



State Bar of *South Dakota*

www.sdbar.org
December 2011 ~ Issue 12

NEWSLETTER

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December 2011

GIVE BACK BY ANSWERING THE CALL TO ACTION



The holiday season reminds us to reflect on the blessings of family and friends. It also reminds us of the need to give thanks for these blessings by giving back. I encourage you to give back by answering the call to action brought about by current challenges. The actions I reference this month are becoming, or encouraging, a lawyer-legislator, advocating adequate funding for the courts and responding to deep cuts to the Legal Services Corporation (“LSC”).

As another legislative session approaches, I want to alert you to the opportunities presented to those thinking about running for the legislature and encourage you to play whatever role you can in sending more lawyer-legislators to Pierre. Presently, the Bar is very well represented by the quality of lawyers serving in Pierre, but the quantity of lawyer-legislators (eight in total) is lacking. Lt. Governor Matt Michels, a distinguished former lawyer-legislator, and House Majority Leader David Lust have emphasized the need to increase the number of lawyer-legislators. I concur.

Former State Senator Lee Schoenbeck described the value of lawyers serving in the legislature as finding hidden bugs in a bill and shining a light on them. Lawyers assist in cleaning up vague bills or point out valid reasons why they should be defeated. Lee observes, “The process works better than you think for a bunch of virtual volunteers serving in those 105

seats.” A large reason is the significant contributions made by our lawyer-legislators.

No one denies the sacrifice associated with legislative service. As Dave Lust’s partner, I see first hand the challenge of balancing legislative duties with a busy practice and a young family. Fortunately, his wife Becky is very supportive and our firm embraces a culture of giving back that supported Dave’s decision to run for office. Why is it that only one of the eight lawyer-legislators is from a firm setting? It is absolutely necessary for more firms to step up and cultivate a culture of support for lawyers serving in the legislature.

In considering whether to answer the noble call to serve, be sure to check out the new legislative district boundaries drawn as a result of the 2010 census. The new district map can be viewed at <http://legis.state.sd.us/>. Lt. Governor Michels encourages lawyers thinking of serving to shadow a legislator during the session. Any one of the current legislators, and Lt. Governor Michels, will discuss how they balance legislative service with their practice and family. Consult the Secretary of State’s website for candidate petition rules. The deadline for filing petitions is March 27, 2012. The rich reward of serving the greater good awaits those who answer the call to action. The journey should start now.

The call to action includes doing what we can as individual attorneys to support adequate funding for the courts. The ABA has identified adequate funding of the courts as a priority with the statement: No courts. No justice. No freedom. In SD, the judiciary, as one of three co-equal branches, represents only 3% of the state budget. The UJS has prepared a budget that restores the deep cuts made last year and represents what is fundamentally necessary to adequately fund our court system. I encourage you to read Chief Justice Gilbertson’s State of the Judiciary message from last year and watch for his upcoming message. His message contains the specifics about this vital issue. In the meantime, this issue requires advocacy by individual lawyers in the community, at the coffee shop and in meetings with legislators. You are known as persons of

achievement. People listen to what you say. Give back by employing your influence in favor of funding courts at an effective level.

With the recent passage of the federal budget, we received disappointing news of deep cuts to funding for the LSC entities in SD. These cuts come at a time when the 2010 census figures show an increase in poverty numbers. Unfortunately, when the need goes up, the funding goes down. The Bar has taken decisive action to meet the burden of providing civil legal services to low income South Dakotans. This action includes encouraging pro bono efforts through A2J; working with UJS to conduct pro se clinics throughout the state; implemented a modest means program ; increased staffing at A2J; and addressing rural issues through Project Rural Practice.

In addition, the Bar is working with LSC entities to better coordinate efforts and identify funding sources. The combination of leaders who serve the Bar and LSC boards along with the truly dedicated professionals on the front lines working on this challenge promises more solutions that will dramatically impact this issue. Immediately, however, a simple, but indispensable, step you can take is to respond generously to the invitation contained in your Bar dues statement sent recently. Your statement requests a voluntary contribution of \$75 (or more) to the SD Bar Foundation, the philanthropic arm of the Bar. Now, more than ever, your support of legal services with your contribution to the Bar Foundation is critical to assuring equal access to justice. Answering the call to action by giving back with your generous contribution is very much needed and deeply appreciated.

A handwritten signature in black ink, appearing to read 'Pat Goetzing', written in a cursive style.

Pat Goetzing
President



Inter Alia

by Tom Barnett



The dues notices for 2012 were mailed to our members on November 22nd. As usual, the dues notice provides an option to our members to tender dues with an additional \$75 which is dedicated to the South Dakota Bar Foundation – the charitable and educational arm of SD Lawyers and Judges. We have had great generosity in the past from our members and our Foundation is in the greatest need for your help in its twenty year history. As

you consider your end-of-year charitable donations, consider giving our Foundation more than the \$75. The Bar Commissions established that suggested amount to insure that the vast majority of our members could participate... but feel free to be more generous.

The Trust Account Certificate of Compliance is published in this Newsletter and will be for the next three months. All active members must complete and sign the Certificate, **after** year end on

December 31, 2011. This is not a State Bar rule....it is a Supreme Court Rule. For those members in private practice, if you do not have malpractice insurance, you must attach a copy of your letterhead wherein you are giving notice to your clients of the lack of insurance. Please review Rules 1.4 and 7.5 of the Rules of Professional Conduct.

*I wish all of you
Happy Holidays.*

Attorneys - Oath of Attorney

- ¶ do solemnly swear, or affirm, that:
- ¶ will support the Constitution of the United States and the Constitution of the State of South Dakota;
- ¶ will maintain the respect due to courts of justice and judicial officers;
- ¶ 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;
- ¶ 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;
- ¶ will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with a client's business except from that client or with the client's knowledge or approval;
- ¶ 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;
- ¶ 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.

YOUNG LAWYERS PRESIDENT'S MESSAGE



Congratulations to those who plit's common for November to bring the first snow to the Black Hills. This year was no different. Unfortunately, for me, the first real snow storm hit as I was trying to fly into Rapid City. Like many of us, I've logged my fair share of frequent flyer miles. But in all my trips, I've never flown over my destination only to turn around and go back to where I started. That streak is over. And as my husband and I deplaned back in Minneapolis, it came to mind that this sort of thing happens in our working lives as well: no matter how often we've done a certain thing, no matter our long experience, occasionally something happens that's unexpected and new.

So my initial thought for this month's message is to emphasize the importance of having mentors and other trusted

colleagues on whom to rely when such things occur (as well as having flexibility and patience).

Now for me, stuck in the twin cities at two o'clock in the morning, I relied on my husband (though it was an equally novel experience for him, too). We'd started in Boston that day, where we'd spent time with family and friends. One friend, one of my closest law school classmates, now practices as a specialist in labor law. She frequently calls an experienced arbitrator to run through case scenarios for advice, direction and insight. My friend is careful not to impose if the arbitrator is busy, and certainly never if there's any chance she might hear the case. My friend freely credits that arbitrator as a trusted resource and advisor. While my friend has more than four years of experience and focused on labor law in school, there are still situations that arise that are entirely new. We all encounter this, no matter our experience, as the law constantly evolves with new decisions and legislative changes.

So, as much as I often write about the importance of mentors for young lawyers, the lesson I've learned from that snowy aborted flight home is that, whether you call them mentors or not, building and cultivating a group of trusted resources on whom you can call is vital to a successful practice.

Our YLS circuit representatives are busy planning mentorship mixers to start the New Year. Please save the date:

- 2nd Circuit (Nicole Anderson):
Wednesday, January 25 at 5:00

The Holidays: A Time to Enjoy

Work hard, play hard. We all know the old adage, and it certainly applies to lawyers. For young lawyers, this rings especially true. Whether you're striving to become partner in a firm or you're building clientele in your own solo or small-firm practice, we have additional incentive to work hard. We all want to attain that level of success that we see so many skilled attorneys within our Bar have achieved.

During this holiday season, I would encourage us all to enjoy time with family and friends. Whether you're traveling to see loved ones, extending your time off into a vacation, or spending the holidays right at home, let's relish every second of it. As we young lawyers grow in our practice, let's make sure we devote the time to those in our life who provide fulfillment to us just as our work does in a different way. This is an important time of year to make sure our family and friends know that.

And the bonus this year for the hardworking lawyers: Both Christmas and New Year's fall on a weekend, so you won't even lose out on any normal weekday billable hours...

Chris Jung, 5th Circuit
SD YLS Board

p.m. at Tre Lounge, 601 W 33rd St, Sioux Falls

- 4th Circuit (Kasey Sorensen):
Friday, January 13 at 5:30 p.m. at the Elks Lodge on Deadwood's Main Street
- 7th Circuit (Jeff Connolly):
Wednesday, January 18 at 4:00 p.m. at Paddy O'Neil's in the Alex Johnson Hotel, Rapid City
- Other circuit dates will be announced soon

Oh, and one more little lesson I was reminded of in the early morning hours at the airport: always carry your toothbrush and a change of clothes in your carry-on, just in case you get stranded. Thank you, mom, for teaching me that lesson years ago.

Safe travels and happy holidays!

Francy E. Foral

A handwritten signature in blue ink that reads "Francy E. Foral".

SD YLS President

2011-12 Young Lawyers Section Board of Directors

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Deadwood

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Aberdeen

6th Circuit - **STEVEN R. BLAIR,** Pierre
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Rapid City

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Vermillion

THE STATE BAR OF SOUTH DAKOTA
and
THE COMMITTEE ON CONTINUING LEGAL EDUCATION
PRESENT
TAX UPDATE XXXIII



Richard Moe, Chair

Friday, December 9, 2011
8:30 am - 4:15 pm

Washington Room
Ramkota Hotel, Sioux Falls

- | | |
|-------------|--|
| 8:00-8:30 | Registration—Free to active State Bar Members; Others: \$100 |
| 8:30-10:00 | Current Developments in Federal Income Tax - Edward A. Morse, Esq. Professor of Law;
Creighton University School of Law, Omaha NE |
| 10:00-10:15 | Break |
| 10:15-11:15 | Tax Implication of Forgiveness/Restructuring of Debt - Richard A. Latta, Esq.;
Michael Best & Friedrich, LLP, Madison WI |
| 11:15-12:15 | Policy Issues for Future Tax Reform - Prof. Charlotte Crane;
Northwestern School of Law, Chicago IL |
| 12:15-1:00 | Lunch (hosted by Real Property Probate and Trust Law Section—everyone is invited) |
| 1:00-2:00 | Tax Provisions in the Partnership Agreements—
What do all of those Code sections mean anyway? - Beth Feuchtenberger;
Eide Bailly LLP, Sioux Falls SD |
| 2:00-3:00 | Navigating the Tax Rules Pertaining to Sale, Transfer or Redemption of Limited Liability
Company and Partnership Interests - Amy Arndt;
Lynn, Jackson, Shultz & Lebrun, Sioux Falls SD |
| 3:00-3:15 | Break |
| 3:15-4:15 | Collection Matters-After the Tax is Determined? - Al Kerkhove, Esq.;
Omaha NE |

To Register: Visit www.sdbar.org or email nicole.ogan@sdbar.net.

