



South Dakota Paralegal Association  
EST. 1989

# REPORTER



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September 2019

## Preparing CLIENTS & WITNESSES

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**OCTOBER 11, 2019**

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**GRAND FALLS  
CASINO & RESORT**

*Larchwood, IA*





# President's Message

Vicki Blake, CP

**T**hank you, SDPA members, for choosing me to be state president for the upcoming year. I appreciate the confidence you have in me to allow me to lead you for 2019-2020. I am looking forward to meeting some definite goals this year in an effort to increase our membership, increase our education opportunities, and increase the networking that I believe to be so important.

I had the opportunity to represent SDPA in July at NALA's national conference in Scottsdale, AZ. Six SDPA members attended. The conference featured many valuable workshops and discussions on a number of topics relevant to each of us. NALA continues to provide top-notch speakers at top-notch venues. If you have never attended this conference, it is worth your time and expense. I came away with a renewed sense of enthusiasm and comradery with others in our profession. More than 500 people attended from across the United States, and I met and visited with many of them. I can't stress enough the importance of peer networking. We discussed everything from how we deal with our attorneys to pay scales versus cost of living. I earned 24 CLE credits in a variety of subject matters, all of which were extremely relevant and interesting. Next year's conference is July 9-11, 2020, in Atlantic City, New Jersey. Start your plans to attend!

Not all affiliates go through the work and expense of hosting a booth with give-away swag. SDPA gave away credit card holders, copies of our newsletters, South Dakota brochures and Sioux Falls Convention and Visitors Bureau pens. Other affiliates passed out items ranging from bath bombs to miniature bottles of Tennessee whiskey. It was a fun, casual time to visit with other NALA members.

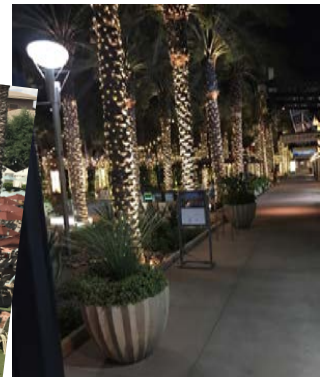
This year is SDPA's 30<sup>th</sup> anniversary as a NALA affiliate. The Education Committee again has done a bang-up job of arranging speakers for our semi-annual meeting and seminar in October. I hope we have a record turnout and the opportunity to thank those members who had the professional foresight to create our association and advance our profession in South Dakota!

Should any of you have projects you would like SDPA to work on, or if you have thoughts, ideas, or concerns, please don't hesitate to contact me. My proverbial door is always open. I know this will be a great year with the committees we have in place and the officers who have stepped up to promote the paralegal profession. *Thank you for being a part of SDPA!*

### *Pre-Seminar Social!*

Please join the South Dakota Paralegal Association and Executive Committee in our come-and-go hospitality room at Grand Falls Casino on Thursday, October 10, 2019 starting at 6:00 p.m. The social will be in the Grand Master Suite (Room 236). Appetizers and wine, beer and soft drinks will be provided. Other drinks can be purchased at the casino bar.

We specifically invite our past presidents, new members and non-members to join us. This is always a great time to network and get to know each other face-to-face. Please RSVP to Vicki Blake at [Vicki@DDLAWSD.com](mailto:Vicki@DDLAWSD.com) by noon on Tuesday, October 8, 2019.



## Executive Committee

### PRESIDENT

Vicki Blake, CP

[Vicki@DDLAWSD.com](mailto:Vicki@DDLAWSD.com)

### 1<sup>ST</sup> VICE PRESIDENT

Dixie A. Bader, CP

[Dixie@BurdAndCarpenter.com](mailto:Dixie@BurdAndCarpenter.com)

### 2<sup>ND</sup> VICE PRESIDENT

Jessi N. Stucke, CP

[JStucke@rwwsh.com](mailto:JStucke@rwwsh.com)

### SECRETARY

Victoria A. Swenson, CP

[VASwenson@BoyceLaw.com](mailto:VASwenson@BoyceLaw.com)

### TREASURER

Diane Kerr, ACP

[Diane@RedstoneLawFirm.com](mailto:Diane@RedstoneLawFirm.com)

### NALA LIAISON

Autumn Nelson, CP

[NelsonA@GoosmannLaw.com](mailto:NelsonA@GoosmannLaw.com)



### MISSION STATEMENT

*The purposes of the South Dakota Paralegal Association are:*

- To establish good fellowship among association members, NALA, and members of the legal community.
- To encourage a high order of ethical and professional attainment.
- To further education among members of the profession.
- To cooperate with bar associations.
- To support and carry out programs, purposes, aims, and goals of NALA.

