

State Bar of South Dakota

October 2024
newsletter

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PLEASE NOTE:

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

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

Please take advantage of these expanded wellness benefits.

State Bar of South Dakota

October 2024

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PRESIDENT'S CORNER

Sarah Sharp Theophilus



I may be biased, but South Dakota has the best bar association. I love our camaraderie as well as the opportunity to meet and work with lawyers from all walks of the profession.

This past week, our Young Lawyers Section President and Board hosted a Statewide Swearing-in Ceremony at the Capitol Rotunda for those who recently passed the bar exam. Over twenty recent graduates were given the unique opportunity to have their Oath of Attorney administered by the Chief Justice of the South Dakota Supreme Court, Steven R. Jensen. Their family and friends were able to watch them take this solemn attestation at our State Capitol along with their law school Dean and judges from the South Dakota circuit courts, South Dakota Supreme Court, Federal District Court for the District of South Dakota, and 8th Circuit Court of Appeals. Where else does a distinguished crew like this show up to see their young lawyers get sworn in?

Our bar association serves as a central point of engagement for lawyers who want to participate in pro bono work with our Access to Justice, helping to educate the public about legal issues; and helping to maintain the integrity of the legal profession.

Our many volunteers are running public service events such as Ask-A-Lawyer, Veterans Legal Clinics, Disaster Legal Services Hotline, Teen Court Volunteer Recruitment, and Law Day. Your bar commissioners are meeting monthly to manage the business and affairs of the State Bar while your Bar Staff is working overtime

to make our bar association run smoothly.

I encourage you to get involved with our bar association and to contact me with any ideas or concerns you might have in the coming months. I have found our bar association as an opportunity to meet, know and work collectively with a community of lawyers and judges beyond the walls of my office. After all, this is how we truly participate in the profession of law.

**GET
INVOLVED**

*The experience will
be very rewarding!*



PLEASE JOIN US FOR THE
INVESTITURE CEREMONY OF

THE HONORABLE
CAMELA C. THEELER

UNITED STATES DISTRICT JUDGE
UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA

NOVEMBER 15, 2024
3:00 P.M.

ANDREW W. BOGUE UNITED STATES COURTHOUSE
AND FEDERAL BUILDING | COURTROOM 1
RAPID CITY, SOUTH DAKOTA



RECEPTION TO FOLLOW
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RAPID CITY, SOUTH DAKOTA

PLEASE RSVP TO
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BY NOVEMBER 5, 2024

State Bar of South Dakota

YOUNG LAWYERS SECTION



Chelsea Wenzel
President

It is officially fall! The YLS Board closed out summer with the annual Nuts and Bolts CLE and the State-wide Swearing in Ceremony in Pierre on September 27th.

Nuts and Bolts CLE

The CLE participants learned about contours, challenges, and future considerations of the Corporate Transparency Act from YLS Board Members Cole Romey of the Hustead Law Office and Rebecca Ronayne of the Ronayne Law Office. Many of the participants were surprised with the difficulty involved with complying with the CTA but were also impressed with the understanding and insight that the speakers provided.

Next up was a panel discussion about how to handle difficult situations and conversations with clients, opposing counsel, and judges. The panelists included Stacy Hegge with Gunderson, Palmer, Nelson, and Ashmore LLP; Ernest Thompson with the South Dakota Attorney General's Office; and Amy Bartling-Jacobsen with the Gregory County State's Attorney's Office and Johnson, Pochop, and Bartling Law Office. Each of the panel members offered a unique and professional perspective and left the participants with practical ideas and solutions.

Last, but certainly not least, the participants received a primer on discovery and discovery disputes at the state and federal level from the Honorable Margo

Northrup, Circuit Court Judge, Sixth Judicial Circuit, and the Honorable Veronica Duffy, Federal Magistrate Judge, District of South Dakota. Both judges offered an engaging presentation that was both lighthearted and informative.

The YLS Board would like to extend a BIG thank you to:

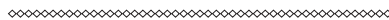
- The State Bar staff for helping with the planning and execution of the CLE.
- The State Bar CLE Committee and Meierhenry Sargent LLP for sponsoring lunch at the CLE.
- Drifters Event Center for providing a wonderful event space and a delicious lunch.

State-Wide Swearing In Ceremony

September 27th was an exciting day in Pierre as twenty (20) new attorneys were sworn in to the State Bar of South Dakota. The new admittees and their families were treated to a tour of the Supreme Court chambers, courtroom, and library, led by Justice Myren. At the end of the tour, the admittees were able to take a picture with Chief Justice Jensen in the Supreme Court Courtroom. The Board worked with Bridget M Photography for the second year in a row and, as usual, Bridget did a spectacular job (see the included photos). The YLS Board provides the pictures with the Chief Justice and of the event to the new admittees free of charge, so they all have a memento of (hopefully) one of their best days so far.



Several dignitaries attended the Ceremony and congratulated the new admittees after the Oath was administered (pictured). And a reception for the new admittees followed at Drifters Event Center in Fort Pierre. All in all, it was a busy, but memorable, day in Pierre!



Quick Facts

Grew up: Rapid City, SD
Firm: Waeckerle Law, Prof. LLC
Practice area: General practice, civil litigation.
Favorite band/song: Matchbox 20 all the way.

1. Tell us about your family.

The most interesting thing about me, by far, is my exceptional twin sister and law partner, Sara Waeckerle.

2. Favorite pastime?

Traveling.

3. How did you start getting involved with YLS?

Meet your

YOUNG LAWYERS SECTION

Board Members



Lora Waeckerle
Secretary/Treasurer

My friend, Chelsea Wenzel, told me that it was a wonderful opportunity to get to know other young lawyers in the bar.

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

Set aside your uncertainties and get to business. Sometimes the best way to grow in the practice of law is to jump right in.

5. Do you have any advice for experienced attorneys?

Be kind to us younger folks.

6. Advice for newer attorneys?

The practice of law will seldom be easy, and you won't win every fight. In those hard moments, ask yourself if

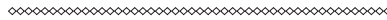
you needed to win that particular battle to win the war. When the answer to that question ends up being yes, which is inevitable, remember that you can't change the facts that your clients bring you.

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

I am fortunate to have many. Every clever thought I've ever had I owe to the mentorship of the extraordinary Justice Janine Kern. I'm also grateful to John Burke, who not only taught me how to practice law in an ethical, mindful way, but also guided me (and continues to guide me) through some very challenging legal situations.

8. Interests/hobbies outside the law.

Reading and water skiing, of course!



Meet your
YOUNG LAWYERS SECTION
Board Members
Derrick Johnson
1st Circuit Representative

3. How did you start getting involved with YLS?

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

3. How did you start getting involved with YLS?

A former YLS Board Member (Anthony Sutton) approached me and asked if I would be interested in joining the YLS Board. I happily agreed.

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

I wish I knew when to say yes or no to certain situations.

5. Do you have any advice for experienced attorneys?

Don't be afraid to take young lawyers under your wing.

6. Advice for newer attorneys?

There are no dumb questions and don't be afraid to ask questions.

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

Judge Patrick Smith or Attorney Kent Lehr.

8. Interests/hobbies outside the law.

Hunting and reading.

Quick Facts

Grew up: Tyndall, South Dakota

Firm: Derrick Johnson Law PLLC, in Springfield, SD

Practice area: General Practice

Favorite movie: Anything Marvel or Harry Potter

1. Tell us about your family.

I have been married to my wife, Brooke, for almost seven years and we have a three-year-old daughter

2. What is your dream job (other than being a lawyer)?

I would have loved to be a teacher and a coach.

OATH OF ATTORNEY



I DO SOLEMNLY SWEAR, OR AFFIRM, THAT:

**I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES AND THE
CONSTITUTION OF THE STATE OF SOUTH DAKOTA;**

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

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

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

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

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

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

Fellows of the South Dakota Bar Foundation

Sustaining Life Fellow - \$50,000 plus

Fred & Luella Cozad

Diamond Fellows - \$10,000 plus

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

Platinum Fellows - \$10,000

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Melissa Nicholson Breit
P. Daniel Donohue
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.
Dana J. Frohling
David J. King
Richard L. Kolker
Kimberley A. Mortenson
Timothy J. Rensch
Michael Sharp

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

Neil Fulton
Hon. Bobbi J. Rank
Timothy J. Rensch

Life Fellow - \$25,000 plus

Frank L. Farrar
Gregory A. Yates

Presidential Fellows - \$10,000

John P. Blackburn
Heather Lammers Bogard
Richard D. Casey
Hon. Michael Day
Robert B. Frieberg
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William C. Garry
David A. Gerdes
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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 | Craig A. Kennedy |
| Hon. John L. Brown | Denise Langley |
| Mary Jane Cleary | Hon. Judith K. Meierhenry |
| Paul L. Cremer | Hon. Robert A. Miller |
| Andrew L. Fergel | Robert C. Riter, Jr. |
| Michael S. Fischer | Jason R.F. Sutton |
| Tom E. Geu | Lea Wroblewski |

Raising the Bar: Our Profession. Our Responsibility.

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.

Full Name _____

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

Raising the Bar
Our Profession. Our Responsibility.



UNIVERSITY OF
SOUTH DAKOTA
KNUDSON SCHOOL OF LAW



DEAN'S LIST: NEWS FROM THE LAW SCHOOL



Neil Fulton
Dean, School of Law

October is always the month I devote a column to the bar exam. We have received results from South Dakota and a handful of other jurisdictions. There are still about twenty applicants from more than ten jurisdictions to come in, but pass rates are strong this year. There is a lot going on with bar admissions beyond the details of pass rates, however. Given the importance of the ongoing development of the NextGen bar exam and South Dakota's public service pathway, I wanted to devote this column to a discussion of both.