ⁱ The six lawyers in the House are Majority Leader David Lust, Speaker Pro Tempore Brian Gosch, Rep. Roger Hunt, Chair of the House Judiciary Committee, Rep. Lance Russell, Rep. R. Shawn Tornow, and Rep. Marc Feinstein. The two lawyers in the Senate are Sen. Joni Cutler, Vice Chair of the Senate Judiciary Committee and Sen. Eldon Nygaard, Vice Chair of the Energy and Commerce Committee.

ⁱⁱ The Chief's State of the Judiciary Messages can be read or heard at <http://www.sjjudicial.com/>.

ⁱⁱⁱ The LSC entities in SD are East River Legal Services and Dakota Plains Legal Services. ERLS will suffer a cut of \$172,000. DPLS will suffer a cut of \$353,000 which amounts to a loss of 17% of its budget. These cuts will drastically shrink the number of lawyers who serve low-income clients and victims of domestic violence. The cuts adversely affect equal access to justice.

^{iv} The modest means program is explained in a flyer included with your dues notice and on the Bar's website. This program creates more opportunities to assist low-income clients who have the modest ability to pay for civil legal services and assist attorneys who want to participate in A2J while minimizing the financial sacrifice.

^v You can take additional action by contacting our Congressional delegation to express your strong support for restoring funds to the Legal Services Corporation and tell them of the devastation the funding cuts will have on a rural state like South Dakota.

^{vi} The South Dakota Bar Foundation supports several programs, including A2J, ERLS, DPLS, Ask-A-Lawyer, South Dakota Guardianship Program, SDPB Statehouse, Teen Court, State Bar depression & stress programs & Young Lawyer programs. Supporting the Foundation is vital to the viability of these programs.

Caribou Coffee Club

A group of Sioux Falls area attorneys are holding informal biweekly meetings of lawyers who have faced or are dealing with depression and/or anxiety issues. The group is limited to lawyers, generally meets two evenings a month and has a confidentiality policy. It is also creating an online library of articles and resources for interested attorneys. For more information or to receive blind copies of group announcements, send an email to cariboucoffeeclub@gmail.com. The group is not affiliated with the State Bar of South Dakota or the Second Circuit Bar Association.



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ELECTION OF ELECTRONIC COMMUNICATIONS

I, _____, a member of the State Bar of South Dakota, do hereby elect to receive all future communications from the State Bar in electronic or digital medium, unless and until revoked by me. I acknowledge that this includes all information and notices typically contained in the State Bar monthly newsletter. Such matters include, but are not limited to, notices of meetings, resolutions, by-law amendments, initiative and referendum, Young Lawyer Section meetings and board vacancies, amendments to the Rules of Professional Conduct, proposed and adopted Court Rules, and Judicial vacancies.

Further, I acknowledge that upon this election, I will no longer be mailed the printed monthly newsletter; rather, I will receive an e-mail equivalent, and that it is my obligation to review the matters contained in the e-mail version of the monthly newsletter or such other communications typically mailed, and that I am bound to have done so.

Finally, it is my continuing obligation to advise the State Bar administrative staff of any changes to my e-mail address and I agree to do so.

For purposes of receiving such communications, the State Bar is advised that my e-mail address is as follows:

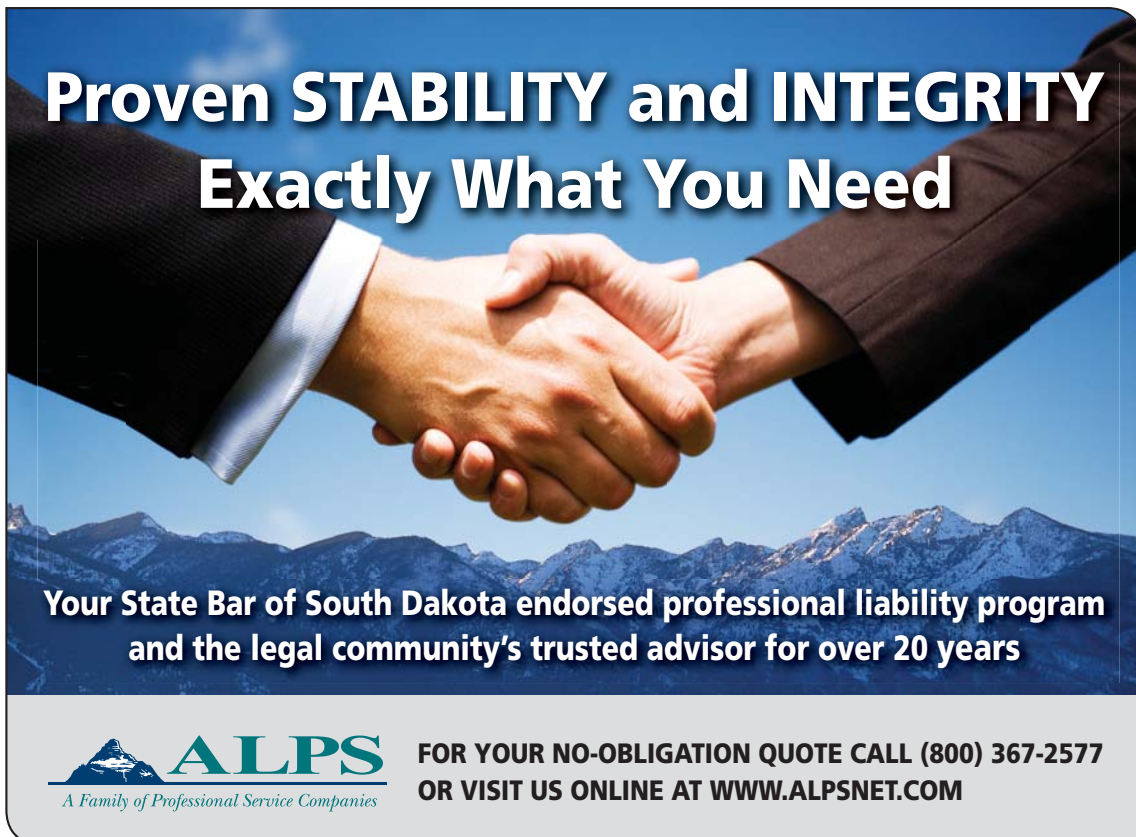
_____.

Dated this _____ day of _____, 20_____.

Signed: _____


State Bar membership # _____.

**This form must be mailed in, so that we may retain your original signature. Thank you.



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Terrance L. Dosch, Executive Director
PO Box 532
2520 East Franklin Street
Pierre, SD 57501-0532
P: 605-224-0123 (voice & fax)
E-mail: tladosch@dakota2k.net
www.sdmentalhealth.org

Agency	Address	Phone
Northeastern Mental Health Center	628 Circle Drive Aberdeen , SD 57401 jmanuel@nemhc.org www.nemhc.org	P: 225-1010 F: 225-1017
East Central Behavioral Health	211 Fourth Street Brookings , SD 57006 mforgy@gmail.com	Director: 697-2850 Office Manager: 697-2853 F: 697-2874
Community Counseling Services	357 Kansas, SE Huron , SD 57350 dumajeres@ccs-sd.org www.ccs-sd.org	P: 352-8596 F: 352-7001
Three Rivers Mental Health and Chemical Dependency Center	Box 447 11 East 4 th Street Lemmon , SD 57638 threerivers@sdplains.com	P: 374-3862 F: 374-3864
Dakota Counseling Institute	910 West Havens Mitchell , SD 57301 m.carpenter.dakotacounseling@midconetwork.com www.dakotacounseling.com	P: 996-9686 F: 996-1624
Capital Area Counseling Service	PO Box 148 803 East Dakota Avenue Pierre , SD 57501 dpfrimmer@cacsnet.org www.cacsnet.org	P: 224-5811 F: 224-6921
Behavior Management Systems	350 Elk Street Rapid City , SD 57701 asolano@behaviormanagement.org www.behaviormanagement.org	Director: 343-7262 Finance Director: 343-4716 F: 343-7293
Southeastern Behavioral HealthCare	2000 S. Summit Avenue Sioux Falls , SD 57105 krisg@southeasternbh.org www.southeasternbh.org	P: 336-3779 F: 338-5099
Human Service Agency	PO Box 1030 123 19 th Street, NE Watertown , SD 57201-6030 chucks@humanserviceagency.org www.humanserviceagency.org	P: 886-0123 F: 886-5447
Southern Plains Behavioral Health	500 E 9 th Street Winner , SD 57580-2604 spbhsbrown@gwtc.net	P: 842-1465 F: 842-2633
Lewis & Clark Behavioral Health Services	1028 Walnut Yankton , SD 57078 tomlcbh@iw.net	P: 665-4606 F: 665-4673

Stress and Depression HELP

Above is contact information for the regional mental health centers in South Dakota. We have reached an understanding with all these centers and all will honor our agreement. If you are stressed out or you believe that you may be suffering from depression, the State Bar encourages you to seek a professional evaluation. If you don't have insurance or otherwise lack the financial resources, the State Bar project, funded by ALPS and the SD Bar Foundation, will cover the evaluation and several follow-up counseling sessions if indicated. You need only schedule the appointment and show them your 2010 active membership card. This is a confidential project. Counseling records are not, repeat, are not made available to the State Bar. We just pay the bill for those who can't afford it, up to the limit of \$500 per lawyer.

If you have a law partner or lawyer friend that you believe may be suffering from stress and depression, visit with them. Encourage this lawyer to consider having an evaluation. Depression caught at the early stages prior to becoming chronic is much, much easier to address. In just a few counseling sessions, you/your friend can learn techniques to more effectively deal with the stress in our lives, whether personal or professional.

