with State and Federal statutes related to banking, trust, licensing, and consumer protection;
- evaluate loan and investment portfolios to determine quality and suitability;
- make recommendations on findings;
- investigate consumer complaints related to supervised financial institutions.

The ideal candidate will have:

- A bachelor's degree in banking, finance, accounting, or a related field with an advanced degree preferred. Professional experience that leads to mastery of the following knowledge and abilities will be considered.
- Knowledge of accounting and auditing principles and procedures; the organization of banks and other financial institutions; banking work environments;

fiduciary principles; consumer protection statutes and regulations; and Microsoft Office products and management information systems.

- Skill to communicate concisely and effectively with co-workers, financial institution staff and officials, and examiners from other agencies; gather, interpret, report, and use financial information; understand and interpret federal and state banking regulations.

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

This position is exempt from the Civil Service Act. This position is eligible for Veterans' Preference per ARSD 55:10:02:08.

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

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



Registration is now open!

2023 ANNUAL CONVENTION

June 21-23, 2023
Ramkota Hotel & Convention Center
Sioux Falls, South Dakota

REGISTER HERE

The banner features a vibrant background with a large orange and yellow circle in the center, surrounded by a blue and purple gradient with sparkling light effects. The text is prominently displayed in white and black, with a 'REGISTER HERE' button in the bottom right corner.



UPCOMING EVENTS

May 5 | Criminal Law & Family Law CLE's | Ramkota, Sioux Falls
May 17, 2023 | Bar Commission Meeting | Teleconference
May 18, 2023 | Law for Lunch - 2023 Legislative Updates | Zoom
June 21, 2023 | Wellness CLE | Ramkota, Sioux Falls
June 22, 2023 | Early Bird CLE, Ramkota, Sioux Falls
June 22, 2023 | Legal Potpourri - 2 Tracks | Ramkota, Sioux Falls
June 22, 2023 | Pozner CLE | Ramkota, Sioux Falls
June 23, 2023 | Business Meeting | Ramkota, Sioux Falls
June 23, 2023 | Bar Commission Meeting | Ramkota, Sioux Falls
July 13-14, 2023 | Bar Commission Meeting | Deadwood



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