The first of the two to discuss is the NextGen Bar Exam.

What is NextGen Bar?

NextGen is new approach to bar assessment. It will focus less on memorization, particularly of exceptions and subrules, and more on the integration of skills and knowledge. It does not abandon multiple-choice questions but uses them more to assess a legal problem. It will also ask applicants to work through legal problems much more like they encounter in practice than the current bar exam does.

How was NextGen developed?

The National Conference of Bar Examiners had a three-year listening process with lawyers, judges, legal academics, and bar administration officials. Feedback was clear that the current bar exam relies too much on rote memorization and does not sufficiently assess legal skills. NCBE began developing NextGen as a result. NCBE has obtained and incorporated feedback on content scope outlines for tested areas, a pilot test

of exam questions, and currently field testing of a full exam. The goal of this is to confirm the adequacy of content coverage and the validity and accuracy of the questions. In other words, that the right things are being tested, and that the questions test what they seek to and that they do so fairly and reliably.

How will NextGen be scored?

NextGen will have two big scoring differences from the current bar exam. First, each item will be scored by two examiners rather than one. Second, NextGen will abandon distributive scoring in favor of absolute scoring. Distributive scoring, which most jurisdictions use for the current exam, does not ask examiners to determine if an essay passes or fails, but rather to distribute essays into six ranked categories. NextGen scoring will be absolute; examiners will decide if an individual essay passes or fails, rather than distributing it within the pool. This is how South Dakota currently scores the bar exam and, in my opinion, tacit acknowledgment by NCBE that this approach to grading is superior and does not suppress pass rates.

Is NextGen an easier exam?

No, it is just different. NCBE has been consistent and clear that the goal is not to create an "easier" exam, but one that is better aligned with the knowledge and skill that aligns with practice. The Law School has had graduates participate in pilot testing of NextGen questions. They report that those questions better align with their internship and practice experiences. That alignment makes the exam better, not easier. It remains

vital to have a rigorous process to assess competence to protect the public and the profession. NextGen can do that.

When will NextGen go live?

That is up to individual jurisdictions to decide. In 2026 and 2027, NCBE will offer both NextGen and the current bar exam. Already 25 jurisdictions have adopted NextGen and their implementation dates, including most of the states that border South Dakota. Start dates vary across 2026 and 2027. South Dakota has not yet adopted NextGen. There are significant questions about the technical aspects of administration that are fair to get more certainty about before making that decision. I believe that those answers are becoming clearer and do hope that South Dakota adopts NextGen relatively early.

A second impending development is South Dakota's proposal of a pilot program of an alternative pathway for admission. This pilot, connected to commitment to public service and assessment of a portfolio of work in a placement, can be referred to as the public service pathway.

What is the public service pathway?

Public service pathway is a proposed five-year pilot program for up to ten students per year to obtain admission to the bar. Participants would spend their fifth semester in full time placement with a public sector law office. A portfolio of their written and oral work product would be evaluated for academic credit by the Law School and for minimum competence by the Board of Bar Examiners. If applicants successfully complete both, they will be eligible for admission to the bar. They will also have a two-year commitment to public service after admission.

Who will be eligible to participate?

Law School students in their fifth semester, in good standing academically, and who have significant interest in public service. Applicants must also pass the MPRE and character and fitness review by the Board of Bar examiners. Additionally, participants may not have taken the bar exam in any jurisdiction.

How will students be chosen?

The Law School has begun making students aware of this program. All students will be able to apply to participate as they can with externships. The dean will

select participants, subject to acceptance by the host office, based on student ability and commitment to public service.

What counts as public service?

Full time employment with federal, state, tribal, or local government, as well as East River Legal Services or Dakota Plains Legal Services. Clerkships do not satisfy the public service requirement, but can toll the time to complete the public service obligation. Hopefully, this encourages students to pursue both judicial clerkships and public service.

What if a student does not complete the two-year public service requirement?

The Board of Bar Examiners may initiate proceedings to revoke the license of participants who do not complete the two-year service requirement. That process will involve a much like character and fitness hearings before the Board. Participants who are unable to complete the two-year service requirement because of circumstances beyond their control (e.g., loss of agency funding, family health needs, harassment or discrimination by their employer) can seek a waiver or extension of the public service requirement from the Board of Bar examiners.

NextGen and the public service pathway hold exciting possibility for bar admissions. I hope that all lawyers take time to evaluate these proposals and provide input about them. Please feel free to reach out if you would like to discuss them or any aspect of bar admission.

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Dean Neil Fulton Part 2

A few months ago, I introduced the Class of 2027. They are off to a flying start in their classes and trying to take in all the 1L year offers. It is exciting every year to introduce the new cohort of students.

Once students arrive on campus, they need exceptional faculty to teach them. The Law School has been fortunate for decades to have faculty who provide excellent instruction and personalized mentoring to students. We are very fortunate that our size allows us to build deep connections between students and faculty. We are likewise fortunate to have recruited faculty who appreciate a school where teaching is a priority, where significant student connections can be formed, and where they can come to build a career over decades. It takes clarity of culture and vision along with commitment to achieve that. Law School faculty have had that clarity and commitment; it shows in our culture and the faculty that we attract.

This year we have added two new faculty and will be in the process of searching for two more. I have asked Chris Schmidt and George Mader to provide brief introductions of themselves. While I will let them tell their stories below, I will say that we are very excited to welcome them both. It was very clear in their interviews that they care deeply about helping students thrive and will be energetic and engaging additions to our community. I am excited to introduce them in person to many of you in coming months.

I am also excited to tell you that we will be searching for a couple of additional faculty members this year. With Shirley Mays admirably assuming the duties as Associate Dean for Academic Affairs, her teaching load reduced a bit. We will accordingly be searching for a faculty member with a focus on business law topics. That is an area where we need more faculty; I am excited to find a skilled business law instructor over the coming year.

We will also be searching for a permanent faculty position focused on civil litigation. We have been fortunate to have Christina Grey as a visiting faculty member teaching Civil Procedure following the death of Professor Horton. That was a fixed window, however, and we will now begin the search for a permanent hire.

I am very excited about the opportunity this presents and really hope to see some applicants with significant practical experience. We continue to see our rankings for trial advocacy climb thanks to the work of Professor Laura Rose. Expanding our coverage of civil litigation is an opportunity to continue to grow.

These searches will begin in earnest soon. We hope to have candidates on campus by mid-semester and hires made early in the spring semester. It is a very competitive market currently, however. Do wish us luck in those searches because great faculty hires is imperative.

We made two great faculty hires last year with Professor Schmidt and Professor Mader. I'm happy to let them introduce themselves.

Chris Schmidt

I am happy to join the Law School and begin working with current and future members of the South Dakota legal community. Before moving to Vermillion, I was a lifelong Nebraskan. I was a partner at a midsize law firm in Lincoln, with a practice focused primarily on representing employers, political subdivisions, and public officials in various types of litigation. While practicing, I also taught Pretrial Litigation as an adjunct instructor at my alma mater, the University of Nebraska College of Law, where I graduated from in 2016. I was fortunate to serve as a judicial law clerk to Chief Judge William J. Riley of the United States Court of Appeals for the Eighth Circuit during his final year on the bench. Before pursuing a career in the law, my focus was education. I obtained my undergraduate degree in secondary education, followed by one year in the classroom.

This year I will be teaching Discovery Practice, Employment Discrimination, and State and Local Government, with other courses to follow in coming years. My scholarly interests include exploring developing issues in the area of employment discrimination, such as the intersection of protected conduct and job performance, the divergent outcomes seen in how EEO disputes are resolved, and the evolution of how accommodations are analyzed and afforded in the modern workplace.

Joining me in South Dakota are my wife, who works as in-house counsel for an insurance company, and

two children. I enjoy spending time with them, staying active through running and sports, and traveling.

George Mader

I am excited to be the School of Law's new Director of Legal Writing. I taught legal writing and a few other courses in law schools at the University of Illinois, the University of Nevada – Las Vegas, and the University of Arkansas at Little Rock. I also visited at the University of Michigan. Before all that, I served as a judicial clerk at both the Minnesota State Supreme Court and the Eighth Circuit of the U.S. Court of Appeals.

The writing programs at these schools varied widely in their staffing models and content. I learned a lot from all that variety, and from the smart and dedicated people teaching with me. The USD directorship is a fantastic

opportunity to take that broad experience and use it not only to teach my own students, but also to help evolve the writing program into its next form—one that will continue to help graduates succeed and lead in the changing practice of law in South Dakota.

As a scholar, I focus on constitutional interpretation. I'm currently working on applying intratextualism to the creation history of the original Constitution in the 1787 Convention. By this I mean limiting historical textual argument to the textual changes actually voted on under the rules of the Convention. By tracing how terms enter and leave the document from draft to draft, we can discern relationships among provisions across the document. Recently, I've used this method to interpret the Take Care Clause (what "laws" the President is to "take care" are executed).



SAVE THE DATE

FALL ON-CAMPUS INTERVIEW DATES

October 24-25 OCI Round 2

November 13 Black Hills Virtual Networking Event

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

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

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





JUSTICE SQUAD

THANK YOU TO THE FOLLOWING ATTORNEYS THAT ACCEPTED A PRO BONO OR REDUCED RATE CASE IN AUGUST AND SEPTEMBER 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.

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.

AUSTIN SCHAEFER
 COLE ROMEY
 CODY MILLER
 JACOB DAWSON
 TOM FRIEBERG
 CALE FIERRO
 AARON PILCHER
 RENEE CHRISTENSEN
 DYLAN NOVAK
 KEN BERTSCH
 CRAIG THOMPSON
 BRENDA ASK
 MARK STILWELL
 KELLEN WILLERT

Special Thanks to:

For Your Help on SDFLA!