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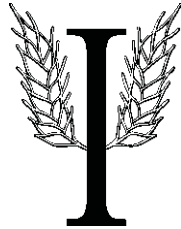
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Attorneys: Jeana L. Goosmann;
Anthony L. Osborn; Lindsey R. Buchheit;
Emilee Boyle Gehling; Christopher R. Barondeau;
Matthew S. Campbell, Of Counsel

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F: 712.224.4517

May, Adam, Gerdes & Thompson
is pleased to announce that

Mallori Megan Barnett

has joined the firm

PO Box 160
503 S Pierre St.
Pierre, SD 57501

P: 224-8803
F: 224-6289
mmb@magt.com

ANNOUNCEMENTS

A. P. Fuller

Attorney at Law

Announces the opening of his practice at

910 5th Street, Suite 101
Rapid City, SD 57701

P: 484-7551

F: 716-0765

apfuller1@gmail.com

Michael H. Paulson

is pleased to announce the opening of

Paulson Law Firm, PC

Effective November 1, 2011

509 S Dakota Ave. #C

Sioux Falls, SD 57104-6809

P: 274-1850

F: 274-1852

michael@mhpaulsonlaw.com

Joseph Ashley Parr

Attorney at Law

Announces the opening of his practice at

910 5th Street, Suite 101 / P. O. Box 560
Rapid City, SD 57709-8026

P: 391-6857

japarr@mail.com

Derald W. Wiehl

Attorney at Law

Announces the relocation of his mediation/
arbitration practice effective January 1, 2012 to

1318 1/2 S 4th Ave.

Sioux Falls, SD 57105

P: 310-9489

F: 271-1356

dwiehl@midco.net

Bikakis, Mayne, Arneson,

Hindman & Hisey

is pleased to welcome

Zachary S. Hindman

Zachary received his JD degree with highest honors,
Order of the Coif, from Drake University Law
School in 2010. Prior to joining the firm he clerked
for the Honorable Steven M. Colloton of the US
Court of Appeals for the 8th Circuit.

Meierhenry Sargent LLP

would like to congratulate

Todd Meierhenry

on his membership to the
American College of Bond Counsel
Todd is the only attorney in South Dakota to be admitted
to the ACBC.

315 S Phillips Ave., Sioux Falls, SD 57104

336-3075 - Todd@meierhenrylaw.com

BOYCE, GREENFIELD, PASHBY & WELK, L.L.P.

is moving to a new location, Effective, December 16, 2011

our new address will be:

300 S. Main Avenue

Sioux Falls, SD 57104

Our mailing address will remain:

P.O. Box 5015

Sioux Falls, SD 57117-5015



State of South Dakota Unified Judicial System

Office of the State Court Administrator

Telephone: (605) 773-3474
FAX: (605) 773-5627

500 East Capitol Avenue
Pierre, SD 57501-5070

December 15, 2011

Thomas C. Barnett, Jr.
Secretary-Treasurer
State Bar of South Dakota
222 E. Capitol Avenue
Pierre, South Dakota 57501

RE: 2012 Court-Appointed Attorney Fees and Mileage

Dear Mr. Barnett:

Please publish the following announcement in the December 2011 issue of the State Bar Newsletter:

“Court-appointed attorney fees for 2012 remain at \$82.00 per hour pursuant to UJS policy which provides that these fees increase in an amount equal to any cost of living increase approved for state employees by the legislature. Mileage for court-appointed attorneys will be paid at the rate of \$1.00 per mile.

If you have any additional questions please feel free to contact me.

Sincerely,


Patricia Duggan
State Court Administrator

Our Mission: Justice for All
Our Vision: We are stewards of an open, effective, and accessible court system, worthy of the Public's trust and confidence.

"Knowledge & Friendship"

Hagemann – Morris Young Lawyer Mentorship Coin Program

Young Lawyer Application



The South Dakota State Bar Young Lawyers recently announced a new mentoring program. Young Lawyers involved in the program will have the privilege of choosing their own mentor based upon an existing relationship, a developed relationship or from a pool of available Mentor volunteers maintained by the Young Lawyer Board. We want the mentoring experience to be beneficial and rewarding for both parties. So that we can monitor and judge the success of the program, we would like you to provide the following information. We may at times contact you or need to send notices to you about Mentor and Young Lawyer

gatherings, meetings or events. If at any time the information you provide changes, we ask that you provide us with updated information for our records.

Personal Information

Name _____
First _____ Last _____

Address _____
Street _____ City _____ State _____ Zip _____

Phone (_____) _____ E-mail _____

Preferred method of communication (please check one) _____ Phone _____ E-mail _____

Law School _____ Year Graduated _____

Name of Firm/Organization _____

Position/Title _____ Years of Experience _____

Areas of Practice _____

Mentoring Preferences

Would you prefer a mentor who
(Check all that apply):

Lives or works in your geographic area? _____

Has experience in your practice area? _____

Wants to meet with you in person? _____

Wants to communicate by e-mail/phone only? _____

Additional Information

Please briefly describe your practice: (e.g., large firm, small firm, solo practice, public interest law, in-house counsel, etc.)

Do you have any comments, questions or concerns?

How did you hear about this program?

Mentors chosen by Young Lawyers are participating entirely upon a voluntary basis. While it is anticipated that the mentor/mentee relationship will be indefinite, mentors and mentees are entitled to end the relationship at any time. Participation in the program is contingent on receipt of all documents requiring a signature by Mentor, Young Lawyer or both. Please return the completed application and all other executed/signed documents to Stacy M. Johnson by email at sjohnson@rwwsh.com or by mail at Richardson, Wyly, Wise, Sauck & Hieb, LLP, P.O. Box 1030, Aberdeen SD, 57402-1030

“Knowledge & Friendship”

Hagemann – Morris Young Lawyer Mentorship Coin Program

Mentor Application

The South Dakota State Bar Young Lawyers recently announced a new mentoring program. The response has been enthusiastic and now we need you, the more experienced lawyers to help your colleagues. If you would be willing to serve as a Mentor, please take a few moments to respond to the following questions. We want the mentoring experience to be beneficial and rewarding for both parties. The more information you share, the better position a Young Lawyer will be in to choose a Mentor.

Personal Information

Name _____
First Last

Address _____
Street City State Zip

Phone (____) _____ E-mail _____

Preferred method of communication (please check one) _____ Phone _____ E-mail

Law School _____ Year Graduated _____

Currently Working? _____ Name of Firm/Organization _____

Areas of Practice _____

Years of Experience _____

Mentoring Preferences

Would you be willing to mentor a Young Lawyer who

(Check all that apply):

Lives or works in your geographic area? _____ Is interested in your practice area? _____

Wants to meet with you in person? _____ Wants to communicate by e-mail/phone only? _____

Additional Information

Please briefly describe your practice: (e.g., large firm, small firm, solo practice, public interest law, in-house counsel, etc.)

Do you have any comments, questions or concerns?

How did you hear about this program? _____

Mentors chosen by Young Lawyers are participating entirely upon a voluntary basis. While it is anticipated that the mentor/mentee relationship will be indefinite, mentors and mentees are entitled to end the relationship at any time. Participation in the program is contingent on receipt of all documents requiring a signature by Mentor, Young Lawyer or both. A signed Mentor Agreement must be received before a Mentors' contact information will be disclosed to a Young Lawyer.

Please return the completed application and all other executed/signed documents to Stacy M. Johnson by email at sjohnson@rwwsh.com or by mail at Richardson, Wylly, Wise, Sauck, & Hieb, LLP, P.O. Box 1030, Aberdeen, SD 57401-1030.

Learn by DOING

They told us what to do, then showed us, then we did it.

Great to have to get up and DO the things we've learned.

Each student goes through these techniques step-by-step.

Seeing a case as a whole - the "Big Picture" in preparing a trial.

I was amazed by my progress at each workshop and how comfortable I started to be.

The demos were targeted - they gave a basic framework to allow us to go on and "play."

Hands on approach. The opportunity to do the techniques discussed made this an effective course for me.

The practice and immediate feedback, including video review. The video review was especially helpful to catch the nonverbals.

The workshops taught me more than any lecture could. I liked that they were videotaped so that I could see my progression.

This experience was just top notch! The format lends itself to learning and to empowering your trial skills.

CONFIDENCE

I am a newer lawyer and needed to get over my fear of the courtroom.

This course has definitely helped to build my confidence in public speaking.

I hoped to become more comfortable presenting cases and I think I improved.

I signed up to gain more confidence in my trial skills and the program met and exceeded my expectations.

I wanted to practice & become more comfortable with the "scary" parts of trial, like cross and laying foundation. Not scary anymore!

WORTH IT

Probably best class ever attended.

Excellent would recommend others to do it.

Worth every hour, worth every dime

A must - attend program for any new trial lawyer.

This is a program I would recommend without reserve to all attorneys.

INSTRUCTORS

Top rate instructors: very useful, practical tips.

Faculty went above and beyond to make sure I made the most out of each workshop.

I could not thank them enough for taking the time out of their practices to help us!

It was a terrific week--I'm grateful to have had the opportunity to come here and learn from some of the best practitioners in the state. Thanks!

The feedback from faculty was particularly effective--it's central to allowing you to figure out not just what you need to improve on, but how to improve.

It was so great to work with trial lawyers I've heard about and to see them in action. It felt so welcoming also.

It is especially impressive that a faculty with this much experience and expertise take the time from their schedules for this program.

CERTIFICATE OF COMPLIANCE

INSTRUCTIONS

The certificate of compliance for the year 2011 must be submitted by January 31, 2012.

IMPORTANT INFORMATION concerning compliance with trust accounting records and procedures, including the reporting form, appear immediately following this notice. All ACTIVE members of The State Bar of South Dakota must file the compliance form with The State Bar not later than January 31, 2012. This rule includes retired lawyers, lawyers engaged in teaching, banking, insurance, full-time government employees, etc. This reporting requirement does NOT include inactive lawyers nor does it include Judges (Federal or Unified Judicial System) who are full time and did not have private clients.

Tom Barnett
Secretary-Treasurer

TRUST ACCOUNT COMPLIANCE FORM INSTRUCTIONS

Immediately following these instructions, a model form has been reproduced. The form may be modified to accommodate multiple signatures where a number of or all partners in a law firm utilize a single trust account. Please type the name of the sole practitioner or, if using a common firm trust account, the names of all lawyers utilizing the trust account. For the balance of the form, fill in the blanks, check the spaces, or leave blank or mark n/a where appropriate.

1 - check (a), (b), or (c) if applicable

2 - self explanatory (usually appropriate for inactive or retired members)

3 - self explanatory (usually exclusive or full-time corporate, legal aid, or public sector lawyer. Please identify the employer.)

3(a)- self explanatory (usually appropriate for part-time Bankruptcy trustees)

4 - self explanatory (usually appropriate for the employee or associate of a law firm who does not have trust account writing authority.) At this point, inactive, retired, full-time corporate, legal aid, or public sector lawyers, and associates without trust account check writing authority may sign the form and stop.

All others should have trust accounts and must provide the following information:

5 - state the name, address, and account number of trust account financial institution

6 - the blanks should be completed with the most recent monthly trust account reconciliation.

Keep in mind monthly reconciliations are required. For example, if this form were completed on 12-15-10, you would insert the closing date of the most recent bank statement (i.e. 11-30-10).