# NALA Liaison's Report

Autumn Nelson, CP



As SDPA's NALA Liaison, I started out with a Bang! by attending NALA's Annual Conference & Expo at the Westin Kierland Resort & Spa in Scottsdale, Arizona. The conference had more than 500 attendees from across the nation. I attended many presentations, meetings, and the affiliate showcase throughout the three-day event. The presentations I attended focused on litigation, business organizations, contracts, and various technology-related courses. All of the presentations were fascinating, the speakers were entertaining and engaging, and I learned a wealth of information that will stick with me throughout my career.

Along with all the educational opportunities, I took a lot of time to network with paralegals from all across the nation. It was so incredible hearing each story and making personal and professional connections that I will value for a very long time. The affiliate showcase took place during the evening on the first day of the conference, and it was so great getting to talk to each association and brainstorm ideas about how we can make our association even better. President Vicki Blake, CP, and I shared SDPA's affiliate booth and we have come up with some great ideas for this coming year!

Five SDPA members attended this year in addition to Vicki and me: Cindy Schmit, ACP; Chris Lillo, ACP; Tasha Altmann, CP; Bonnie Woolam, CP; and Cari Hanzel. Cindy was on the ballot for a position within NALA and Chris began her second year serving on NALA's Board of Directors.

Personally, I had a blast visiting Arizona! It was my first time there and it was an experience I will never forget. Thank you to the SDPA for giving me the opportunity to represent our amazing organization at the conference. I am truly grateful for this opportunity and I hope each of you will be able to attend a conference in the future.

"Save the Date" for NALA's 2020 Conference & Expo, scheduled for July 9-11, 2020, at Harrah's in Atlantic City, New Jersey. If you have any questions, feel free to reach out to me and if I don't know the answer, I'll find someone who does! You can contact me by email at [NelsonA@GoosmannLaw.com](mailto:NelsonA@GoosmannLaw.com).

"Save the Date" for NALA's 2020 Conference & Expo, scheduled for July 9-11, 2020, at Harrah's in Atlantic City, New Jersey. If you have any questions, feel free to reach out to me and if I don't know the answer, I'll find someone who does! You can contact me by email at [NelsonA@GoosmannLaw.com](mailto:NelsonA@GoosmannLaw.com).

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## Calendar

### SEPTEMBER

- 10 \***Informed Consent**..... 10-11am
- 12 \***What's Happening in Certification?**..... 11am-12pm
- 18 \***The Millennial Effect in the Jury Box**..... 10-11am
- 20 **QSBS: The Quest for Quantum** ..... 8:30am-12pm  
**Exclusions: Queries, Qualms & Qualifications**  
**Top Tax & Estate Planning Techniques** ..... 1-5pm  
after "Tax Reform" (Sorting through the COVFEFE)  
Best Western Ramkota Hotel ~ Sioux Falls  
Register [here](#).
- 25 \***Medical Malpractice**..... 11am-12pm  
**Litigation: a Paralegal's Role**

### OCTOBER

- 10 **SDPA Social**..... 6pm  
Grand Falls Casino, Larchwood, IA
- 11 **SDPA Semi-Annual Meeting & Seminar** .... 8am-5pm  
Grand Falls Casino, Larchwood, IA
- 23 \***Introduction to Intellectual**..... 12-1pm  
**Property Law**

\*NALA Webinars: CST/CDT

**Brookings Luncheons:** Meets every other month.

For info, email Jessica Huyck, ACP at [Jessica.Huyck@SDstate.edu](mailto:Jessica.Huyck@SDstate.edu).

**Sioux Falls Luncheons:** Meets monthly.

For info, email Vicki Blake, CP at [Vicki@DDLAWSD.com](mailto:Vicki@DDLAWSD.com).