ALISON RAMSDALL
 KYLE KRAUSE
 DYLAN MILLER
 MARWIN SMITH
 ADAM ALTMAN
 STEVE HUFF
 JAMES TAYLOR
 DENISE LANGLEY
 JOSEPH HOGUE

VOLUNTEER



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

SPECIAL ANNOUNCEMENT

FROM ACCESS TO JUSTICE:



The new Spanish version of the Guardianship/Conservatorship Training video is now available on the State Bar of South Dakota website!

<https://www.statebarofsouthdakota.com/guardianship-conservatorship/>

Special Thanks to the following attorneys and paralegal for their assistance with this important project:

Lane Haskell
Erika Olson
Alejandra Hight (paralegal)

****This video project was made possible through a grant from the Commission on Equal Access to the Courts. The new Spanish version of the Guardianship/Conservatorship training video will provide the public with an additional training option to complete the required training to become a guardian/conservator in South Dakota.*



ANNOUNCEMENTS

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

Olivia M. Edoff
as an associate attorney in Rapid City.

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

E-mail: oedoff@bangsmccullen.com

www.bangsmccullen.com

Redstone Law Firm LLP
is pleased to announce that

Zachary T. Schmidt
has joined the firm as an associate,
effective July 1, 2024

Redstone Law Firm LLP
1300 W. 57th Street, Suite 101
Sioux Falls, SD 57108

Telephone: (605) 331-2975

Facsimile: (605) 331-6473

Email: amcdonald@gpna.com

www.redstonelawfirm.com

Woods, Fuller, Shultz and Smith, P.C.
is pleased to announce that

Susan T. Rasmussen

has joined the firm
as an associate attorney.

Woods, Fuller, Shultz and Smith, P.C.
300 S. Phillips Ave, Ste 300
Sioux Falls, SD 57104

Telephone: (605) 336-3890

Email: susan.rasmussen@woodsfuller.com

Woods, Fuller, Shultz and Smith, P.C.
is pleased to announce that

Gabrielle J. Kauk

has joined the firm
as an associate attorney.

Woods, Fuller, Shultz and Smith, P.C.
300 S. Phillips Ave, Ste 300
Sioux Falls, SD 57104

Telephone: (605) 336-3890

Email: gabrielle.kauk@woodsfuller.com

Gunderson, Palmer, Nelson & Ashmore, LLP
is pleased to announce that

Ashley E. H. McDonald

has joined the firm
as an associate attorney.

Gunderson, Palmer, Nelson & Ashmore, LLP
506 6th St
Rapid City, SD 57701

Telephone: (605) 342-1078

Email: amcdonald@gpna.com

Woods, Fuller, Shultz and Smith, P.C.
is pleased to announce that

Connor M. McCormick

has joined the firm
as an associate attorney.

Woods, Fuller, Shultz and Smith, P.C.
300 S. Phillips Ave, Ste 300
Sioux Falls, SD 57104

Telephone: (605) 336-3890

Email: connor.mccormick@woodsfuller.com

Brule County State's Attorney's Office
is pleased to announce that

Steve Meyer
has joined the firm
as an associate attorney.

Brule County Court House
300 S. Courtland, Suite 201
Chamberlin, SD 57325

Telephone: (605) 234-0438

Email: depsabrule@midstatesd.net

Costello Porter Law Firm
is pleased to announce that

Colton Williams
has joined the firm
as an associate attorney.

Costello Porter Law Firm
704 St. Joseph St.
Rapid City, SD 57709

Telephone: (605) 343-2410

Costello Porter Law Firm
is pleased to announce that

Andrew Davis
has joined the firm
as an associate attorney.

Costello Porter Law Firm
704 St. Joseph St.
Rapid City, SD 57709

Telephone: (605) 343-2410

MorganTheeler LLP
is pleased to announce that

Rex E. Schlicht
has joined the firm
as an associate attorney.

MorganTheeler LLP
1718 North Sanborn Blvd
PO Box 1025
Mitchell, SD 57301

Telephone: (605) 996-5588

Email: rschlicht@morgantheeler.com

www.morgantheeler.com

MorganTheeler LLP
is pleased to announce that

Micayla S. Bamberg

has joined the firm
as an associate attorney.

MorganTheeler LLP
1718 North Sanborn Blvd
PO Box 1025
Mitchell, SD 57301

Telephone: (605) 996-5588

Email: Mbamberg@morgantheeler.com

www.morgantheeler.com

South Dakota Bureau of Human Resources and
Administration
is pleased to announce that

Anita Fuosss

has joined the office
as a hearing examiner.

SD Office of Hearing Examiners
523 East Capitol Avenue
Pierre, SD 57501

Telephone: (605) 773-2553

Anita.Fuosss@state.sd.us

South Dakota Bureau of Human Resources and
Administration
is pleased to announce that

Chandler Burleson

has joined the firm
as assistant counsel.

SD Bureau of Human Resources and
Administration
500 East Capitol Avenue
Pierre, SD 57501

Telephone: (605) 773-3446

Chandler.Burleson@state.sd.us

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Alex Halbach

HALBACH | SZWARC LAW FIRM



Emily Maurice

HALBACH | SZWARC LAW FIRM



A2J

HERO



*a person who is
admired or idealized
for courage,
outstanding
achievements, or
noble qualities*



State Bar of South Dakota Association

Avera Healthcare Plans

The following agents or agencies that are authorized to sell the
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EASTERN SOUTH DAKOTA

Office Location

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

Agency

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

Contact

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

WESTERN SOUTH DAKOTA

Office Location

West River

Agency

Black Hills Insurance Agency
Black Hills Insurance Agency
Carver Insurance

Contact

Dan Maguire
Everett Strong
Lisa Knutson

Questions on Eligibility, Rates, and Services?

Please contact the agency listed above based on your office location within
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IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

SEP 18 2024

Shif A. Johnson Legal
Clerk

* * * *

In the Matter of Discipline of)
JASON R. RAVNSBORG,)
as an Attorney at Law.)

ORDER OF SUSPENSION

#30354

On May 19, 2023, 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 Jason R. Ravensborg. On June 14, 2023, respondent filed denial of the allegations of the Board's findings of fact the conclusions of law, recommendation, and formal accusation.

On June 16, 2023, the Court appointed the Honorable Bradley G. Zell 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 January 11, 2024.

The Court entered an order on January 18, 2024, for simultaneous briefing.

The matter was set for hearing before the Court on February 14, 2024, the Board represented by its counsel, Thomas H. Frieberg, and respondent represented by his counsel Michael J. Butler.

The Court thoroughly considered the Board's findings of fact conclusions of law and recommendation, respondent's denial, Referee's findings of fact, conclusion of law and recommendation and oral presentation of counsel, it is now

ORDERED that Jason R. Ravensborg be suspended from the practice of law for a period of six months. 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.

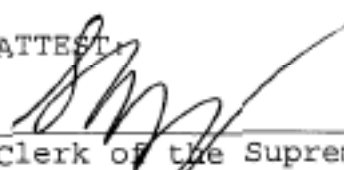
IT IS FURTHER ORDERED that pursuant to SDCL 16-19-77 said suspension shall become effective September 18, 2024.

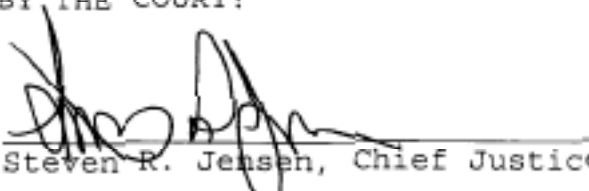
IT IS FURTHER ORDERED that the State Bar of South Dakota and the Unified Judicial System shall file proof of costs and expenses with the Clerk of the Supreme Court, and serve the same upon Respondent, within 10 days pursuant to SDCL 16-19-70.3, and that a final judgment for costs shall enter thereafter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

DATED at Pierre, South Dakota this 18th day of September, 2024.

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.

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE PROPOSED) RULE 24-05
AMENDMENT to the Appendix to)
Chapter 16-16 Regulations of)
the Board of Bar Examiners)
1. Application for Admission to)
Practice Law)
)

A hearing was held on August 27, 2024, at Pierre, South Dakota, relating to the amendment to the Appendix to Chapter 16-16 Regulations of the Board of Bar Examiners, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that the Amendment to the Appendix to Chapter 16-16 Regulations of the Board of Bar Examiners is amended to read in its entirety as follows:

1. Application for Admission to Practice Law.

Each applicant for admission to practice law shall file with the Secretary of the Board of Bar Examiners an written application, ~~together with one complete machine or photo copy thereof,~~ in the form prescribed by the Board of Bar Examiners. Such application and copies thereof shall be electronically submitted or postmarked on or before November 1 for the February examination and on or before May 1 for the July examination and shall be accompanied by the fee prescribed in the applicable rules of court and a recent (within 6 months of the date of application) photograph of the applicant, and DCI and FBI fingerprint cards.

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

Rule 24-05

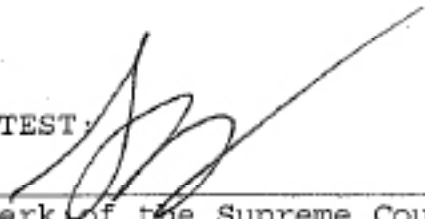
IT IS FURTHER ORDERED that this rule shall become effective immediately.

DATED at Pierre, South Dakota, this 4th day of September, 2024.