6(a)-(h), and 7 - type or print yes or no in space provided. If you can answer "yes" to each of these questions, you are in compliance with the Supreme Court Rule 91-10. If you must answer any of these in the negative, you need to make changes in your trust accounting system. A negative answer will result in further inquiry.

8 - This question merely requires you to confirm that a monthly reconciliation was performed and if there were errors/inconsistencies in the reconciliation, to explain same. I remind you that the effective date of this rule was July 1, 1991. It is not too late to perform the monthly reconciliations from and after July 1, 1991, through the date of completion of this form; however, monthly reconciliations must be performed prospectively.

I have heard from a number of lawyers who have said that their trust account has an odd amount, such as \$4.54, which has been in the account for ages and the client has disappeared. The compliance report should so note the amount and reason (lawyer unable to disperse the sum of \$4.54 belonging to a client because client is not able to be located).

Thereafter, if the amount remains constant (\$4.54 as in this example), no further explanation is necessary in subsequent compliance forms.

The rule does not require nor do we want the amounts held in trust, the identities of clients, or any other confidential information.

If all partners in a law firm use a common trust account, one form may be submitted provided all partners sign the form. Please type your name under your signature. This will avoid nuisance phone calls or letters trying to ascertain who signed the forms.

All lawyers must submit the compliance form no later than January 31, 2011. You may now start submitting the compliance forms. If you have any questions, please give me a call. TCB

2011 CERTIFICATE OF COMPLIANCE

TO: The Secretary-Treasurer, The State Bar of South Dakota, 222 East Capitol Avenue, Pierre, SD 57501

Dear Sir: I/we (Please list all persons signing the form here) _____

member(s) of the State Bar of South Dakota certify that during the 12-month period preceding the date of this report: **(check the following items where applicable and/or fill in the blanks)**

1. I (we) have engaged in the private practice of law in South Dakota as:

____ (a) a sole practitioner;

____ (b) a partner or shareholder of a firm practicing under the name of _____;

____ (c) an associate of a sole practitioner or of a firm, as the case may be, practicing under the name of _____

and I maintain separate books, records and accounts showing all legal business performed by me.

____ 2. I have not engaged in the practice of law in South Dakota, and I have neither handled nor been responsible for either clients' trust funds or clients' trust property in South Dakota.

____ 3. I have practiced law in South Dakota exclusively as an employee of (designate name of government agency, corporation, or other non-member of the Bar) _____

and I do not handle or become responsible for money or property in a lawyer-client relationship, other than money or property received in the course of official duties and disposed of in accordance with regulations and practices of (designate name of government agency).

____ a. I have served as a trustee in one or more cases under Title 11 of the United States Code, and I am accountable for all funds I handled in connection therewith to the Office of the United States Trustee, which office is statutorily charged with the responsibility for reviewing and supervising my trust operations; therefore, my handling of such funds is not separately accounted for herein in connection with my private practice of law, and I further certify that I am in compliance with all such accounting requirements of said Office.

____ 4. I have engaged in the practice of law in South Dakota as an employee or as an associate of a sole practitioner or of a firm, as the case may be, practicing under the name of _____

and to the best of my knowledge all legal business performed by me is shown in the books, records and accounts of such sole practitioner or firm.

(Only lawyers checking categories 2, 3, 3a, or 4 may sign below. See instructions.)

(Signature)

Full Name (Print or Type)

Business Address

City, State, Zip

Date _____ 20____

(Attorneys checking categories 1a, 1b, or 1c must answer the following questions. See instructions.)

5. My (our) trust account(s) or the trust account(s) of the firm or association of which I am a partner or shareholder is (are) at the(name and address of banking institution) _____

(and bears the following name(s) and number(s)) _____

6. During the fiscal period ended__ December 31, 2010_____, to the best of my (our) knowledge I (we), or the firm of which I am a member, as the case may be, maintained books, records and accounts to record all money and trust property received and disbursed in connection with my/our practice, and as a minimum I/we maintained:

- a. A separate bank account or accounts located in *South Dakota, in the name of the lawyer or law firm and clearly labeled and designated a "trust account." _____ (Yes or No)
- b. Original or duplicate deposit slips and, in the case of currency or coin, an additional cash receipts book, clearly identifying the date and source of all trust funds received, and specific identification of the client or matter for whom the funds were received. _____ (Yes or No)
- c. Original canceled checks or copies of both sides of the original checks produced through truncation or check imaging or the equivalent, for all trust disbursements. _____ (Yes or No)
- d. Other documentary support for all disbursements and transfers from the trust account. _____ (Yes or No)
- e. A separate trust account receipts and disbursements journal, including columns for receipts, disbursements, and the account balance, disclosing the client, check number, and reason for which the funds were received, disbursed or transferred. _____ (Yes or No)
- f. A separate file or ledger, with an individual card or page for each client and matter, showing all individual receipts, disbursements and any unexpended balance. _____ (Yes or No)
- g. All bank statements for all trust accounts. _____ (Yes or No)
- h. Complete records of all funds, securities and other properties of a client coming into my/our possession, and rendered appropriate accounts to my/our clients regarding them. _____ (Yes or No)

7. During the same fiscal period identified in section 6 above, I, or the firm of which I am a member, complied with the required trust accounting procedures, and as a minimum I/we prepared monthly trust comparisons, including bank reconciliations and an annual detailed listing identifying the balance of the unexpended trust money held for each client or matter. _____ (Yes or No)

8. In connection with section 7 above, I or the firm of which I am a member, have completed the following procedures during the fiscal period herein: compared each month the total of trust liabilities and the total of each trust bank reconciliation, and there were (check one of the following)

- ____no differences between the totals, excepting those determined to be the result of bank error;
- ____differences. (Give full particulars below, identifying the months in which there were differences, the amounts involved, and the reason for each item contributing to a difference. Attach additional pages if necessary.)

9. a. _____*The undersigned lawyer(s) do not have professional liability insurance; or

b. _____The undersigned lawyer(s) have professional liability insurance, the name of the insurance carrier, policy number and limits are as follows: _____

(*An out of state member may strike "South Dakota" and insert the state where his/her trust account is located.)

I am a member of the State Bar of South Dakota filing this report, and to the best of my knowledge and belief the facts as reported herein are accurate, and I certify that I have at all material times been in compliance with Rule 1.15 of the Rules of Professional Conduct entitled Safekeeping Property and SDCL 16-18-20.1 and 16-18-20.2. (All partners, shareholders, or associates checking categories 1a, 1b, or 1c must sign here.)
(Signatures)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date

*Additional signature and attachment is needed if responding lawyer checked box 9(A) : The undersigned lawyer(s) not having insurance, do hereby certify that pursuant to Rule 1.4(c), I have advised my clients of the lack of professional liability insurance during the reporting period and I have attached hereto a copy of my law office letterhead disclosing the lack of insurance, in the required format, pursuant to Rule 7.5 of the Rules of Professional Responsibility.

All Responding Lawyer Signatures:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date

***If you checked box 9(A), you must attach a representative copy of the letterhead you used to disclose the lack of insurance to your clients.**

WAIT! DON'T JUMP!

You haven't heard about the DOR program yet?!

See below for more information on this great program.

To: All Members of The State Bar of South Dakota
From: Tom Barnett

We all have problems. And, most often, we manage to solve them ourselves, but sometimes we can't handle them alone. Recognizing that attorneys can develop personal problems that may jeopardize their health, family structure or employment, we want to announce that the State Bar of South Dakota is now providing you with the **DOR Member Assistance Program**.

DOR is a confidential telephonic counseling service that can help members solve personal and work related problems before they grow into serious and costly crises.

EAP services are provided by a staff of professional counselors, clinical psychologists and social workers skilled at helping you identify and handle problems such as marital and family issues, chemical dependency, mental and emotional disorders and educational or career problems.

Free confidential telephonic services provided to you by **DOR** include:

- Problem assessment, action planning, and follow up
- 24 hour crisis telephone services

To access these services, simply call 612-332-4805 or 1-800-367-3271. **DOR** is available 24 hours a day, 7 days a week.

The **DOR** website, www.doreap.com, is a useful resource designed to help make your life easier. On the website you'll find:

- Child care and elder care referrals
- Hundreds of articles on important mental and emotional health issues, written by experts in their field
- Work-related resources to help manage stress, cope with job changes or deal with a difficult boss
- Wellness resources including a comprehensive exercise, nutrition and healthy living portal that has hundreds of articles, recipes and tips for healthy living.

When you log on to www.doreap.com, click on **WELLNESS CENTER** and use **sdsb1** as your password. This will take you to numerous resources designed to assist you with your everyday challenges.

Confidentiality is the bedrock of a Member Assistance Program. All discussions and services are kept strictly confidential. The State Bar of South Dakota will not know you are using the services. We encourage you to use this valuable benefit.

DOR is a HIPPA compliant service.

The DOR Website

As the member assistance program for South Dakota State Bar, we are committed to providing you with information to assist you in achieving and maintaining physical, emotional and professional well-being. Our website is user-friendly with many functions designed to help make your life easier.

WEBSITE FEATURES:

Hundreds of articles on important mental and emotional health and family care issues written by experts in their field



Daily Living

- Resources on topics such as legal issues, financial planning, pet care, travel, recreation and consumer issues

Family and Caregiving

- Information on child health, family relationships and the most current articles on parenting

Child Care and Elder Care Services

- Including consultations with child or eldercare experts who will provide referrals and profiles of providers with confirmed openings

Health and Well-Being

- Information including up-to-the-minute articles and self-assessments on health, wellness, personal growth, improving communication and managing stress including a link to **SparkPeople**, an award winning online wellness center

Emotional Well-Being

- Information about mental and emotional health

THE WEBSITE ALSO INCLUDES:

- SkillBuilders:** On-line, interactive skill building classes for personal and professional development
- Work-related resources to help manage stress, cope with job changes or deal with a difficult boss
- Dozens of useful calculators on everything from how much paint to buy for your home improvement project to how to plan for a college savings fund
- Links to up-to-date web resources on important workplace, personal and family issues

LOG ON TO: www.doreap.com

Click on Wellness Center - Your Password is sdsb1

This will take you into numerous categories designed to assist with your everyday challenges.