**NOTICE OF SEMI-ANNUAL MEETING  
OF THE SOUTH DAKOTA PARALEGAL ASSOCIATION, INC.**

Notice is hereby given that the semi-annual meeting of the South Dakota Paralegal Association, Inc. will be held on **Friday, October 11, 2019, commencing at 10:50 am at Grand Falls Casino**, Larchwood, Iowa. The semi-annual meeting will be held in conjunction with the SDPA Semi-Annual Seminar.

This notice is given pursuant to Article VI, Section I of the Bylaws. The purpose of the annual meeting is to hear reports of officers and committee chairpersons and to transact such other business that may come before the meeting.

The Nominations and Elections Committee has recommended the following slate of officers for the 2020-2021 term:

- Dixie A. Bader, CP – President (no vote necessary)
- Jessi N. Stucke, CP – 1<sup>st</sup> Vice President
- Autumn Nelson, CP – 2<sup>nd</sup> Vice President
- Valerie Winegar, CP – Secretary
- Diane Kerr, ACP – Treasurer (no vote necessary)
- Janet Miller, CP – NALA Liaison

Dated this 9<sup>th</sup> day of September, 2019.

Vicki Blake, CP  
SDPA President

**ABSENTEE BALLOT**

Semi-Annual Meeting 2019

**PRESIDENT:** Dixie A. Bader, CP      No Vote Necessary

**1<sup>st</sup> VICE PRESIDENT:** Jessi N. Stucke, CP  
\_\_\_\_\_  
(write in)

**2<sup>nd</sup> VICE PRESIDENT:** Autumn Nelson, CP  
\_\_\_\_\_  
(write in)

**SECRETARY:** Valerie Winegar, CP  
\_\_\_\_\_  
(write in)

**TREASURER:** Diane Kerr, ACP      No Vote Necessary

**NALA LIAISON:** Janet Miller, CP  
\_\_\_\_\_  
(write in)

**MEMBER'S NAME:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

*If you cannot attend the SDPA Semi-Annual Meeting, please complete this Absentee Ballot and return it by September 13, 2019, to: Cindy E. Schmit, ACP, 5605 E. Eastbridge Place, Sioux Falls, SD 57110, or email it to [CindySmeinsSchmit@gmail.com](mailto:CindySmeinsSchmit@gmail.com).*

*You're Invited*

**COME TO OUR  
PRE-SEMINAR SOCIAL!**

The South Dakota Paralegal Association & Executive Committee invite you to our come-and-go hospitality room. Please join us in the Grand Master Suite, Room 236!

- **Appetizers**
- **Wine & Beer**
- **Soft Drinks**
- **Other drinks available @ casino bar**

**THURSDAY**  
October 10, 2019  
Grand Falls Casino  
Larchwood, IA

**RSVP** by Tuesday, October 8, 2019 to:  
[Vicki@DDLAWSD.com](mailto:Vicki@DDLAWSD.com)

## 2020-2021 EXECUTIVE COMMITTEE NOMINATIONS



**Jessi N. Stucke, CP**  
1<sup>st</sup> Vice President

**Jessi Stucke, CP**, grew up in Sheldon, IA, Sioux Falls, and Aberdeen. She attended the University of Minnesota - Minneapolis and later received a Bachelor of Fine Arts degree from Minneapolis College of Art & Design (MCAD). She returned to Aberdeen in 2005 and is a 2011 graduate of *Leadership Aberdeen*, receiving its Dale Stein Award. She joined Richardson, Wyly, Wise, Sauck & Hieb in 2014 and works primarily with Jack Hieb, Zach Peterson, and Ryan Vogel.

She became a member of both NALA and SDPA in 2016. Since that time, Jessi has served on the Membership, Newsletter, and Website committees, and began serving as chair of the Newsletter Committee in 2017, handling layout for *The Reporter*. She received SDPA's Member of the Year Award for 2017-2018, and is serving this year as SDPA's 2<sup>nd</sup> Vice President. Jessi obtained the CP credential in 2016. She plans to obtain the ACP credential in E-Discovery.

Jessi and her husband, Chris, have two children, Evin (11) and Adeline (5).



**Autumn Nelson, CP**  
2<sup>nd</sup> Vice President

**Autumn Nelson, CP**, is a South Dakota native, raised in Lake City. She moved in 2008 to Sioux Falls, where she later obtained her Bachelor of Science degree in Criminal Justice Forensics, graduating summa cum laude from Colorado Technical University.