BY THE COURT:


Steven R. Jensen, Chief Justice

ATTEST:


Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

SEP - 4 2024


Clerk

STATE OF SOUTH DAKOTA
In the Supreme Court
I, Shirley A. James on-Forget, 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
4 day of Sept, 2024.


Deputy

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

| | |
|---------------------------------|------------|
| IN THE MATTER OF THE PROPOSED) | RULE 24-06 |
| AMENDMENT to the Appendix to) | |
| Chapter 16-16 Regulations of) | |
| the Board of Bar Examiners) | |
| 1.1 Application for Admission) | |
| Without Examination.) | |
|) | |

A hearing was held on August 27, 2024, at Pierre, South Dakota, relating to the amendment to the Appendix to Chapter 16-16 Regulations of the Board of Bar Examiners, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that the Amendment to the Appendix to Chapter 16-16 Regulations of the Board of Bar Examiners is amended to read in its entirety as follows:

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

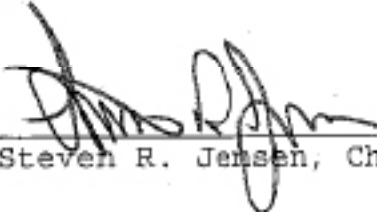
Each applicant for admission without examination shall also file a request for preparation of a character report and application with the National Conference of Bar Examiners. Such request and application shall be accompanied by the fee prescribed by the National Conference of Bar Examiners.

Rule 24-06

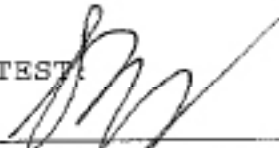
IT IS FURTHER ORDERED that this rule shall become effective immediately.

DATED at Pierre, South Dakota, this 4th day of September, 2024.


BY THE COURT:

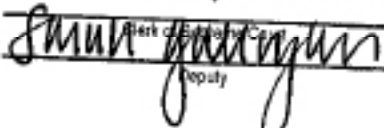


Steven R. Jensen, Chief Justice

ATTEST:


Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED
SEP - 4 2024

Clerk

STATE OF SOUTH DAKOTA
In the Supreme Court
I, Shirley A. Jameson-Fengel, 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 4 day of SEPT, 2024.


Shirley A. Jameson-Fengel
Clerk of the Supreme Court
Deputy

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

| | | |
|-------------------------------|---|------------|
| IN THE MATTER OF THE PROPOSED |) | |
| AMENDMENT to the Appendix to |) | RULE 24-07 |
| Chapter 16-16 Regulations of |) | |
| the Board of Bar Examiners |) | |
| 7.1 Law Student Registration. |) | |
| |) | |

A hearing was held on August 27, 2024, at Pierre, South Dakota, relating to the amendment to the Appendix to Chapter 16-16 Regulations of the Board of Bar Examiners, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that the Amendment to the Appendix to Chapter 16-16 Regulations of the Board of Bar Examiners is amended to read in its entirety as follows:

7.1. Law Student Registration.

Applicants to law school and first-or second-year law students who intend to take the South Dakota ~~Bar~~ eExamination following graduation may register with the Board of Bar Examiners ~~on forms prescribed by the Board~~ through the Bar Portal. The registration must be accompanied by the \$100 South Dakota registration fee as well as the fee required by the National Conference of Bar Examiners' law student registrant program for an initial character report. Registration under the rule is not deemed an application for permission to take the bar examination.

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

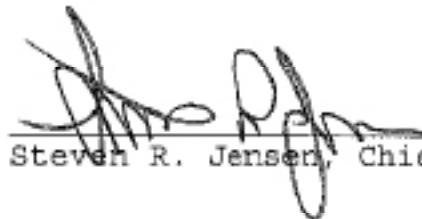
The Board will report its findings to the registrant. The Board's findings are both preliminary and non-binding in nature. Additionally, the findings will not constitute permission to take the bar examination or a waiver of the consideration of facts or conduct that are either later discovered or occur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

Rule 24-07

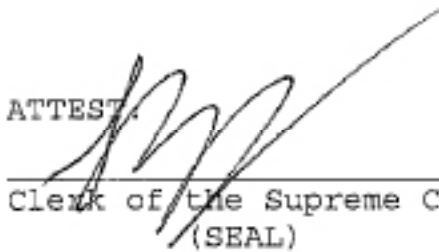
IT IS FURTHER ORDERED that this rule shall become effective immediately.

DATED at Pierre, South Dakota, this 4th day of September, 2024.

BY THE COURT:



Steven R. Jensen, Chief Justice

ATTEST


Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

SEP - 4 2024



Shelly A. Jameson-Fergal
Clerk

STATE OF SOUTH DAKOTA
In the Supreme Court
I, Shelly 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 hereunto set my hand and affixed the seal of said court at Pierre, SD, this
4 day of SEPT, 2024.



Shelly A. Jameson-Fergal
Clerk of the Supreme Court
Deputy

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

| | | |
|---------------------------------|---|------------|
| IN THE MATTER OF THE PROPOSED |) | RULE 24-08 |
| AMENDMENT to the Appendix to |) | CORRECTED |
| Chapter 16-16 Regulations of |) | |
| the Board of Bar Examiners |) | |
| 5. Acceptance of Multistate Bar |) | |
| Examination Results from Other |) | |
| States. |) | |

A hearing was held on August 27, 2024, at Pierre, South Dakota, relating to the amendment to the Appendix to Chapter 16-16 Regulations of the Board of Bar Examiners, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that the Amendment to the Appendix to Chapter 16-16 Regulations of the Board of Bar Examiners is amended to read in its entirety as follows:

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

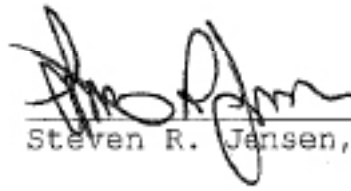
In its discretion, the Board of Bar Examiners may accept an applicant's previous scores on the MBE administered in a jurisdiction other than South Dakota if the scaled score is 135 or higher and the score is obtained not more than twenty-four months from the date the applicant takes the South Dakota Bar Examination taken within two years prior to the next scheduled examination, if the score on the MBE is a scaled score of 135 or above. The Board of Bar Examiners may accept an applicant's MPRE score if the scaled score is 85 or higher and is obtained not more than twenty-eight months from the date the applicant takes the South Dakota bar Examination. taken within twenty-eight months prior to the next scheduled examination and if the score is a scaled score of 85 or above.

Rule 24-08

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

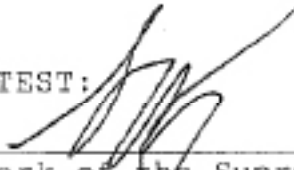
DATED at Pierre, South Dakota, this 4th day of September, 2024.

BY THE COURT:




Steven R. Jensen, Chief Justice

ATTEST:



Clerk of the Supreme Court
(SEAL)

STATE OF SOUTH DAKOTA
In the Supreme Court
I, Shirley A. Jackson-Fergel, Clerk of the Supreme Court of
South Dakota, hereby certify that the within instrument is a true
and correct copy of the original thereof as the same appears
on record in my office. In witness whereof, I have hereunto set
my hand and affixed the seal of said Court at Pierre, South Dakota
this 4 day of Sept, 2024


Sarah Gallinger
Deputy

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE PROPOSED) RULE 24-09
AMENDMENT to SDCL 16-18-2.3.)

A hearing was held on August 27, 2024, at Pierre, South Dakota, relating to the amendment to SDCL 16-18-2.3, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that SDCL 16-18-2.3 is amended to read in it's entirety as follows:

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

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

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

Rule 24-09

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

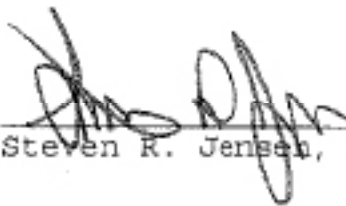
(3) May be terminated by the Supreme Court at any time without notice or hearing and without any showing of cause. Notice of termination shall be filed with the clerk of the court and the secretary of the Board of Bar Examiners.


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

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

DATED at Pierre, South Dakota, this 4th day of September, 2024.

BY THE COURT:


Steven R. Jensen, Chief Justice

ATTEST: 
Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

SEP - 4 2024


Clerk

STATE OF SOUTH DAKOTA
In the Supreme Court
I, Sheryl A. Johnson-Lopez, 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

4 day of Sept, 2024


Clerk of the Supreme Court
Deputy

STATE OF SOUTH DAKOTA
In the Supreme Court
I, Shirley A. Jamison-Fergel, Clerk of the Supreme Court of
South Dakota, hereby certify that the within instrument is a true
and correct copy of the original thereof as the same appears
on record in my office. In witness whereof, I have hereunto set
my hand and affixed the seal of said court of Pierre, South
Dakota, this 4 day of SEPT, 2024.

Shirley A. Jamison-Fergel
Clerk of the Supreme Court
Deputy

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA
* * * *

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED
SEP - 4 2024
Shirley A. Jamison-Fergel
Clerk

IN THE MATTER OF THE PROPOSED) RULE 24-10
AMENDMENT to SDCL 16-21-6.)

A hearing was held on August 27, 2024, at Pierre,
South Dakota, relating to the amendment to SDCL 16-21-6, and
the Court having considered the proposed amendment and oral
presentation relating thereto, now, therefore, it is

ORDERED that SDCL 16-21-6 is amended to read in it's
entirety as follows:

SDCL 16-21-6. Confidential information.

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

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

The depictions listed above will be accessible for viewing
at the clerk of court's office if not otherwise sealed.

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

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

DATED at Pierre, South Dakota, this 4th day of
September, 2024.