***We look forward to helping you discover the advantages of our website.
If you have any questions, please call 1-800-367-3271.***



1-800-367-3271 * www.doreap.com

New Subscription Order Form *

South Dakota

CIVIL / CRIMINAL

Pattern Jury Instructions

with 2011 Updates

Available November, 2011

Please subscribe me to:

_____ Paper set(s) of SD **Criminal** Pattern Jury Instructions (\$90 per set) \$_____

_____ Paper set(s) of SD **Civil** Pattern Jury Instructions (\$90 per set) \$_____

_____ CD-Rom(s) of SD Pattern Jury Instructions (PDF & Text) (\$180 per cd) \$_____
(includes SD Civil, SD Criminal, 8th Circuit Civil, 8th Circuit Criminal)

Include appropriate SALES TAX. (State 4% plus your City's sales tax.) \$_____

TOTAL REMITTED \$_____

PAYMENT MUST ACCOMPANY ORDERS

Make checks payable to **SDCLE, Inc.**

Mail (along with this coupon) to State Bar of South Dakota
222 East Capitol Avenue, Pierre, SD 57501-2596

Send my subscription to:

NAME_____

FIRM_____

ADDRESS_____

CITY, STATE, ZIP+4_____

E-MAIL_____

*CURRENT SUBSCRIBERS HAVE BEEN SENT THEIR 2011 UPDATES

BOARD OF BAR COMMISSIONERS
Minutes, October 20, 2011
Rapid City, SD

President Goetzinger called to order a meeting of the Bar Commission at 1:00 p.m., October 20, 2011. In attendance were President Goetzinger, President Elect Nicholson, Commissioners Nies, Bollweg, Freiberg, Schulte, Rank, Smiley, Dohrer, Foral, Westergaard, Executive Director Barnett, and Access to Justice Director Cheryl Hanna.

Moved by Foral, seconded by Nicholson, to approve the minutes of the previous meeting. Moved by Rank to amend, by striking the phrase “relatively small” which the movants deemed a friendly amendment, which motion, as amended, was unanimously approved.

President Goetzinger requested that the annual budget be increased to fund the activities of the new committee, Project Rural Practice. Moved by Bollweg, seconded by Rank, to establish a PRP budget of \$5,000, which motion prevailed by unanimous vote.

Executive Director Tom Barnett gave the financial report, indicating that the State Bar general Fund and South Dakota Continuing Legal Education Fund were up substantially from the previous year, but that the South Dakota Bar Foundation funds were down substantially. He reported that the cause of the reduced fund balance in the Bar Foundation was due to the very low interest rates on IOLTA accounts and an almost 25% reduction in opt-out contributions. He reported that the State Bar pickup truck was now 6 years old and had high mileage and inquired whether it was time to trade.

After a brief executive session, the Commissioners requested that Barnett examine the statistics for the past several years to see if there is a pattern in reduction of opt-out contributions. For purposes of long-range planning, the Commissioners requested an over-view of the transition plan contemplating eventual retirement of Lary and Anita Zastrow, DeeAnn and subsequently, Executive Director Barnett. Barnett agreed to provide the information prior to the next meeting and suggested that likely retirement dates are Medicare eligibility dates for the respective employees. Moved by Nies, seconded by Rank, to authorize trading the pickup for comparable vehicle at such time as deemed advantageous by the Executive Director but preserving such funds in the Capitol Acquisition Fund (fully funded and segregated) to meet future acquisition needs, which motion was unanimously approved.

President Goetzinger advised the Commission that he needed authorization to sign necessary documents for the deferred compensation plan, an annual year-end event. Moved by Frieberg, seconded by Nicholson, to authorize Goetzinger’s signing of the necessary documents, which motion was approved.

The Bar Commission recessed and reconvened as the Board of Directors of Access to Justice. Cheryl Hanna gave a brief report advising on the activities of A2J staff, including the pro se clinics being conducted state-wide pursuant to an agreement between A2J and UJS. Barnett advised that he would have staff e-mail the Directors with copies of the statistical reports of A2J. Next, Hanna and Barnett led a discussion on the creation of a “Limited Means Panel.” Hanna noted that many applicants for legal assistance from A2J have household income just a little too high for eligibility, yet lack the resources to hire lawyers at usual and customary fee level.

Lawyers interested in serving such clients would become eligible by agreeing to take one pro bono case per year from A2J, agree to limit the amount of retainer, and limit the hourly rate. Prospective clients who do not exceed 200% of federal poverty guidelines, but exceed A2J maximum, would be referred to the panel of lawyers who, in turn, agree not to require a retainer in excess of \$650, and a maximum hourly rate not exceeding the established hourly rate for state court-appointed cases. Further, lawyers would retain the right to withdraw should the client fail to make required payments as billed at the agreed rate. Directors noted that this appeared to be a win-win arrangement, building a lawyer's clientele at a rate that allows the lawyer some limited profit above office over-head, yet provides access to the courts for those who otherwise would not be able to hire any lawyer. Moved by Nies, seconded by Schulte, to approve the proposal, which motion was unanimously approved.

There was some discussion about whether South Dakota should consider the mandatory reporting of pro bono work by South Dakota lawyers. While some states mandate pro bono, many states simply require lawyers to report, annually, of their pro bono efforts in order to reinforce all lawyers' obligation (see lawyer's oath) to perform pro bono, and to build a data base for what our profession in South Dakota is actually doing for pro bono. No action was recommended at this time.

Thereafter, the meeting of A2J closed and was reconvened as the Bar Commission. Commissioner Smiley advised the Board regarding several problems with state and federal mortgages and regulations whereby some lawyers assisting in real estate transactions could be swept up in the new regulations regarding institutional mortgages. President Goetzinger stated the matter has been referred for study to the appropriate State Bar Committees/Sections.

Commissioner Francy Foral presented an update on the Young Lawyers Section activities. Highlighted, was the state-wide swearing-in ceremony at the Capitol Rotunda this past October. Chief Justice Gilbertson conducted the ceremony, followed by a reception sponsored by Dakota Disc/Fast Case.

Moved by Frieberg, seconded by Schulte, as follows:

Whereas, the Young Lawyers Section of the State Bar of South Dakota has a close and on-going relationship with all new young lawyers, and

Whereas, the Young Lawyers Section helps promote professionalism and professional growth, and

Whereas, the state-wide swearing-in ceremony promotes inclusiveness and promotes future participation in State Bar activities, and

Whereas, the ceremony was a glorious success,

Be It Therefore Resolved, that the SD Young Lawyers Section be congratulated and commended for its efforts in establishing the first state-wide swearing-in ceremony and encouraged to continue in the future,

Which resolution was unanimously approved.

President Goetzinger informed the Commissioners regarding plans for the annual meeting of 2012, which will include a Thursday evening function in downtown Rapid City at the Main Street Square as part of the Hot Summer Nights program.

Executive Director Tom Barnett advised the Commissioners about a conversation between Barnett and Tom Welk. The State Bar conducts bi-annually, the Trial Academy whereby our lawyers learn trial skills that are typically offered nationally but is out of the financial reach of many of our members. The curriculum is very intense, such that it cannot offer skills training for the taking of depositions. Welk proposed that in alternating years and in conjunction with NITA, we conduct the deposition training. Barnett advised that the Trial Academy special fund (these funds come from donations and tuition and not from membership dues) have sufficient monies to fund the deposition academy and recommended that it be approved. Moved by Nicholson, seconded by Nies, to authorize the deposition school, which motion was approved.

Goetzinger next proceeded to review the Strategic Plan, including the vision statement, strategic areas and, if approved, would refer out portions to the appropriate State Bar entities/committees to develop measuring standards to determine whether goals are being met. Moved by Bollweg, seconded by Foral, to adopt and approve the Strategic Plan (with a couple of minor amendments), which motion was unanimously approved.

Barnett informed the Commissioners that he was starting to plan for the eventual retirement of Robert Frieberg as Counsel for the Disciplinary Board. He noted that Bob Frieberg had worked tirelessly for many years as Board Counsel and that it had been a labor of love for the profession rather than for the modest compensation the Board pays for his services. A number of options are under study, including bringing Board Counsel in-house and another option of finding a former Disciplinary Board member willing to provide services at a reduced hourly rate.

President Goetzinger advised that the agenda had been completed, that the next meeting of the Commission would be in Pierre on January 7th, and the meeting was adjourned.

Respectfully submitted,



Thomas C. Barnett, Jr.
Executive Director and Secretary-Treasurer

**ACCESS TO JUSTICE, INC.
Modest Means Program**

In an effort to improve the availability of services to those of moderate income in South Dakota and supplement services being provided to the indigent by the state pro bono program, the Access to Justice program proposes to develop a modest means program. This program will not only broaden access and reduce fees for eligible clients, it will create more business for participating lawyers. Some modest means programs across the nation provide services in many areas of law while others are available in only one or two areas (most commonly family law.) A summary of modest means programs that existed in 2008 is attached.

Prior to organizing and implementing this program, it is recommended that members of the State Bar of South Dakota be surveyed to determine interest and the following issues

should be addressed:

1 - RETAINERS/FEES:

Programs that cap hourly fees sometimes have a reduced cost for the initial interview and generally set the caps between \$40 and \$100 per hour. Those with set hourly fees generally set them at \$40 or \$50 per hour. A few programs cap the hourly rate according to the size of the household and client's income. Other programs give lawyer participants more discretion in setting fees, and some ask the lawyers to charge no more than half of their regular hourly fee. Programs also frequently cap retainers ranging from \$175 to \$1,000, but are generally \$500 or less and often vary according to the type of service provided. Some programs offer specific services on a flat fee.

2 - CLIENT ELIGIBILITY:

Financial eligibility for clients is usually determined by a percentage of the Federal Poverty Guidelines (FPG). LSC funded programs currently use the 125% of the FGP income ceiling for household size. A2J also uses the 125% of the FPG but increases limits to 200% in determining eligibility for disabled clients or those 60 years of age or over. Modest means panels typically accept clients with incomes that range from 125% FPG to 200% FPG although a few programs are slightly lower or higher. Asset ceilings are also considered in determining eligibility. A2J staff would make the determination as to whether someone is eligible.

3 - LAWYER PARTICIPATION:

Recruiting for the program can be done in the same manner as the state pro bono program with the requirement that lawyers participating in the modest means program also take one pro bono case per year. In order to participate in the program, a lawyer should be a member in good standing of the State Bar of South Dakota and maintain malpractice insurance in an amount to be determined by the A2J Board of Directors. Lawyers should also have a certain level of experience (generally) and within the modest means program areas of law they choose to participate in. Some modest means programs charge lawyers a small fee to be listed on panel.

Initial tasks to be completed:

- 1 - Determine areas of law to include in the program;**
- 2 - Determine retainer and fee amounts;**
- 3 - Determine eligibility guidelines (residency and income/asset amounts);**
- 4 - Determine specific requirements for participation in the program;**
- 5 - Draft survey form incorporating the program specified by decisions made for items 1-4 hereof;**
- 6 - Distribute and collect surveys from members of the State Bar of South Dakota; and**
- 7 - Analyze surveys received to determine whether program should be implemented.**

ACCESS TO JUSTICE, INC.