During college, she worked for Janklow Law Firm, then as a Litigation Specialist for AAA Collections. In 2015, Autumn joined Goosmann Law Firm at its Sioux Falls location. She currently supports Cesar Juarez, Meghann Joyce, and Emily Maurice in civil litigation, employment law, and family law.

Autumn utilized SDPA's study group to self-prepare for NALA's CP exam and earned the CP credential in 2016. She received SDPA's Member of the Year Award for 2018-2019, and is serving this year as NALA Liaison. Autumn writes for *The Reporter* and debuted Goosman Law Firm's newest blog, *Paralegal Review*.

Autumn's spare time is spent with her significant other, Robert, and her dog, Alfie. She enjoys camping, fishing, riding motorcycle, and travelling to alleged haunted sites to ghost hunt.



**Janet Miller, CP**  
NALA Liaison

**Janet Miller, CP**, received a Bachelor of Science Degree in Sociology and Criminal Justice from South Dakota State University. While living in the Minneapolis area, she received an Associate of Science Degree in Paralegal Studies from North Hennepin Community College. She became a Certified Paralegal through NALA in July 2016. Janet worked as a paralegal at a personal injury firm in the Twin Cities area for over fifteen years. In 2007, Janet returned to South Dakota and began working as a general practice paralegal at Siegel, Barnett & Schutz, LLP.

She became a member of SDPA in 2008 and has served on the following committees: Ethics (2016-2018); Membership (2017, Chair 2018-2020); and Professional Development (2017-2020). She has served in the following roles: 2<sup>nd</sup> Vice President (2014-2015) and President (2015-2017). She completed the SDPA Leadership Academy in 2014-2015. Janet earned the CP certification in 2016. She has been a member of NALA since 2016.

Janet enjoys spending time with her son, daughter and son-in-law. She also enjoys bicycling, walking and reading.

**Valerie Winegar, CP**, grew up in Northern Indiana and graduated from Clark College in Indianapolis. She has lived in Rock Rapids, Iowa, for the past twenty years with her husband and two children.

In 2003, Valerie joined the Sioux Falls offices of Lynn, Jackson, Shultz & Lebrun as a legal secretary. As time went on, she became interested in the paralegal field. Not having formal education in paralegal studies, Valerie was hesitant to apply for certification by NALA; however, she recognizes fellow SDPA member, Cindy Schmit, as an encouraging factor in her decision to sit for the Certified Paralegal exam. Ultimately, Valerie passed the exam and obtained her CP credential in 2008.

Valerie became involved in SDPA shortly after obtaining her certification. She has served on the Education Committee and received SDPA's Member of the Year Award for 2009-2010. In 2011, she participated in SDPA's 360° Leadership Academy and later served as NALA Liaison.



**Valerie Winegar, CP**  
Secretary

# Semi-Annual Meeting & Seminar

Friday, October 11, 2019 ~ Grand Falls Casino & Resort, Larchwood, IA

## AGENDA

6 NALA CLE CREDITS\*  
(1 Ethics • 4 Substantive • 1 Non-Substantive)

7:30-8:00am	REGISTRATION • BREAKFAST	
8:00-9:30am	<i>Become the CEO of Your Whole Life</i> .....	Ms. Eileen T. O'Grady, RN, NP, PhD
9:40-10:40am	<i>Ethics: Secret-Keeping and The Importance &amp; Difficulty of Client Confidentiality in High-Profile Cases</i> .....	Attorney Ms. Raleigh Hansman & Ms. Stacy Dill, paralegal Meierhenry Sargent ~ Sioux Falls
10:50am-11:50am	<i>SDPA Semi-Annual Meeting</i> .....	Executive Committee
~LUNCH~		
12:30-1:30pm	<i>Elder Law: Why Elder Law is So Important</i> .....	Attorney Ms. Bobbi L. Thury Legacy Law Firm ~ Sioux Falls
1:40-2:40pm	<i>Personal Injury: The Paralegal's Role in Accident Investigations.</i> . . .	Mr. Pete Zenner, Investigator Federal Public Defender's Office
2:50-3:50pm	<i>Criminal Law: Criminal Practice for Paralegals.</i> .....	Mr. Pete Zenner, Investigator Federal Public Defender's Office
4:00-5:00pm	<i>Business Law: Bonds &amp; the Law</i> .....	Ms. Beth Harbeck, Regional Director Old Republic Surety ~ Des Moines