BY THE COURT:
Steven R. Jensen
Steven R. Jensen, Chief Justice

ATTEST
Shirley A. Jamison-Fergel
Clerk of the Supreme Court
(SEAL)

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE ADOPTION OF) RULE 24-11
A NEW RULE RELATING TO FILING A) CORRECTED
DOCUMENT WITHOUT THE REQUIREMENT)
OF AN OATH AND NOTARIZED SIGNATURE.)

A hearing was held on August 27, 2024, at Pierre, South Dakota, relating to the adoption of a new rule relating to filing a document under penalty of perjury without the requirement of an oath and notarized signature, and the Court having considered the proposed adoption, written and oral presentation relating thereto, now, therefore, it is

ORDERED that the adoption of a new rule relating to filing a document under penalty of perjury without the requirement of an oath and notarized signature is hereby adopted to read in its entirety as follows:

Filing a document under penalty of perjury without the requirement of an oath and notarized signature.

Section 1.

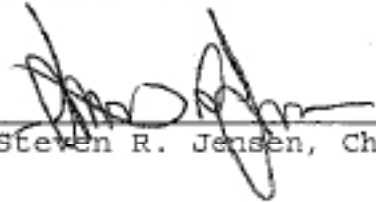
Unless specifically required by statute or court rule, a pleading, motion, affidavit, or other document filed with a court of this state, or presented to a judge or judicial officer in support of a request for a court order, warrant, or other relief, is not required to be notarized. Signing a document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

Rule 24-11


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

DATED at Pierre, South Dakota, this 5th day of September, 2024.

BY THE COURT:



Steven R. Jensen, Chief Justice

ATTEST: 

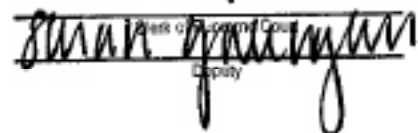
Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

SEP 05 2024


Clerk

STATE OF SOUTH DAKOTA
In the Supreme Court
I, Sheryl A. Jamison-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said Court at Pierre, SD, this
5 day of Sept, 2024.



Clerk

Attorney Health & Wellness Resources

It's okay to ask for help



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rebecca.porter@sdlawyersconcerned.org

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Request counseling by submitting an online form or live chat. Choose from in-person or virtual counseling options to meet your needs.

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Submit a request for family care and lifestyle support including childcare and eldercare referrals, legal referrals and financial consultation, personal assistant referrals and medical advocacy consultation.

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Call: 1-888-243-5744
 Visit: www.sandcreekeap.com
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In Memoriam



Laurel Olson Eggers
November 25, 1950 –
September 13, 2024

Laurel Olson Eggers, 73, of Sioux Falls, South Dakota earned her angel wings on Friday, September 13, 2024. She passed peacefully at the Dougherty Hospice House in Sioux Falls surrounded by her four beloved children. Visitation will be from 5:00 p.m. until 7:00 p.m., Friday, September 20, 2024, at George Boom Funeral Home & On-Site Crematory in Sioux Falls. Funeral services will be 11:00 a.m., Saturday, September 21, 2024, at First Lutheran Church in Sioux Falls. Interment will take place at Riverview Cemetery in Centerville, South Dakota. An online guestbook and link to view the service are available at www.georgeboom.com

Laurel Beth (Olson) Eggers, daughter of Everett and Ardis (DuBois) Olson was born November 25, 1950 at Viborg, SD. She attended elementary through high school in Centerville, SD.

Laurel was the second of five children. She grew up on a dairy farm outside Centerville. Being a big sister to three younger siblings and a farm girl instilled in her the value of hard work and the importance of self reliance from an early age. This also inspired her to pursue bigger dreams through higher education.

She attended South Dakota State University where she earned her BA in Journalism in 1973. After graduation, Laurel moved to Ortonville, MN where she secured her first professional position as editor for the Ortonville Newspaper. She discovered her love for photography while at SDSU and enjoyed using those talents to the benefit of the newspaper. Laurel left her job with the newspaper to attend law school at the University of South Dakota.

Laurel was united in marriage to Robert Eggers in 1977 and from that union, four children were born: Rob, Ross, Bethany and Maren.

While in her last year of law school and during her second pregnancy, Laurel insisted on playing softball with her fellow female schoolmates; the team was

appropriately named the MsDemeanors. The team tried desperately to convince her that perhaps softball wasn't a good idea for someone in their third trimester. Ultimately, the team lost that battle so they stuck her in right field in hopes nobody hit the ball to her.

After passing the South Dakota State Bar, Laurel took a position as a Deputy States Attorney where she worked in Child Support Enforcement from 1980 to 1988. She started her own practice in 1988 where her focus was family law. She shared office space in the Security Building in downtown Sioux Falls with C.J. Delbridge and Ken Hansen. After Mr. Delbridge and Mr. Hansen retired, she continued practicing on her own. She worked as a child support referee for well over twenty years starting in the mid-90's. She retired from practicing law in 2016.

In 1989, Laurel was appointed the City Attorney for Brandon, SD. At the time of her appointment, Brandon only had two gravel roads in city limits and Splitrock Boulevard was only two lanes wide with ditches on either side. Brandon became a class one city in 2001 after the population topped 5,000 in the 2000 census. She was also the attorney for Splitrock Township. She held her position as the Brandon City Attorney until she partially retired in 2008 to enjoy her role of being a grandma.

Her life revolved around her four kids. The kids were involved in many activities and Laurel managed to juggle the responsibilities of raising her children while simultaneously managing a demanding career. As much as Laurel loved being a mother, her most enjoyable role in life was that of Grandma. She had eight grandchildren ages 4-19 and she loved each of them very much.

She was incredibly intelligent, humble, kind, and had a knack for finding goodness in everyone. She had a charming disposition that put everyone at ease, and a dry sense of humor that was absolutely hysterical – seeing her belly-laugh was a wonderful and endearing experience.

Laurel worked diligently to raise her children before God. She was a member of First Lutheran Church in Sioux Falls where she taught Sunday school and Confirmation classes for a number of years. She spearheaded a program at the church to get dinner service set up for Wednesday night confirmation classes so kids could be

fed before classes started at 6pm in effort to ease stress on parents.

She strategically seated her four children in the balconies at First Lutheran Church every Sunday, where the exits allowed for a quick escape if her rubber-band-launching sons caused a commotion. As a single working mother, she had the ambitious goal of getting all four children baptized and confirmed, and by God's grace, she did.

Laurel has a host of close friends but she met two of her closest friends, Linda Kogel and Janet Brekke, while working in the State's Attorney Office. Being a fly on the wall when these three were together was an experience to say the least. These three amigos told the best stories, shared so much laughter and made the greatest memories when they were together. In their early years, they would go on camping trips with all their kids which was always an exciting adventure for everyone. In their later years, the trio made a point to have girls' weekends as frequently as time would allow. She also enjoyed lunch and movie dates every Tuesday with friends and monthly lunch dates with her "lawyer buddies."

Laurel was a member of First Lutheran Church, she was on the Board of Directors for First Century Federal Credit Union and a member of the South Dakota State Bar Association.

Eternally grateful for having shared her life are her four children: Rob (Sarah) of Austin, TX, Ross (Jen) of Minneapolis, MN, Bethany (Justin Christenson) of Sioux Falls and Maren Hock (David) of Sioux Falls, eight grandchildren: Brandt, Will and Emma of Austin TX, Gus and Olive of Minneapolis, MN and Griffin, Madelin and Toby of Sioux Falls, her four siblings and a host of nieces, nephews and cousins.

Laurel is preceded in death by her father, Everett Olson and her mother Ardis Olson.

Flowers are welcome but the family encourages donations to Harmony South Dakota, 4005 W 90th St, Sioux Falls, SD 57108. Please visit <https://www.harmonysouthdakota.org/donate> for additional information. Harmony held a very special place in Laurel's heart.



Stewart A Huff

The venerable Stew Huff, native of Sioux City, Iowa, born during the July 4th Holiday, 1940 to Wallace and Marion Huff, died due to a severe stroke suffered the Friday of our Labor Day holiday, 2024. Stew grew up in Sioux City, Iowa, attended Central High School, and then graduated from Wentworth Military Academy.

Thereafter, Stew entered the University of Iowa, was a member of the Sigma Nu fraternity and received his Bachelor of Arts degree in political science in 1963 and thereafter his law degree at Go Hawkeyes not Cyclones College of Law in 1965. Upon graduation from law school, Stew joined the United States Army where he was stationed initially at Fort Knox, Kentucky and thereafter at Fort Gordon, Georgia for a period of two years of active duty before returning home and becoming the commanding officer of the Headquarters Company, Third Battalion, Fourteenth Artillery USAR in Sioux City, Iowa.

Upon returning to Sioux City in 1967, Stew became a member of what is now the Crary Huff law firm where he continued in active practice until July 2012. He then became 'of counsel' with Crary Huff for several years before fully retiring after having active licenses in South Dakota, Nebraska, and Iowa.

During his 50+ years of practice, Stew was actively engaged in leading many professional and community activities including:

Professional – He is a past member of the Iowa, Nebraska, and South Dakota State Bar Associations. Stew was also on the Board of Governors of the Iowa State Bar Association and past chair of the business law section of the Iowa State Bar Association. He also served on the Iowa Supreme Court Grievance Committee and the Iowa Supreme Court disciplinary board. He is a Past President of the Woodbury County Bar Association and served as a part-time attorney for the City of Sioux City for four years during his earliest years of practicing law.

Scholastic – Stew served as an adjunct professor at the University of South Dakota College of Law, teaching in the area of business transactions, business succession

planning, and modern real estate law. The challenge of working with bright young professional minds was something he genuinely enjoyed.