816 Sixth Street
Post Office Box 495
Rapid City, SD 57709-0495
(605) 791-4147
www.a2jsd.org

November 9, 2011



TO: Members of the State Bar of South Dakota
FROM: Cheryl B. Hanna, Director, Access to Justice, Inc.
RE: Announcement of Modest Means (Reduced Fee) Program

Cheryl B. Hanna, Director
access.to.justice@sdbar.net

In an effort to improve the availability of services to those of moderate income in South Dakota and supplement services being provided to the indigent by the state pro bono program, the State Bar of South Dakota and Access to Justice program have developed a modest means (reduced fee) program. This program will not only broaden access and reduce fees for eligible clients, it will create more business for participating lawyers.

Prior to adopting this program, the State Bar studied modest means programs across the nation. Some provided services in many areas of law while others were available in only one or two areas (most commonly family law.) Those with set hourly fees generally set them at \$40 or \$50 per hour. Other programs also frequently cap retainers ranging from \$175 to \$1,000, but are generally \$500 or less. Modest means panels typically accept clients with incomes that range from 125% to 200% of the Federal Poverty Guidelines (FPG) although a few programs are slightly lower or higher. Asset ceilings are also considered in determining eligibility.

A2J staff will screen applications and determine case and client eligibility for the modest means program. Applicants with assets that do not exceed program limits and whose income does not exceed 200% of the FPG with cases that fall within the A2J priorities will be considered for referral to participating lawyers. Current A2J priorities include: family law, consumer, education, health, employment, housing and wills/estates cases. The retainer for modest means program cases has been set at \$650 and the maximum hourly fee is the court-appointed attorney fee rate (which, for 2011, is \$82 per hour.)

All members of the State Bar of South Dakota are encouraged to participate in the modest means program. A registration form follows this announcement. In order to participate in the program, a lawyer should be a member in good standing of the State Bar of South Dakota and must agree to take at least one pro bono case per year. Lawyers should also have a certain level of experience (generally) although mentors can be provided when requested.

Further information can be obtained by contacting Cheryl Hanna, A2J Director at (605)791-4147 or via email at access.to.justice@sdbar.net.

ACCESS TO JUSTICE, INC.

816 Sixth Street; PO Box 495

Rapid City, South Dakota 57709

Phone: (605) 791-4147 Fax: (605) 791-1834

PRO BONO & MODEST MEANS REGISTRATION FORM

Name: _____
Firm Name: _____
Address: _____
Phone: _____
Fax: _____
Email: _____

I am a(n): Attorney Law Student (Circle)
Bar Card #: _____
Bar Memberships: _____

Foreign Languages Spoken and Read: _____

Malpractice Insurance: Yes No (Circle)
(A2J's professional liability policy is secondary unless you do not have your own malpractice insurance.)

_____ I will participate in the Modest Means Program. (I understand that by doing so I agree to take one A2J referred pro bono case a year.) My areas of interest are:

_____ I volunteer to take _____ pro bono case(s) each year. My areas of interest are:

- | | | |
|--|---|---|
| <input type="checkbox"/> Bankruptcy/Debtor Relief | <input type="checkbox"/> Collection | <input type="checkbox"/> Contracts/Warranties |
| <input type="checkbox"/> Energy (Non-Public Utilities) | <input type="checkbox"/> Credit Access | <input type="checkbox"/> Loans/Installment Purchases |
| <input type="checkbox"/> Public Utilities | <input type="checkbox"/> Unfair Sales Practice | <input type="checkbox"/> Other Consumer |
| <input type="checkbox"/> Education | <input type="checkbox"/> Job Discrimination | <input type="checkbox"/> Other Employment |
| <input type="checkbox"/> Wage Claims | <input type="checkbox"/> Adoption | <input type="checkbox"/> Custody/Visitation |
| <input type="checkbox"/> Divorce | <input type="checkbox"/> Paternity | <input type="checkbox"/> Guardianship/Conservatorship |
| <input type="checkbox"/> Paternity | <input type="checkbox"/> Other Family | <input type="checkbox"/> Medicaid |
| <input type="checkbox"/> Medicare | <input type="checkbox"/> Other Health | <input type="checkbox"/> Wills/Estates |
| <input type="checkbox"/> Landlord/Tenant | <input type="checkbox"/> Fed. Subsdz Housing Rights | <input type="checkbox"/> Other Public Housing |
| <input type="checkbox"/> Homeownership/Real Property | <input type="checkbox"/> Other Housing | <input type="checkbox"/> Other _____ |
- (Specify)

In which counties will you take cases? _____

_____ I will mentor or advise a pro bono or modest means program attorney.

_____ In addition to the above, I would like to make a donation to Access to Justice. Enclosed is my check in the amount of \$ _____. (Donations to the Access to Justice program are always greatly appreciated!)

COMMENTS: _____

Dated this _____ day of _____, 20_____.

(Signature)

Please mail registration form to Cheryl B. Hanna, Director, at the address above.

SOUTH
DAKOTA
SERIES

South Dakota Criminal Law
and Procedure Review

*Cumulative Supplement IV
2006-2011*

New Edition
to the
South Dakota Series

SOUTH DAKOTA
CRIMINAL LAW AND PROCEDURE
REVIEW: CUMULATIVE SUPPLEMENT IV
2006-2011

by
Professor Chris Hutton
USD School of Law

Over the years, a number of criminal law practitioners have requested that a compilation of the cases from the SOUTH DAKOTA CRIMINAL LAW AND PROCEDURE REVIEW be published. The fourth edition of a cumulative volume of these cases is now available for purchase and will be distributed in Spring 2012.

The SOUTH DAKOTA CRIMINAL LAW AND PROCEDURE REVIEW: CUMULATIVE SUPPLEMENT IV (2006-2011) includes the summaries of the cases from the United States Supreme Court, United States Court of Appeals for the Eighth Circuit originating in South Dakota, and South Dakota Supreme Court included in the annual SOUTH DAKOTA CRIMINAL LAW AND PROCEDURE REVIEW during the past five years. The CUMULATIVE SUPPLEMENT is intended to be a handy reference tool for practitioners in criminal cases.

Sincerely,



Chris Hutton
Professor of Law

Please send ____ copy (ies) of SOUTH DAKOTA CRIMINAL LAW AND PROCEDURE REVIEW: CUMULATIVE SUPPLEMENT IV (2006-2011). Payment of _____ (\$90.00 per copy) is enclosed.

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Checks should be made payable to **USD School of Law**.

Please return this order form by January 13, 2012 to:

USD School of Law
Attn: Bob Noonan
414 East Clark Street
Vermillion, SD 57069

Employment Opportunities

NE South Dakota.

The **corporate counsel** will lead the company's strategic and tactical legal initiatives; provide Leadership Team with effective advice on organizational strategies and implementation and manages the legal function; is directly involved in complex business transactions and negotiating critical contracts; and provides overall leadership for regulatory compliance.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following. Other duties may be assigned.

- Participates in the definition and development of the Company's legal policies and provides continuing counsel and guidance on legal matters and on legal implications of all matters.
- Serves as lawyer/legal advisor on all major business transactions, including acquisitions, divestitures, joint ventures, unifications, merger agreements land deeds, title transfers and operating agreements.
- Judges the merits of major court cases filed against and on behalf of the company, works with the appropriate executive(s) to define a strategic defense and approve settlements of disputes where warranted.
- Assumes ultimate responsibility for ensuring that the company conducts its business in compliance with applicable laws and regulations.
- Advises on legal aspects of the organization's financing, including but not limited to assessing and advising on current and future business structures and legal entities.
- Prepares final legal papers and correspondence of legal nature such as summonses, complaints, motions, and subpoenas from draft or dictated text.
- Ensures proper indexing and filing of original legal documents.

QUALIFICATIONS

Law degree and member of the bar required. Admitted to practice in the State of South Dakota. Minimum of six years' experience with a law firm. Broad, overview experience in intellectual property law including patent law, licensing of IP rights, and IP due diligence. Exposure to and/or familiarity with the following areas of law: securities, antitrust, computer law and privacy. Experience dealing with the SEC, OSHA, EPA and other regulatory agencies. Experience working on matters of corporate governance and with a board of directors is required. Able to communicate effectively with a variety of contacts, including outside attorneys, senior management, and business associates. Ability to write business legal reports and correspondence. Ability to effectively present information to senior management. Ability to respond to inquiries from regulatory agencies, customers and agricultural business community. Experience in contract law and employment law. Experience resolving conflict between groups with opposing perspectives, agendas, or priorities. Self-assured and confident in a variety of settings with a strong belief in own capabilities. Handle long-term and/or complex legal projects with significant financial or other business impact. Expert at bringing and pursuing lawsuits, including drafting/arguing pre-trial motions, handling depositions, participating in trial with and without jury, and appealing cases. Strong business and financial acumen as well as superior analytical and writing skills. Must be able to travel in and out of state periodically.

Apply online at: <https://performancemanager4.successfactors.com/sfcareer/jobreqcareer?jobId=3283&company=BDS&user name=>

Attorney Wanted

The Sanford Health Legal Department, Sioux Falls location, is seeking an attorney with two (2) to seven (7) years of general legal practice experience, with a preferred emphasis in health law related issues. This position will be expected to handle a variety of diverse legal duties in areas of health care law such as health care business transactions, medical staff issues, contract review and negotiation, licensure, real estate and employment. Apply on-line at www.sanfordhealth.org. Please refer to Job 220550.

First-year Associate Attorney

Nooney Solay & Van Norman, LLP, a Rapid City firm is seeking a first year associate to join its practice for Fall 2012. Nooney Solay & Van Norman has a comprehensive business, civil, and criminal practice. Applicants must have a strong work ethic and good oral and writing skills. Applicants should send a cover letter, resume, law school transcript and a 5-10 page writing sample to: Nooney Solay & Van Norman, Attn: Aaron T. Galloway, P.O. Box 8030, Rapid City, South Dakota, 57709.

Experienced Attorney Position

Nooney Solay & Van Norman, LLP, a Rapid City firm is seeking an attorney to join its practice. Nooney Solay & Van Norman has a comprehensive business, civil, and criminal practice. The successful candidate will have 5 to 15 years practice experience, be admitted to practice in South Dakota, and have strong credentials and work ethic. Submit a cover letter and resume to: Nooney Solay & Van Norman, Attn: Robert Van Norman, P.O. Box 8030, Rapid City, South Dakota, 57709. All applications will be kept confidential.

Employment Opportunities

U.S. Department of Justice - U.S. Attorney's Office - District of South Dakota

The U.S. Attorney's Office for the District of South Dakota is seeking an experienced attorney to fill an Assistant United States Attorney position within the District's Criminal Division. This position will be located in Pierre or Rapid City. Criminal Division assignments include prosecution of violent crime in Indian Country.