### Registration Form

\*\*NOTE: If you plan to attend via webinar, please include the e-mail with which you can be reached if we experience technical difficulties: Email: \_\_\_\_\_\*\*

Seminar Fee enclosed (includes luncheon): \_\_\_\_\_ Member \$65 \_\_\_\_\_ Non-Member \$85 \_\_\_\_\_ Student \$30  
 Webinar Fee enclosed (includes luncheon): \_\_\_\_\_ Member \$65 \_\_\_\_\_ Non-Member \$85 \_\_\_\_\_ Student \$30

Name: \_\_\_\_\_ Designation: (CP / ACP / RP / PLS / PP) \_\_\_\_\_

Firm/Organization: \_\_\_\_\_ Email \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ **Thursday Night Social:** \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Maybe

Send registration form and payment to Courtney Vanden Berg, CP, 1305 East 67th Street North, Sioux Falls, SD 57104 **by Friday, September 27, 2019**. Make checks payable to **SDPA**. To cancel your registration, please contact Courtney Vanden Berg at (605) 275-8553 or at [Courtlyn@hotmail.com](mailto:Courtlyn@hotmail.com) / [Courtney@JanklowAbdallah.com](mailto:Courtney@JanklowAbdallah.com). Cancellations received on or before September 27, 2019, will receive a full refund. There is a block of rooms available at the venue, under the SDPA, \$94.95 per night for a room with 1 king or 2 queen beds.

**The deadline to reserve your room is September 19, 2019.**

+ Continuing legal education credit from NALA has been requested as follows:  
**6 hours of CLE credit to include 1-hour of ethics credit and 1-hour non-substantive credit.**

**DISCLAIMER:** Our seminars are offered as a webinar via live stream through GoToMeeting; however, please note that we cannot guarantee your experience will be equivalent to attending in person. We continue to work hard to ensure the best experience possible via livestream; however, audio, visual, and other technical difficulties may be outside our control. If you are attending via webinar, we highly recommend testing your equipment with GoToMeeting prior to the seminar.

## PRESENTER BIOGRAPHIES



**Eileen T. O'Grady**  
RN, NP, PhD

Dr. O'Grady is a certified nurse and a wellness Professional Certified Coach through the International Coach Federation. She conducts keynote presentations and workshops, designs curriculum and does coach training for health professionals and patients, and groups of any kind on the topic of revolutionizing self care or the coaching method. She has spoken at universities, schools, temples, parishes, non-profits, for-profits, and in individual homes. She has designed and taught several graduate-level courses on coaching.

In practicing primary care for more than 20 years, Eileen saw how lifestyles which do not support wellness can cause endless suffering and limit a person in every way. She has found that people often feel they have little capacity to change their course. She now practices wellness coaching to help individuals make sustained lifestyle changes so that they don't host chronic illnesses, and live more satisfying lives. She believes deeply that skills can be learned to interact with our environments in a far more intentional and healthier way.

Read more about Ms. O'Grady [here](#).  
Contact Eileen at  
[Eileen@EileenOGrady.net](mailto:Eileen@EileenOGrady.net).

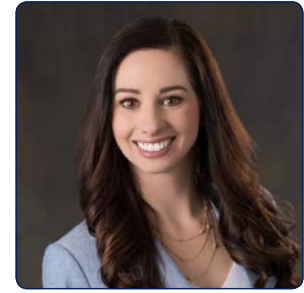


**Raleigh Hansman**  
Attorney - Meierhenry Sargent

Raleigh Hansman is a Sioux Falls, native. After graduating from the University of Colorado-Boulder and spending two years working in the entertainment industry in Los Angeles, CA, Raleigh returned to South Dakota to attend law school. She graduated from the University of South Dakota School of Law in May 2012 with Sterling Honors. During her law school career, Raleigh was the Lead Articles Editor for Volume 57 of the South Dakota Law Review and published two articles, *Time Does Not Heal All Wounds: An Analysis of the Defendant Disarming Decision in Murray v. Mansheim, 2011 SD 155*, and *Doctrinal Development or Devolution?: An Examination of the Incidental Regulation Test from Texas v. Johnson through Holder v. Humanitarian Law Project, 2012 SD 122*.