Community Activities – Stew loved the Little Yellow Dog Foundation and was a consistent leader and donor to the Ancient and Effervescent Order of the Little Yellow Dogs, which provides assistance to local Siouxland families that need help each year. Stew served as a leader of the Siouxland Chapter of the American Red Cross, the Easter Seal Society of Siouxland, the Woodbury County Civil Service Commission, the Sioux City Transit Board, and he has served on numerous committees within his churches and various social organizations to which he belonged. He has also served as a member and Chairman of the Dakota Dunes Community Association and on the board of the Homeowners' Association for the Retreats at Stone Fountain at Arnold's Park, Iowa.

During his decades of legal practice, Stew worked in virtually every area of the practice of law but has particularly enjoyed over the past 25+ years of working with clients on business transactions and business succession planning. He has overseen hundreds of millions of dollars' worth of business transactions and has worked with a number of clients who are in their first, second, third, and even fourth generations of family ownership.

Stew and his wife Maureen "Mo" Huff reside in Dakota Dunes, South Dakota. She is a retired registered nurse in the tri-state area who has two adult children, Stew's stepson Mike Blankenship, who is president of Blankenship Paint and Glass in Dakota Dunes, South Dakota, and step daughter Kelly, who is a nurse anesthetist at the Surgery Center in Dakota Dunes.

Prior to marrying Mo, Stew was married to Jean Huff, now living in Yankton, South Dakota with whom he raised three sons, Peter, who owns a private equity firm called Blue Sage Capital in Austin, Texas and married to Kathleen, Steve who practices law in the tri-state area and married to Tracy, and Allen, who is a chiropractor practicing in partnership in North Platte, Nebraska and married to Monica. Stew enjoyed one last big trip with his sons in July and loved every minute of their time together. Stew also loved on his grandchildren, who were in his every thought. His grandchildren include Maxton Huff, Hudson Huff, and Addison Huff of Austin,

Texas; Adrian and Noel Huff of Yankton, South Dakota; and Olivia Huff of North Platte, Nebraska. He was an important part in the lives of Mo's grandchildren, Mike and Jaime's two children Lainey and Jake and Kelly and Adam's children Bella, Ben and Breccan., of Dakota Dunes. Stew is survived by one brother, James, and his wife, Jeanette, of Dallas, Texas. Stew and Jim were soulmates as children and just as close as adults that loved to see each other often.

Together, Stew and Maureen were frequent travelers who enjoyed countless long and short "Sunday drives" to engage their many friends as well as traveling to enjoy the activities of their ten (10) grandchildren. Stew loved his family, serving his clients, and giving back to his community what he received during his decades of practice.

A private family service will be taking place soon and a celebration of life for friends and family will be scheduled in the coming fall 2024 and will be subsequently publicized shortly by family. This event will take place on a fall Friday late afternoon in Sioux City per Stew's detailed wishes. Stew wanted everyone to celebrate his life with him and not feel sadness, so the upcoming event will be a party and not a traditional funeral. Countless friends and family and family will miss him each and every day. We love you, Stew!



Wynn Arlen Gunderson
June 27, 1933 - August 23, 2024

Wynn Arlen Gunderson was born June 27, 1933 in Lake Preston, South Dakota. Wynn passed away peacefully on August 23rd, 2024 surrounded by his family. Wynn was preceded in death by his father, Merle, his mother, Esther, and his brother, Wally.

Wynn is survived by his devoted wife, Lorraine; his son, Chris (Lisa) of Overland Park, KS; his daughter, Lisa Reinhart (Steve, deceased) of Phoenix, AZ; his daughter, Julie Senter (Jim) of Cave Creek, AZ; his daughter, Shelley Johnson (Darin), also of Cave Creek, AZ; seven grandchildren; nine great-grandchildren; and his sister, Margaret Bonicelli (Derito) of Nemo, SD. and his sister-in-law Dee Gunderson of Rapid City, SD/Sun Lakes AZ.

Wynn met and married the love of his life, Lorraine Joann Duffy, who lovingly remained at his side until the end of his earthly existence. Wynn and Lorraine celebrated their 68th wedding anniversary on August 18th.

Wynn attended the University of South Dakota, where he earned both his bachelor's degree and an MBA in business. During his college years, he owned and operated men's clothing stores in Vermillion, SD, and Lincoln, NE. After graduating, he moved his family to Seattle, WA, where he worked as the Subcontract Manager for the AWACS program at Boeing Corporation. At the age of 36, Wynn decided to shift careers and pursue a law degree, earning his Doctorate of Jurisprudence from the University of Oregon. He eagerly returned to family in South Dakota, passed the bar exam, and established his solo law practice. Concurrently, he partnered with his brother in running Gunderson's, Inc., a golf course construction and commercial landscaping company.

Wynn's solo law practice eventually evolved into the prestigious law firm Gunderson, Palmer, Nelson & Ashmore (GPNA) in Rapid City, now the largest law firm in Western South Dakota. His legal accomplishments

include chairing the Solo and Small Practice section of the American Bar Association (ABA), serving as a member of the ABA House of Delegates and its Nomination Committee, being elected President of the Pennington County Bar Association, and serving on the board of trustees of the International Association of Gaming Attorneys.

Beyond his professional achievements, Wynn was deeply involved in his church communities, enjoyed playing and watching tennis, traveling, promoting the growth of soccer in South Dakota, cheering for his beloved Oregon Ducks, and spending time with family and friends. In recent years, he and Lorraine enjoyed splitting their time between their homes in Rapid City, SD, and Scottsdale, AZ.

Wynn's parting words to all who knew him would have been: "Be happy, healthy, and love one another."

A small celebration of life ceremony will be held on Sunday, September 8th, at 10 a.m. at Storybook Island in Rapid City, SD. In lieu of flowers, please make a donation to Storybook Island.

More

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| Date | Topic | Time | Register |
|--------|------------------------|---|---|
| 9 OCT | Political Anxiety | October 9, 2024 1:30 pm EDT - 2:30 pm EDT | Register for this Webinar |
| 24 OCT | Grief in the Workplace | October 24, 2024 12:00 pm EDT - 12:45 pm EDT | Register for this Webinar |
| 13 NOV | Holiday Survival Guide | November 13, 2024 1:30 pm EST - 2:30 pm EST | Register for this Webinar |

SANDCREEK EAP
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A Primer on Prior Acts Coverage for the Solo and Small Firm Attorney



What is Prior Acts Coverage?

Prior acts coverage (PAC) is a feature of claims-made malpractice insurance policies. Its purpose is to provide protection for claims that arise from missteps that occurred before your current malpractice policy's effective date, as long as the claim is made and reported during your current policy period. PAC is particularly important for attorneys because an alleged error or omission may not come to light until years after the legal services were rendered. Without PAC, there would be no coverage for any claim involving an alleged misstep that occurred before the effective date of your current policy, potentially leaving you personally liable

for substantial legal costs and damages.

Retroactive Date

A crucial aspect of PAC is the retroactive date because this is the date that specifies how far back your coverage extends. The retroactive date is typically the inception date of the first policy you or your firm purchases. Any missteps that occur on or after this date would be covered as long as the claim is made and reported during the current policy period and the alleged misstep is a covered error, act, or omission. Note that this does mean that any alleged malpractice that occurred prior to the retroactive coverage date would be excluded from

coverage even if reported during a current policy term.

The Importance of Continuous Coverage

Maintaining continuous coverage is the only way to ensure your retroactive date remains intact. If you allow a coverage gap to occur, your next insurance company will usually reset your retroactive coverage date and make it the same date as your new policy's inception date. The end result is that PAC for all work done up until the inception date of your new policy would now be lost. Fortunately, there is a way to prevent this potentially disastrous outcome. Before allowing a gap to occur, purchase tail coverage, also known as an extended reporting period endorsement (ERP). By doing so, you would then be able to report future claims arising from past acts under the terms and conditions of the final policy you had in place prior to your coverage gap.

Switching Insurance Carriers

There may be times when you decide to or need to switch insurance carriers. For example, when your current carrier is leaving the market, or you wish to seek broader coverage. When switching carriers, it is critically important that you maintain your PAC. Your new carrier may or may not offer "full prior acts" coverage, which would honor your original retroactive date from your previous policy. If they do, take it. If they don't, you may need to purchase an ERP from the carrier you are leaving because your new carrier will be resetting your retroactive coverage date to the inception date of your new policy. Again, the purchase of an ERP will ensure that claims arising from past missteps remain covered, thus avoiding a potentially significant coverage gap.

Changing Firms

A lateral move can also unintentionally create a coverage gap if you ignore the issue of PAC. Some law firms purchase a special endorsement that provides retroactive coverage for lateral hires. However, many

more refuse to provide PAC because they want to avoid assuming any liability for your prior acts. The good news is you often have two options if PAC will not be available at your new firm. If the firm you are about to depart will remain a viable entity for the foreseeable future and will continue to be insured, you will continue to have coverage for work done while at your prior firm under former attorney language in that firm's policy. The decision would then be to rely on that coverage. If this isn't the case, the other option would be to purchase an individual ERP from your current carrier if available. Of course, if the firm you are leaving is in the process of closing, most of the time the firm will decide to purchase an ERP, which would take care of any coverage concerns.

Conclusion

PAC is an essential component of a legal malpractice insurance policy because it provides protection for claims that arise from past actions. Whether you're a solo practitioner or a member of a firm, by understanding how it works you can ensure you have comprehensive coverage in place at all times.



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.