Interested applicants should send a cover letter (highlighting relevant experience), a resume, a writing sample, and a current performance appraisal (if applicable), post marked by December 16, 2011 to:

Office of the United States Attorney

Attn: Brendan V. Johnson, United States Attorney

325 S 1st Avenue, Suite 300

Sioux Falls, South Dakota 57104

Applicants are encouraged to view the formal vacancy announcement which includes Department Policies at: <http://www.justice.gov/careers/legal/attvacancies.html>

Please indicate which location you prefer (Pierre or Rapid City) on your application.

Applicants must possess a J.D. degree; be an active member of the bar (any jurisdiction) and have at least one year of post-JD experience. In addition, applicant must also be a member, or be eligible to become a member of the federal district court bar. If the successful candidate is not a member of the South Dakota Bar, he or she must become a member of the South Dakota Bar within twelve months.

Applicants must demonstrate strong analytical ability, outstanding writing ability, strong organizational skills, and have experience in courtroom presentation and jury trials.

Assistant United States Attorney's pay is administratively determined based in part, on the number of years of professional attorney experience.

Relocation expenses will not be authorized. Other information about the U.S. Attorney's Office for the District of South Dakota can be found at: <http://www.usdoj.gov/usao/sd>

Job Title: **Deputy State's Attorney**
Department: Pennington County State's Attorney's Office (Juvenile Division)
Hours: Full-time salaried position; hours dictated by schedule
Grade: 23 Wage: \$4,605 per month
Closing Date: November 20, 2011

JOB DESCRIPTION:

Successful applicant will represent Pennington County in Juvenile Delinquency and Abuse and Neglect proceedings. Position inquires strong oral and written communication skills, the ability to work with minimum direction as well as the ability to work as part of a team, and the ability to organize and prioritize. Duties shall include working with law enforcement, Department of Social Services, and Court Services, as well as members of the community in the preparation of Juvenile and Abuse and Neglect cases, legal research and writing, motion preparation, and litigating cases in court. Successful applicant must be willing to continue education to further enhance litigation skills.

QUALIFICATIONS FOR APPOINTMENT:

Education: Juris Doctorate degree and admitted to practice law in the State of South Dakota or registered for the next available South Dakota Bar exam.

Experience: No experience required. Juvenile court experience preferred but not required.

Interested applicants may apply online at www.co.pennington.sd.us/hr/hr.html or submit a cover letter and resume to Glenn A. Brenner, Pennington County State's Attorney, 300 Kansas City Street, Suite 400, Rapid City, SD 57701.

Current Department of Justice Attorney Vacancies

To learn more about Justice and our legal careers, please visit our website: www.justice.gov/careers/legal/.

In addition, every year over 1,800 volunteer legal interns serve in DOJ components and U.S. Attorneys' Offices throughout the country. If you know any law students who may be interested in a DOJ volunteer internship, please encourage them to review the many opportunities featured at www.justice.gov/careers/legal/volunteer-intern.html.

Visit www.sdbar.org and click on Employment Opportunities in the green "For Lawyers" box for a links to recently posted jobs.

Employment Opportunities

Director of Legal and Regulatory Services

Pierre, SD

Agency: Department of Public Safety

Closing Date: Open Until Filled

Requisition Number: E13-1003

Salary: \$60,000 - \$67,000 annually

The Legal and Regulatory Division will oversee regulatory and compliance functions of the Driver Licensing and Inspection programs in the Department. It will support the Department's interaction with the South Dakota legislature. This position will provide legal support and guidance to all agencies in the Department.

Duties include:

administrative functions including budgeting, staffing, prioritizing work, and implementing and enforcing standards, policies, and procedures; providing oversight and direction to the driver licensing and inspection program; providing legal support to all agencies within the Department of Public Safety; working with Administration to draft and approve contracts and joint powers agreements; providing legal opinions and advice to department staff; drafting legislation and administrative rules; ensuring the department is in compliance with federal and state statutes and administrative rules; providing leadership, direction, and vision within DPS for new department initiatives, programs, and special projects; maintaining effective working relationships with internal and external stakeholders to ensure coordination, understanding, and support of program goals, objectives and requirements are met; other duties as assigned by the Department Secretary.

This position is salaried and exempt from the Career Service Act.

Offers of employment are contingent upon satisfactory completion of a thorough background investigation.

The Ideal Candidate Will Have:

Graduation from an accredited school of law and member of the South Dakota State Bar is required. The successful applicant will have excellent communication skills, and supervisory and management experience.

Knowledge of: state administrative practices and procedures; legal research techniques, including use of technology; state and federal statutes; legislative activities and procedures; basic computer operations and applications; criminal and civil practices and procedures; evidence and constitutional law, and the current national and state trends.

Ability to: deal tactfully with others; communicate clearly and concisely both orally and in writing; prepare clear and concise documentation, reports, and correspondence; communicate expectations and standards to subordinates and evaluate work performed; establish and maintain effective working relationships with local, state and federal associates, legislators, and the public; demonstrate excellent interpersonal skills including the ability to interpret problems and implement solutions that may change operational procedures of DPS.

To Apply: Submit a letter of interest and resume or state employment application (available at a South Dakota Department of Labor and Regulation Employment Services Office and on the Internet at <http://bop.sd.gov/workforus/>) to:

Susan Isaacson, Human Resource Manager

Bureau of Personnel

500 East Capitol Ave

Pierre, SD 57501

Susan.Barta@state.sd.us

“EQUAL OPPORTUNITY EMPLOYER”

Welcome New Admittees as of December 1, 2011

Doyle, Betsy Minnehaha County	413 N Main Ave. #300, Sioux Falls, SD 57104	Phone: Fax:	367-4242 367-6102
Erickson, Bethany L. SD Department of Social Services	811 E 10th St. #10, Sioux Falls, SD 57103 Email: bethany.erickson@state.sd.us	Phone: Fax:	367-5444
Mackenzie, Roderick I. Lindquist & Venum PLLP	4200 IDS Center, Minneapolis, MN 55402	Phone: Fax:	
Ovenden, Mindy Third Judicial Circuit	14 1st Ave SE, Watertown, SD 57201	Phone: Fax:	480-3508
Standing High, Mato	PO Box 242, Mission, SD 57555	Phone: Fax:	

Address, Phone, Fax or Email Changes as of November 1, 2011

Bates, Melissa L.	5633 S Jamaica Way, Englewood, CO 80111-3936	Phone:	
		Fax:	
Bauer, Bruce P. Bauer Law Office	100 S Maple Ave. #203, Watertown, SD 57201 Email: bauerlaw@iw.net	Phone:	886-5360
		Fax:	753-6381
Beving, Jennifer C. Northern Hills Law	PO Box 42, Nemo, SD 57759 Email: jen@northernhillslaw.com	Phone:	720-3000
		Fax:	385-0025
Blazey, Matthew P.	685 Winners Pt., Whitsett, NC 27377-8720	Phone:	
		Fax:	
Brown, Portia K.	22 W Fairbranch Cir., Willis, TX 77378-4348 Email: portiakbrown@gmail.com	Phone:	(281) 367-2483
		Fax:	(713) 4562907
Burd, Mary H. Burd Law Office	601 S Cliff Ave. #A, Sioux Falls, SD 57104 Email: mary@burdandvoigt.com	Phone:	332-4351
		Fax:	334-6844
Burns, Patrick Robert Lindquist & Venum PLLP	80 S 8th St. #4200, Minneapolis, MN 55402 Email: pburns@lindquist.com	Phone:	(612) 752-1091
		Fax:	(612) 371-3207
Cameron, Kerry M. Roberts Co. State's Attorney	414 Third Ave. E, Sisseton, SD 57262 Email: roberts08@venturecomm.net	Phone:	698-7071
		Fax:	742-0129
Cleary, Mary Jane National Council on Compensation Insurance	444 N Capitol Ave. NW # 203, Washington, DC 20001 Email: maryjane_cleary@ncci.com	Phone:	(202) 403-8525
		Fax:	(202) 403-8521
Deinert, Ryland L. Klass Law Firm	4280 Sergeant Rd. #290, Sioux City, IA 51106 Email: deinert@klasslaw.com	Phone:	(712) 252-1866
		Fax:	(712) 252-5822
Delaney, John J.	902 Fulton St., Rapid City, SD 57701 Email: jackdelaney@rushmore.com	Phone:	
		Fax:	
Denney, Debra J.	3500 S Scott Blvd. #13A, Columbia, MO 65203-2881 Email: DebraJDenney@hotmail.com	Phone:	
		Fax:	
Dietrich, William H. Slater & Matsil, LLP	17950 Preston Rd. #1000, Dallas, TX 75252 Email: dietrich@slater-matsil.com	Phone:	(972) 732-1001
		Fax:	
Disburg, Leo Magistrate	PO Box 758, Ft. Pierre, SD 57532 Email: Leo.Disburg@@ujs.state.sd.us	Phone:	223-7613
		Fax:	
Dow, Michael H.	5004 W 40th St., Sioux Falls, SD 57106 Email: michaelhdow@aol.com	Phone:	323-1549
		Fax:	
Fonder, Matthew R. Alaska Dept. of Revenue	550 W 7th Ave. #500, Anchorage, AK 99501 Email: Matthew.Fonder@alaska.gov	Phone:	(907) 269-1033
		Fax:	
Fox, Daniel L. Fox, Youngberg & Lewno	216 W 3rd St., Yankton, SD 57078 Email: dfox@iw.net	Phone:	665-4308
		Fax:	665-3338
Gordon, Bradley P. Gordon Law PC	PO Box 2016, Belle Fourche, SD 57717 Email: brad@bradgordonlaw.com	Phone:	723-0710
		Fax:	723-8010
Green, Jason Regional Health Inc.	PO Box 6000, Rapid City, SD 57709 Email: jgreen2@regionalhealth.com	Phone:	719-5812
		Fax:	719-5820
Kabiri, Fawad	7472 McKinley St. NE, Fridley, MN 55432-3639 Email: FawadKabiri@gmail.com	Phone:	(612) 353-7952
		Fax:	
Kness, Alissa J.	3500 Harbison Dr. #824, Vacaville, CA 95687 Email: alissa.kness@yahoo.com	Phone:	(507) 360-3242
		Fax:	
Kroger, James A.	PO Box 78216, Washington, DC 20013-9216 Email: Jimmy.Kroger@Gmail.com	Phone:	(301) 871-0016
		Fax:	
Kunesh, Patrice H.	3333 Wisconsin Ave. NW #102, Washington, DC 20016-3871 Email: patrice_kunesh@hks10.harvard.edu	Phone:	605-675-9558
		Fax:	
Langley, Denise C. Langley Law	PO Box 675, Pierre, SD 57501 Email: dlangleylegal@midco.net	Phone:	280-6028
		Fax:	(855) 598-1468