Raleigh interned with the Meierhenry Sargent law firm during summer 2011. She joined the firm as a full-time associate in August 2012 and became a partner in 2017. She works closely with Mark Meierhenry and Clint Sargent. Raleigh's present practice includes civil litigation, criminal defense, and appellate practice.

View Ms. Hansman's Curriculum Vitae [here](#). Contact Raleigh at [Raleigh@MeierhenryLaw.com](mailto:Raleigh@MeierhenryLaw.com).



**Stacy Dill**  
Paralegal - Meierhenry Sargent

Stacy joined Meierhenry Sargent in 2010. She assists Mark Meierhenry, Raleigh Hansman, and Chris Healy, focusing on civil litigation and criminal defense. Stacy's work includes maintaining files, scheduling, deposition and trial preparation, and client management.

Stacy and her husband, Mike, have two children, Talia and Dashiell. In their free time they like to be outdoors as much as possible enjoying the weather.

Contact Stacy at  
[Stacy@MeierhenryLaw.com](mailto:Stacy@MeierhenryLaw.com).

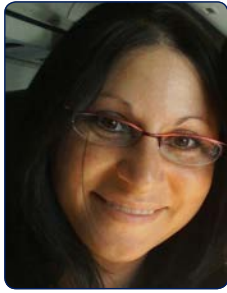


## Continuing LEGAL EDUCATION

NALA has an extensive library of CLE self-study courses, on-demand webinar recordings, and more!

Click Here: [Self-Study Courses](#)  
[Leadership](#)  
[On-Demand Webinars](#)  
[Upcoming Webinars](#)

PRESENTER BIOGRAPHIES



**Beth Harbeck**

Regional Director - Des Moines  
Old Republic Surety

Beth Harbeck is the Regional Director of Commercial Surety for Old Republic Surety in Des Moines, Iowa. She joined Old Republic Surety in 2014 and worked there as a Senior Surety and Fidelity Underwriter and Assistant Commercial Underwriting Manager until she began her current position. Harbeck was a Senior Surety and Fidelity Underwriter for Nationwide Mutual Insurance Company from 2005 to 2014. She is a member of the Surety Association of Iowa.

Read Old Republic's blog [here](#).  
Contact Ms. Harbeck at [DesMoines@ORSurety.com](mailto:DesMoines@ORSurety.com).



**Pete Zenner**

Investigator - Federal Public Defender

Pete Zenner has served as a federal investigator for more than 20 years. He is a 1987 Distinguished Military Graduate of North Dakota State University, and served in the United States Army as an Intelligence Officer until 1995. He began his career as an investigator in 1996, for the State of Colorado, working on felony criminal cases in the 5<sup>th</sup> and 18<sup>th</sup> Judicial Circuits until transferring in 2007 to the office of the Federal Public Defender for South Dakota. He continues to work on felony criminal cases.

In addition to crime scene investigation, Zenner has trained in crime prevention through environmental design, electronic surveillance, terrorism counteractive intelligence, open source intelligence, surveillance equipment engineering, tactical narcotics, and video techniques. He has written for the National Technical Investigators' Association (NATIA) and designed numerous real-world surveillance and detection systems.

Contact Mr. Zenner at (605) 330-4489.



**Bobbi L. Thury**

Attorney - Legacy Law Firm

Bobbi L. Thury partnered with Jayna Voss in 2016 to start Legacy Law Firm, a boutique firm devoted to helping people in the areas of estate planning, elder law, and business planning.

Thury graduated from the South Dakota School of Mines and Technology with a Bachelor of Science in Interdisciplinary Sciences, and obtained a Master of Business Administration from the University of South Dakota Beacom School of Business. She graduated from the University of South Dakota School of Law in 2007. While she was law school, Thury was a member of the South Dakota Law Review, serving as the Managing Editor from 2006 to 2007. Upon graduation, she clerked for the Second Judicial Circuit and was a partner at Cutler Law Firm.

Thury has presented educational seminars for the National Business Institute, the State Bar of South Dakota, and the University of South Dakota School of Law.

She and her husband, Chad, have been blessed with four children who keep them on their toes. In their spare time, they go back "home" to Parkston, and enjoy helping with the family cattle business and being outdoors.

View Ms. Thury's Curriculum Vitae [here](#).  
Contact Bobbi at [Info@LegacyLawFirmPC.com](mailto:Info@LegacyLawFirmPC.com).