**DEMERSSEMAN JENSEN
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State Bar of South Dakota
111 W Capitol Ave #1
Pierre, SD 57501

Re: American Bar Association Annual Report

Dear Executive Director Cremer:

As the State Bar Delegate, I write to report on the activities of the American Bar Association. The ABA recently held its annual meeting in Chicago, IL. The focus of the meeting centered around principles of democracy and the role of lawyers in defending democracy. The ABA adopted a Statement of Principles to Preserve, Protect, and Defend the Constitution, the Rule of Law, and American Democracy. Many speakers, events, and resolutions reflected the theme.

The annual meeting provides an opportunity for practice groups and divisions of the ABA to discuss substantive law. State Bar delegates often meet to review the various topics. As is regularly done, a small group of delegates from Western states also convened to discuss the more provocative resolutions. We monitor suggestions such as imposing a binding code of ethics on the SCOTUS and efforts to suppress diverse political viewpoints. Several resolutions discussed at this meeting related to law school admissions, curriculum, and young lawyers. These resolutions seek to increase law school applicants (e.g. urging nondisclosure of applicant's sensitive circumstances), better prepare law students for practice (e.g. encouraging compensation transparency at on-campus interviews), and promote young lawyers' advancement in law firms (e.g. urging employers to attribute associates' hours of service to the profession toward billable hour requirements). Some issues are not germane to the legal profession, delivery of legal services, our system of justice, or ethics. I abstained from voting on such measures.

The next meeting will be held January 30-February 3 in Phoenix. Please inform me if the State Bar wishes to advance a position, explore an initiative, or would like any additional information. I welcome discussion with any state bar member.

Sincerely,



Nathan R. Chicoine
DEMERSSEMAN JENSEN
TELLINGHUISEN & HUFFMAN, LLP

NRC/nrc



Employment Law

Corner



By: Carla Cushman

Deputy City Attorney
City of Rapid City

New US Department of Labor rules have significantly increased the income thresholds for some employees to qualify as exempt from overtime pay. As of July 1, “executive, administrative, and professional employees” (EAP employees) who are paid less than \$43,888 annually are likely entitled to overtime pay for work performed over 40 hours in a workweek. On January 1, that income threshold increases again to \$58,656. Attorneys should notify clients who may utilize these FLSA exemptions of the rules change and assist them in determining whether employees who may have previously qualified as exempt/salaried will be entitled to overtime pay.

A little background: The Fair Labor Standards Act (FLSA) imposes a federal minimum hourly wage and requires that employees working more than 40 hours in a workweek receive 1.5 times their hourly wages for overtime hours. However, numerous exemptions apply to exclude many employees from the FLSA rules. An exclusion utilized in many workplaces concerns jobs that are often considered office work or white collar. *29 C.F.R. 541.600(a)*. For these employees, the following rules apply:

1. The employee must be paid a salary that is a predetermined and fixed amount that is not subject to reduction because of variations in the quality/quantity of work (“*salary basis test*”);
2. The employee must be paid at least a specified weekly salary level (“*salary level test*”); and
3. The employee must primarily perform executive, administrative, or professional (EAP) duties, as provided in the Department’s regulations (“*duties test*”).

The new FLSA rule changes the salary level test described above in #2 by increasing substantially the salary that EAP employees must be paid to be exempt from overtime – raising the annual salary level more than \$20,000 from its previous amount.

| DATE | STANDARD WEEKLY SALARY LEVEL | STANDARD ANNUAL SALARY LEVEL |
|---|---|---|
| Before July 1, 2024 | \$684/week | \$35,568/year |
| July 1, 2024 | \$844/week | \$43,888/year |
| January 1, 2025 | \$1,128/week | \$58,656/year |
| July 1, 2027 and every 3 years thereafter | TBD based upon earnings data at that time | TBD based upon earnings data at that time |

This change to the rules means that an executive, administrative, or professional employee who earns less than \$58,656 annually as of January 1, 2025 or thereafter may need to be reclassified as an employee who is owed overtime pay for hours worked over 40. Because of the significance of the salary threshold adjustments for these workers, care should be taken to ensure that EAP employees who are entitled to overtime pay are properly classified, particularly in an area such as South Dakota where average wages are often on the low end of the national spectrum. The DOL has stated that this recent increase in the salary level is intended to screen low-paid employees from the overtime exemption and to more accurately implement the FLSA’s intended overtime protections for workers on the lowest end of salary work. In the future, the salary levels will be adjusted every 3 years to incorporate updated earnings data and keep up with wages.

Employers who treat certain types of jobs as automatically exempt from overtime rules will need to review the increases in salary levels to confirm these employees do indeed qualify as exempt employees. If the employee no longer qualifies, the employer should take necessary steps to ensure compliance with the FLSA. This review is also a good opportunity for employers (and their HR staff or attorneys) to examine job descriptions in light of the “duties tests” for executive, administrative, and professional employees to make sure the jobs are properly classified as exempt under that test.

As with all federal regulations, it’s a good idea to check the regulations themselves and make a case-by-case determination about their applicability to any individual situation. As part of this rules change, the DOL made similar adjustments to increase significantly the salaries for highly compensated employees – another FLSA exemption. More information about the highly compensated employee exemption is available here: <https://www.dol.gov/agencies/whd/fact-sheets/17h-overtime-highly-compensated>. For more information about the duties tests for executive, administrative, and professional employees, you can start here: <https://www.dol.gov/agencies/whd/fact-sheets/17a-overtime>.

A violation of the FLSA’s overtime rules may subject an employer to private suits from employees as well as action by the DOL’s Wage and Hour Division through an investigation, payment of back wages and an equal amount of liquidated damages, and criminal fines of up to \$10,000.

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



Executive Director - Pierre

Responsible to: Executive Director

FLSA Status: Exempt

Position Summary: Provides policy, legal services, and direction for the Associated School Boards of South Dakota and the Protective Benefit Trust to avoid adverse situations and ensure compliance with the law.

Qualifications:

- Law degree.
- Membership in South Dakota State Bar Association.
- Admission to practice before all state courts, U. S. District Court, and U.S. Supreme Court.
- Experience in education, public policy, adjudication of worker's compensation claims, public sector labor laws, human relations and health insurance including HIPAA requirements.
- Proficient in word and data processing with experience in a Windows environment.
- Proficient in establishing and maintaining effective internal and external working relationships.

Essential Functions:

Provides general counsel services to ASBSD

- Provide legal direction for ASBSD staff and board with respect to issues pertaining to job functions and responsibilities.
- Review and advise on contracts to which ASBSD is a party.
- Monitor litigation handled by outside counsel and direct litigation when outside counsel is not used.
- Provide review and advice with respect to legislation, real estate matters and leases, nonprofit corporations, joint powers, human resources and general education law matters.

Provides legal services for the administration of the Protective Benefit Trust to ensure compliance with the law.

- Provides legal direction on workers compensation, loss prevention, risk retention, and risk avoidance issues to prevent undue loss.
- Provides consultation to claims personnel regarding claim denials.
- Handles subrogation matters.
- Works with retained counsel to adjust, subrogate and litigate liability claims.
- Determines health insurance appeals.
- Coordinates with health insurance claims providers for updates and corrections.
- Prepares and maintains a loss control manual.

Develops, implements and maintains a program to provide members with current policies.

- Writes policies, which reflect legal parameters in addition to efficient and effective operations of school districts.
- Develops and maintains a policy subscription service and policy manual.
- Integrate policies into an electronic format.
- Updates the electronic policy manual with current information.
- Works with local school districts to review, update and customize part or all of the district policies.

Responds to questions from member school districts concerning legal requirements and duties in such a manner as to not enter into the practice of school law on the behalf of member school district.

Participates in various seminars to provide members

with current information on a specific topic.

- Organizes and presents yearly Collective Bargaining Seminars, including preparing and updating presentation materials.
- Participates as a presenter, guest speaker and round table participant when requested.

Provides administrative leadership to the South Dakota Council of School Attorneys.

Provides lobbying, testimony and consultation during legislative session to advocate the best interest of the Association and education in South Dakota.

Participates in the yearly budget process to ensure funds are available for needed products and services.

Associated Functions:

- Follows ASBSD policies, procedures and Staff Operating Principles.
- Makes good use of Association resources.
- Able to work with confidential information.
- Able to occasionally lift and/or carry materials or equipment over 40 lbs.
- Able to walk up and down stairs while lifting equipment.
- Able to drive a vehicle.
- Performs other duties as assigned for the efficient and effective operations of the Association.

Knowledge, Skills and Abilities:

- Able to speak clearly in front of small and large groups.
- Able to sit at and operate a computer for extended periods of time.
- Able to travel.
- Knowledge of ASBSD by-laws, policies and state and federal laws, rules and regulations.
- Is a willing and continuous learner.
- Excellent written and oral communication skills with attention to detail and public speaking experience.
- Excellent proofreading and editing skills.
- Works well under deadlines.
- Service-oriented with positive attitude.

Terms of Employment: This employee is an at will employee.

Other: ASBSD reserves the right to change this job description for the efficient and effective operation of

ASBSD

Evaluation: Performance of this job will be evaluated in accordance with this job description, Association's accountability process, evaluation policy and Staff Operating Principles.

Staff Attorney - Sisseton

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

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

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

SALARY/BENEFITS: 70,000+ starting salary for attorneys with 2 or more years of experience. DPLS has an excellent fringe benefits package including generous leave benefits of 6 weeks paid leave, and 15 paid holidays. Employer paid employee insurance coverage (medical, dental, life, disability). DPLS observes a 34 hour 4-day work week and offers matching 401(k).

CLOSING DATE: Open until filled.

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

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

Staff Attorney - Mission

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

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

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

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CLOSING DATE: Open until filled.

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Staff Attorney - Pierre

The South Dakota Department of Labor and Regulation is hiring an attorney to join their team.