Address, Phone, Fax or Email Changes as of November 1, 2011

LaPlante, Leroy V. Jr.	511 Sterling St., Vermillion, SD 57069-0417 Email: laplanteindianlaw@gmail.com	Phone: 670-8071 Fax: 658-0217
Lemon, Michael E.	PO Box 177, Yankton, SD 57078 Email: mlemmon@amfam.com	Phone: 665-7852 Fax: 665-1069
Lewno, Lucille M. Fox, Youngberg & Lewno	216 W 3rd St., Yankton, SD 57078 Email: lilewno@iw.net	Phone: 665-4308 Fax: 665-3338
Linngren, Heidi L. Magistrate	PO Box 230, Rapid City, SD 57709 Email: heidi.linngren@ujs.state.sd.us	Phone: 394-2570 Fax:
Lockhart, Kirsten	1015 Clark St., Rapid City, SD 57701-3510	Phone: 787-6463 Fax:
Lohnes, Shawn D.	1305 S Discovery Ave., Sioux Falls, SD 57106-5446 Email: shawn_lohnes@myprairievideo.com	Phone: 759-5399 Fax: 582-7935
Lundstrom, Susan L.	4950 Buffalo Springs Trl., Amarillo, TX 79119-6872	Phone: Fax:
McDonald, Ashley Attorney - SDSP	PO Box 5911, Sioux Falls, SD 57117-5911 Email: ashley.mcdonald@state.sd.us	Phone: 367-5118 Fax:
Miranda, Earl P. Federal Public Defender's Office	112 Roberts St. N #200, Fargo, ND 58102 Email: earl_miranda@fd.org	Phone: (701) 239-5111 Fax:
Moore, Charles O.	901 N Nelson St. #1112, Arlington, VA 22203-1736	Phone: Fax:
Mulder, Dee A.	PO Box 48, Mission Hill, SD 57046 Email: deemulder@hotmail.com	Phone: 661-8043 Fax:
Nyhus-Wear, Sarah	520 19th Ave. W #E, West Fargo, ND 58078 Email: sarahnnyhus@hotmail.com	Phone: Fax:
O'Connell, Robert E. Sioux Falls Chamber of Commerce	PO Box 1425, Sioux Falls, SD 57101-1425 Email: roconnell@siouxfalls.com	Phone: 336-6499 Fax:
Olson, Steven F. Olson, Allen & Rasmussen	3459 Washington Dr. #100, Egan, MN 55122-1347 Email: sfo@oarlaw.com	Phone: (952) 881-3858 Fax: (952) 881-6171
Paulson, Michael H. Paulson Law Firm	509 S Dakota Ave. #C, Sioux Falls, SD 57104-6809 Email: michael@mhpaulsonlaw.com	Phone: 274-1850 Fax: 274-1852
Pekoske, Lee M.	3517 W 85th St #104, Sioux Falls, SD 57108-8454 Email: pekoske_lee@hotmail.com	Phone: 929-6141 Fax:
Quist, Carl W.	153 Stony Brook Cir., Jackson, GA 30233-4577	Phone: Fax:
Richards, Leisa M. Leisa Richards Law Office	PO Box 25903, Albuquerque, NM 87125 Email: leisa@leisarichardslaw.com	Phone: (505) 228-1667 Fax:
Rokahr, Alice L. Bankers Trust Company	5032 Bur Oak Pl. #131, Sioux Falls, SD 57108 Email: arokahr@bankerstrust.com	Phone: 338-5033 Fax:
Saltzman, Kathleen D.	PO Box 1994, North Sioux City, SD 57049-1994	Phone: 232-3638 Fax:
Schuman, Tina Kula	29342 374th Ave., Geddes, SD 57342-6806	Phone: Fax:
Scoville, Stephanie Lindquist	2242 Fairfax St., Denver, CO 80207-3817 Email: lindquist@wtklaw.com	Phone: (303) 294-1873 Fax: (303) 294-1879
Smith, Dominic M.	116 Circle Dr., Marshall, MN 56258 Email: dominicsmith.lawyer@gmail.com	Phone: 595-5623 Fax:
Sokoll, Gary J.	23456 Dry Sage Ln., Rapid City, SD 57702 Email: gsokoll1@sdcglobal.net	Phone: (415) 412-7162 Fax:

Address, Phone, Fax or Email Changes as of November 1, 2011

Steger, Curt S. Eich, Van Dyke & Werden PLLC	PO Box 851, Carroll, IA 51401	Phone: (712) 792-3424 Fax: (712) 792-7770
Taliaferro, Brandon M. Taliaferro Law Firm	PO Box 287, Aberdeen, SD 57402 Email: bmtaliaf@yahoo.com	Phone: 262-0829 Fax:
Tucker, Douglas Dean Office of Disability Adjudication & Review	4020 Jackson Blvd. #2, Rapid City, SD 57702 Email: dougtucker@q.com	Phone: 355-0209 Fax:
Utter, Jennifer B. Attorney at Law	PO Box 239, Piedmont, SD 57769 Email: jenniferbutterattorneyatlaw@gmail.com	Phone: Fax:
Vander Heide, Timothy J. Barker Wilson Law	PO Box 100, Belle Fourche, SD 57717 Email: tvanderheide@barkerwilsonlaw.com	Phone: 723-8000 Fax: 723-8010
Voigt, Debra M. Burd Law Office	601 S Cliff Ave. #A, Sioux Falls, SD 57104 Email: debra@burdandvoigt.com	Phone: 332-4351 Fax: 334-6844
Wiehl, Derald W.	1318 1/2 S 4th Ave., Sioux Falls, SD 57105 Email: dwiehl@midco.net	Phone: 310-9489 Fax: 271-1356
Youngberg, Lucille M. Fox, Youngberg & Lewno	216 W 3rd St., Yankton, SD 57078 Email: lyoungberg@iw.net	Phone: 665-4308 Fax: 665-3338
Zephier, Tracey Ann Fredericks, Peebles & Morgan	2040 W Main St. #110, Rapid City, SD 57702 Email: tfischer@ndnlaw.com	Phone: 791-1515 Fax: 791-1915

IRS NEWS FOR State Bar of South Dakota DECEMBER 2011

- Headliner 315, An IRS Live webinar on Dec. 14 at 1 p.m. C.T. featuring updates from the IRS Office of Professional Responsibility and IRS Return Preparer Office. Viewers can register online. A Certificate of Completion will not be offered for this webinar. <http://www.visualwebcaster.com/IRS/83219/reg.asp?id=83219>
- If your client has been a victim of identity theft, read “Understanding Your LTR4868CS Letter” to know what you need to do when filing their tax return. <http://www.irs.gov/individuals/article/0,,id=249368,00.html>
- The IRS FBAR (Foreign Bank Account Reporting) and Title 31 Helpline is 866-270-0733.
- The maximum amount of earnings subject to Social Security taxes will increase to \$110,100 beginning in 2012. For other COLA changes, see IR 11-104, Revenue Procedure 11-52 IR 11-103 and <http://www.irs.gov/retirement/article/0,,id=96461,00.html>
- IR 11-105 PTINs can be renewed now for 2012.
- As of January 31, 2012, most private sector employers are required to post a notice under the National Labor Relations Act. <https://www.nlrb.gov/poster>. The SD Department of Labor does not intend to add this poster to the combined workplace poster they already provide.
- Public Law 112-43, the South Korea trade bill increases fines on tax preparers who fail to do the necessary due diligence on earned income tax credit filers to \$500 from \$100. The bill also provides for increased corporate estimated tax payments in the third quarter of 2012 and 2016. EITC Due Diligence training module <http://www.eitc.irs.gov/rptoolkit/ddmodule/Disaster>
- SBA provides disaster loans for physical and economic damage. www.sba.gov/disaster
- Flood Preparedness www.fema.gov/hazard/flood/info.shtm
- SBA has two Business Preparedness podcasts
- www.sba.gov/content/planning-unthinkable-developing-your-disaster-preparedness-plan---part-1
- www.sba.gov/content/planning-unthinkable-developing-your-disaster-preparedness-plan-%E2%80%93-part-2
- Homeland Security has links to state disaster agencies
- www.dhs.gov/files/resources/editorial_0306.shtm
- A handbook explains clean-up after flooding: Creating a Healthy Home: A Field Guide for
- Clean-up of Flooded Homes www.nchh.org/Search.aspx?Source=2&SearchIn=&Name=flooded&Status=0,1&Type=&Audience=&Principle=&Keywords=flooded
- TD 9553 has final regulations relating to disregarded entities and employment taxes.
- Find links to other state's agencies at <http://www.statelocalgov.net/index.cfm>.

**State Bar of South Dakota
222 E. Capitol Avenue
Pierre, SD 57501-2596**

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DECEMBER 2011

COMING EVENTS

CLE - Tax Update XXXIII.....	Dec. 9, 2011.....	Ramkota Hotel, Sioux Falls
Disciplinary Board	Jan. 5-6, 2012	Ramkota Hotel, Pierre
Bar Commissioners.....	Jan. 7, 2012 - 8:00 am-noon.....	Ramkota Hotel, Pierre
Disciplinary Board	Apr. 12-13, 2012	Ramkota Hotel, Sioux Falls
Bar Commissioners.....	Apr. 26, 2012 - 1:00-5:00 pm.....	Ramkota Hotel, Sioux Falls
CLE - Topic TBA	Apr. 27, 2012	Annex, Ramkota Hotel, Sioux Falls
Jackrabbit Bar.....	June 7-9, 2012	Red Lodge, MT
Disciplinary Board	June 18-20, 2012	Ramkota Hotel, Rapid City
2012 Annual Meeting	June 20, 21, 22, 2012	Ramkota Hotel, Rapid City
CLE - ALPS	June 20, 2012.....	Ramkota Hotel, Rapid City
CLE - Solo/Small Firm.....	June 20, 2012.....	Ramkota Hotel, Rapid City
CLE - Early Bird.....	June 21, 2012.....	Ramkota Hotel, Rapid City
CLE - Criminal Law	June 21, 2012.....	Ramkota Hotel, Rapid City
CLE - Business Law.....	June 21, 2012.....	Ramkota Hotel, Rapid City
Bar Commissioners.....	July 13, 2012.....	Ramkota Hotel, Pierre
CLE - Estate Planning.....	Sept. 21, 2012.....	Ramkota Hotel, Sioux Falls
Bar Commissioners.....	Oct. 18, 2012.....	Ramkota Hotel, Rapid City
CLE - Topic TBA	Oct. 19, 2012.....	Ramkota Hotel, Rapid City
CLE - Tax Update XXXIV	December 14, 2012	Ramkota Hotel, Sioux Falls

*Happy Holidays from the State Bar Staff
Tom, DeeAnn, Larry, Anita & Nicole*