**30<sup>th</sup> Anniversary Apparel!**  
Orders Due September 20!



Unisex



Women's



Chest Logo

Styles: Unisex / Women's  
Sizes/Pricing: S-XL \$39 / 2XL+ \$42  
Sizing Chart: Click [here](#). (Port Authority®)

**Send your order and cash or check payment by September 20 to:**

Vicki Blake, CP  
Duncan Law Firm  
515 W. Landscape Place  
Sioux Falls, SD 57108



# SOUTH DAKOTA Supreme Court Opinions

**STATE v. FOOTE, SR.**

2019 S.D. 32 – June 20, 2019

*Taser constitutes deadly weapon*

**CHASE ALONE v. BRUNSCH**

2019 S.D. 41 – July 11, 2019

*Tribal sovereignty prohibits third-party claim in state court*

**STATE v. HAUGE**

2019 S.D. 45 – August 1, 2019

*Son convicted of theft by exploitation*

**STATHIS v. MARTY INDIAN SCHOOL**

2019 S.D. 33 – June 20, 2019

*Marty Indian School shielded from state law claims on basis of federal preemption*

**RECK v. S.D. BD. OF PARDONS & PAROLES**

2019 S.D. 42 – July 18, 2019

*Parole eligibility calculation affirmed*



**ZHANG V. RASMUS**

2019 S.D. 46 – August 1, 2019

*Divorce litigant's legal malpractice claims redux*

**CAMERON v. OLSER**

2019 S.D. 34 – June 20, 2019

*Employer may be vicariously liable without adjudication of negligence against employee*

**STATE v. PODZIMEK**

2019 S.D. 43 – July 18, 2019

*Criminal convictions involving deceased victim affirmed*

Disgruntled divorce litigant sought to bring a malpractice claim against his attorney after being ordered to pay \$7,500 per month in alimony. His efforts to pursue a malpractice claim involved four subsequent attorneys, which included three from Minneapolis.

The malpractice claim against his divorce attorney failed, with litigant filing a voluntary dismissal when it appeared his original attorney may be awarded sanctions and attorney fees. Thereafter, litigant filed this malpractice claim, acting pro se, against the four attorneys he employed to pursue the original malpractice claim.

Trial court granted a motion to dismiss based upon lack of personal jurisdiction in favor of one Defendant and also granted summary judgment in favor of all of the Defendants. The SD Supreme Court affirmed the grant of summary judgment for all Defendants, but also reversed the trial court's ruling concerning lack of personal jurisdiction over one of the Defendants. The end result is that plaintiff's claim is foreclosed against all attorneys, notwithstanding the trial court's erroneous determination of a lack of personal jurisdiction for one of the Defendants. This is a unanimous (4-0) ruling by the Court, with opinion authored by Justice Salter. This opinion addresses issues relating to a request for the use of an interpreter by the pro se plaintiff as well as the fact that, "[t]he [underlying] malpractice claim [against the divorce attorney] is a necessary and subsidiary component of what may be fairly described as a case, within a case, within a case."

**MATTER OF CAMERON TRUST**

2019 S.D. 35 – June 27, 2019

*Full faith and credit not applicable to Child Support Enforcement mechanism*



**LAMMERS v. S.D. GAME, FISH & PARKS**

2019 S.D. 44 – July 18, 2019

*Adverse possession is not available as to government land*

This is a boundary line dispute between private landowner and the South Dakota Game, Fish & Parks, with landowner filing this action after the SD Game, Fish & Parks secured a survey and constructed a new fence. Landowner sought a declaratory judgment and permanent injunction. The trial court granted summary judgment for SD Game, Fish & Parks. The SD Supreme Court affirmed in a unanimous (4-0) ruling, with opinion authored by Justice Kern. The landowner's legal position was hampered by the rule that acquisition of title through adverse possession is not available in regard to land owned by the Government – a rule which is reaffirmed by this opinion. Additionally:

"[T]he original corner markers used to create the 1872 survey no longer existed. The original corner markers were charred oak stakes driven into dirt mounds. They have since been obliterated—meaning lost—so subsequent surveyors have used collateral evidence to locate the section corners."

Although five surveys were put into evidence, the landowner lost to the summary judgment motion because he did

"not demonstrate a genuine issue of material fact regarding the true position of the boundaries in Section 16."