The Department of Labor and Regulation is seeking to fill an attorney position that will provide legal counsel and representation to the department and its professional licensing boards and commissions. Job duties include researching and interpreting relevant laws and providing legal advice, preparing documents for administrative hearings and court

filings, representing the department in administrative hearings and civil court matters, assisting with legislative drafting and administrative rulemaking, and other duties as assigned. The attorney may occasionally serve as an overflow administrative law judge for the department.

Why choose our team?

As part of the State of South Dakota, the Department offers a comprehensive benefits package, including multiple insurance coverage options (health, vision, dental, life) and access to SDRS Retirement and supplemental retirement plans. This position offers an opportunity for rewarding, public service work with the benefit of a work-life balance. Newly admitted attorneys or candidates sitting for the next South Dakota bar exam may be considered, depending on qualifications.

This is a Full-Time 40 Hour Weekly position with the Department of Labor & Regulation, Labor and Management Division. For more information on the Department of Labor & Regulation, please visit <https://dlr.sd.gov/>.

Licenses and Certifications:

Current admission to practice with the State Bar of South Dakota or ability to obtain admission within six months of start date.

The Ideal Candidate Will Have:

A strong work ethic, self-starter, and experience in administrative hearings, administrative law, and/or criminal prosecution.

Knowledge, Skills, and Abilities:

in statutes applicable to administrative hearings, procedures, and due process;
in rules of evidence and procedure;
in preparing and analyzing legal documents and writing;
in making sound judgments;
in communicating and interacting clearly and fairly with other staff and third-parties;
in identifying and applying legal principles;
in state and federal labor law, including workers' compensation, unemployment insurance, and professional licensing laws
and case rulings; and

in expressing oneself clearly and concisely, orally and in writing.

Additional Requirements: To be considered, please attach your cover letter and resume.

This position is exempt from the Civil Service Act.

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 employment eligibility verification upon hire.

The State of South Dakota offers \$0 premium employee health insurance option plus eleven paid holidays, generous vacation and sick leave accrual, dental, vision, and other insurance options, and retirement benefits. You can view our benefits information at <https://bhr.sd.gov/job-seekers/work-for-state-government/>. This position is a member of Class A retirement under SDRS.

Must apply online: <https://sodakprod-lm01.cloud.infor.com:1443/lmg/hr/xmlhttp/shorturl.do?key=R0V>
You must apply online, emailed resumes or submissions will not be accepted.
South Dakota Bureau of Human Resources
Telephone: 605.773.3148 Email: careers@state.sd.us
<http://bhr.sd.gov/workforus>
“An Equal Opportunity Employer”

Appellate Position - Pierre

DETAILS: The Office of Attorney General seeks an attorney for an appellate position. An appellate attorney represents the state in criminal and civil appeals and provides legal advice to state agencies, boards, and commissions. This position's primary duties include researching and writing appellate briefs and orally arguing cases. Assistant Attorneys General are required to maintain high moral character; have strong legal advocacy skills; have effective research and writing capabilities; and be able to communicate with clients and the courts.

OFFICE LOCATION: The appellate division is headquartered in Pierre. The right applicant may have the possibility to work from a branch office location.

STARTING SALARY: Salary for this position is \$80,000 annually or greater, depending on experience. The State of South Dakota has an excellent benefit package including retirement, employee insurance coverage, and paid leave.

QUALIFICATIONS: Applicants must have a juris doctorate; must be licensed to practice law in South Dakota; must have excellent writing and research skills; must be self-motivated; and will ideally have 2 or more years of legal experience.

APPLICATION PROCESS AND DEADLINE DATE: Interested persons should send a resume containing three references, a writing sample, and a letter describing their qualifications by October 21, 2024, to the following:

SARAH THORNE, OFFICE OF ATTORNEY GENERAL, 1302 E. HIGHWAY 14, SUITE 1, PIERRE, SOUTH DAKOTA 57501, or email Sarah.Thorne@state.sd.us

Brookings County Deputy State's Attorney

REPORTS TO: State's Attorney

FLSA STATUS: Exempt

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

DESCRIPTION OF WORK

General Statement of Duties

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

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

- Prepare and manage a caseload of predominantly misdemeanor and felony cases.
- Assist law enforcement with involuntary mental health committals. Assist with civil representations of the County.
- Present cases for legal proceedings. Perform legal research. Prepare, draft, and file legal documents and correspondence.

- Review offenses, police reports, and evidence to make determination on charges. Prepare, send, and track subpoenas for witnesses and records. Prepare and interview witnesses for legal proceedings.
- Stay informed on changes in relevant law and statutes and proposed legislation and policy pertaining to criminal law, juvenile delinquency, and juvenile abuse and neglect.
- Communicate, correspond, and collaborate with parties involved in cases including victims, parents, school personnel, attorneys, court personnel, and law enforcement regarding procedures and actions for those cases.
- Respond to inquiries from the public. Make recommendations for custody, parental rights, sentences, and restitution.
- Represent the State's Attorney's Office at public, private, and inter-governmental programs and events.
- Train and educate volunteers, law enforcement, and social workers on their roles and duties on legal issues and the court process duties.
- Answer, handle, or direct phone calls and walk-in traffic from clients and the general public regarding legal concerns and questions.

Attorney - Minnesota

Full-time attorney position with the Pipestone County Attorney's Office and O'Neill, O'Neill & Barduson law firm. This is a dual government-private practice position; the attorney will be employed by both the Pipestone County Attorney's Office and O'Neill, O'Neill & Barduson.

As Assistant Pipestone County Attorney, duties will include prosecution of adult criminal cases and juvenile delinquency cases, handling child protection cases, civil commitments, and child support matters. As an associate attorney with the law firm, the attorney will be practicing in the areas of estate planning, probate and trust work, real estate, title insurance, and closing work as well as other general practice matters. This is a unique opportunity to gain courtroom experience while simultaneously gaining valuable private practice experience with potential rapid advancement.

County benefits include health, dental, and vision coverage, Public Employee Retirement (PERA), life

insurance, elective long-term and short-term care, and Health Savings Account Contribution. O'Neill, O'Neill & Barduson benefits include sick leave, paid time off, and enrollment in a profit-sharing program. This position is eligible for Public Service Loan Forgiveness. We prefer the applicant has 3 to 4 years of experience in a county attorney/public defender office and/or in private practice. For someone with that experience, the beginning salary would be \$100,000.00.

We are looking for someone who wants to live in Southwest Minnesota, just 50 miles from Sioux Falls, SD. Email resume and references to office@ooblawfirm.com.

with Native American and low income clients. SALARY/BENEFITS: 70,000+ starting salary for attorneys with 2 or more years of experience. DPLS has an excellent fringe benefits package including generous leave benefits of 6 weeks paid leave, and 15 paid holidays. Employer paid employee insurance coverage (medical, dental, life, disability). DPLS observes a 34 hour 4-day work week and offers matching 401(k).

CLOSING DATE: Open until filled.

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Staff Attorney PCAP - Rapid City, SD

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 providing legal representation for indigent criminal defendants to whom DPLS is court appointed in Pennington County.

SALARY/BENEFITS: 70,000+ starting salary for attorneys with 2 or more years of experience. DPLS has an excellent fringe benefits package including generous leave benefits of 6 weeks paid leave, and 15 paid holidays. Employer paid employee insurance coverage

(medical, dental, life, disability). DPLS observes a 34 hour 4-day work week and offers matching 401(k).
QUALIFICATIONS/RESPONSIBILITIES: Applicants must have a JD degree and be licensed to practice, or by reciprocity be able to obtain a license to practice, in South Dakota, or be qualified to take the next South Dakota Bar Exam; must be a bright, motivated, self-starter; must have the tenacity to assume immediate practice responsibilities, including handling a significant caseload touching on many different areas of law with regular appearances in court; and must demonstrate an interest in poverty law and working with Native American and low income clients. Some same day travel is required.

CLOSING DATE: Open until filled

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

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SALARY/BENEFITS: 70,000+ starting salary for attorneys with 2 or more years of experience. DPLS has an excellent fringe benefits package including generous leave benefits of 6 weeks paid leave, and 15 paid holidays. Employer paid employee insurance coverage (medical, dental, life, disability). DPLS observes a 34 hour 4-day work week and offers matching 401(k).

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Staff Attorney - Pierre/Eagle Butte

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 Eagle Butte, South Dakota office. The Eagle Butte office serves the counties of Dewey, Haakon, Hughes, Potter, Sully, Stanley and Ziebach along with the Cheyenne River Reservation. This position follows a hybrid schedule, working in office and remotely.

SALARY/BENEFITS: 70,000+ starting salary for attorneys with 2 or more years of experience. DPLS has an excellent fringe benefits package including generous leave benefits of 6 weeks paid leave, and 15 paid holidays. Employer paid employee insurance coverage (medical, dental, life, disability). DPLS observes a 34 hour 4-day work week and offers matching 401(k).

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CLOSING DATE: Open until filled.

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Staff Attorney - Sioux Falls, SD

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 Sioux Falls, South Dakota, office.

SALARY/BENEFITS: 70,000+ starting salary for

attorneys with 2 or more years of experience. DPLS has an excellent fringe benefits package including generous leave benefits of 6 weeks paid leave, and 15 paid holidays. Employer paid employee insurance coverage (medical, dental, life, disability). DPLS observes a 34 hour 4-day work week and offers matching 401(k).

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HIRING?

*Find out how you can post
your open positions here!*

Email: tracie.bradford@sdbar.net

A stylized sunburst graphic with a white semi-circle at the bottom and rays extending upwards. The background is divided into horizontal bands of orange, yellow, light blue, medium blue, and teal.

FOR
UPCOMING
EVENTS

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