



# State Bar of South Dakota

## **how do I select a lawyer?**

If you do not know of a lawyer whom you would like to consult, you may call the South Dakota Lawyer Referral Service. The service can be reached by dialing, toll free, 1-800-952-2333, Monday through Friday from 9:00 a.m. to 5:00 p.m. This service is a public service of The State Bar of South Dakota.

## **what are the duties of a lawyer?**

A lawyer's first duty is to see that the client receives the benefit of all the rights the law affords. The lawyer must not do anything which might jeopardize the client's interest.

A lawyer has a duty to conduct cases so that they will be decided on their merits.

By the oath of admission to practice, a lawyer is sworn to uphold the Constitution and laws and render the highest fidelity toward the rights of the client.

Just as your communications with your minister and doctor are confidential, so are your communications with your lawyer. Your lawyer is prevented by law from disclosing any information communicated to him or her by you.

Most importantly, the lawyer's principal duty is to see that the client is given the benefit of all his or her legal rights. Your lawyer has a duty to conduct cases in an orderly manner. Your lawyer may not make any agreements nor incur any obligations which might jeopardize your interests.

## **what is meant by legal ethics?**

Members of the legal profession insist on a high standard of professional conduct. A committee of The State Bar of South Dakota works to maintain these standards. The State Supreme Court may take away a lawyer's license to practice or suspend or censure a lawyer for unethical conduct.

## **what kind of services can a lawyer provide?**

A lawyer can give you advice on your legal problem. A lawyer can prepare written documents, such as contracts and deeds, settle a difference of opinion for you outside of court, guide you through a required hearing and represent you at trial.

## **what is my duty to my lawyer?**

You should give your lawyer all the facts of your case. Your lawyer must have all the facts because the application of the law varies with each fact and circumstance. You should follow your lawyer's advice.

## **when should I consult a lawyer?**

It is best to consult a lawyer before taking any action which might affect your legal rights or responsibilities. A person too often thinks of a lawyer as a "last resort", to be consulted only

when a dispute seems likely to result in a lawsuit. Many disputes could be avoided by agreements and contracts correctly and properly drawn in the first instance. Lawyers have experienced the futility of trying to protect a client who has carelessly signed away his rights before ever seeking legal advice.

Here is a list of a few of the common problems about which your lawyer can be of assistance:  
Buying and selling real estate,

- Signing contracts with major financial provisions,
- Tax and estate problems,
- The drafting of a will,
- Accidents involving damage to persons or property,
- Opinions on titles to real estate,
- Legal problems in setting up business organizations and
- Domestic difficulties.

### **what if I have a complaint against my lawyer?**

A complaint against a lawyer may be filed by sending a signed letter to: Disciplinary Board, The State Bar of South Dakota, 222 East Capitol, Pierre, South Dakota 57501. An investigation may also begin by filing with the Clerk of the Supreme Court a written, sworn complaint, fully describing all the facts and all sources of information. Further information about the procedures for filing a complaint are set forth in the pamphlet entitled "Complaint Procedures And Discipline Of Lawyers". This pamphlet may be obtained from The State Bar of South Dakota, 222 East Capitol, Pierre, South Dakota 57501.

*This brochure is based on South Dakota law and is designed to inform, not to advise. No person should ever interpret any law without the aid of an attorney who knows the facts and may be aware of any changes in the law.*

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