**STATE FARM v. MIRANDA**

2019 S.D. 47 – August 8, 2019

*Subrogated insurer's adverse jury verdict affirmed*

*next page >>*

**LEWIS v. GARRIGAN**

2019 S.D. 38 – July 3, 2019

*Appeal from stalking order of protection dismissed as moot*

**ABATA v. PENNINGTON CTY. BD. OF COMM'RS**

2019 S.D. 39 – July 11, 2019

*County ordinance invalid due to inadequate notice*

**STATE v. MCMILLEN**

2019 S.D. 40 – July 11, 2019

*Multiple convictions affirmed*



**RIDLEY v. SIOUX EMPIRE  
PIT BULL RESCUE**

2019 S.D. 48 – August 8, 2019

*Plaintiff attacked by pit bull denied jury trial by 3-2 decision*

**BRACKEEN v. BERNHARDT**

18-11479-CV – August 9, 2019  
5<sup>th</sup> Circuit Court of Appeals

*A Texas federal judge declared ICWA unconstitutional last October. The 5<sup>th</sup> Circuit reversed that decision, upholding ICWA.*

The Court's opinion is available [here](#).

**UNITED STATES v. SAINZ**

17-10310 – August 12, 2019  
9<sup>th</sup> Circuit Court of Appeals

Opinion authored by the Honorable Lawrence L. Piersol, United States District Judge for the District of South Dakota, sitting by designation.

*Reversing the district court's denial of a motion for a sentence reduction under 18 U.S.C. § 3582(c)(2) and remanding for further proceedings, the panel held that a district court may not sua sponte raise a defendant's waiver of the right to file a § 3582(c)(2) motion and deny the motion on that ground.*

The Court's opinion is available [here](#).

**STATE v. SHARPFISH**

2019 S.D. 49 – August 15, 2019

*Another 3-2 ruling, favoring State in DUI prosecution*



**BINGHAM FARMSTRUST v.  
CITY OF BELLE FOURCHE**

2019 S.D. 50 – August 15, 2019

*City's assessment for vegetation cleanup contested by subsequent buyer*

**ASMUSSEN v. YOUNG**

2019 S.D. 51 – August 22, 2019

*SD Supreme Court denies a certificate of probable cause for an appeal from denial of a writ of habeas corpus*

Petitioner was convicted of two counts of 1<sup>st</sup> degree kidnapping in January, 2007, and did not appeal. Some eight years later, in January 2015, Petitioner sought habeas relief in state court, acting pro se. State filed a motion to dismiss, invoking the two-year statute of limitations provision in SDCL 21-27-3.3. The trial court granted the State's motion and also denied Petitioner's request for certificate of probable cause for appeal.

Thereafter, Petitioner petitioned the SD Supreme Court directly, seeking a certificate of probable cause for an appeal. This decision denies Petitioner's motion to the high Court. The Court rejected Petitioner's argument which was predicated upon that portion of SDCL 21-27-3.3 which references the "date on which the factual predicate" of his claims "could have been discovered," as set forth here:

SDCL 21-27-3.3

A two-year statute of limitation applies to all applications for relief under this chapter. This limitation period shall run from the latest of:

- ...
- (4) The date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

The SD Supreme Court interprets the phrase "factual predicate" for the first time in this opinion. Relying upon relevant federal authorities, the Court holds that an objective standard applies.

This decision is unanimous (5-0), with opinion authored by Chief Justice Gilbertson. Note: Justice Devaney participated on this case. According to USDLaw's, this is the 1<sup>st</sup> published opinion in which Justice Devaney has participated as the Court's newest member.

*Decisions are available [here](#).*

*The USDLaw list serve is designed to facilitate discussion of matters of interest to South Dakota lawyers, law students, judges and others as may be permitted by discretion of the moderator, and is made available through the University of South Dakota.*

*Professor Roger Baron, Professor Emeritus, University of South Dakota School of Law, launched USDLaw in 1997 and continues to serve as operator and moderator. Any views expressed are his personal views which do not reflect the views of the University of South Dakota. If you would like to subscribe, email the moderator [here](#).*

*Member of the Year*

2018-2019



*Autumn Nelson, CP*

Nomination by Heather Boche:

"Autumn has done a great job in her role on the Education Committee. She is the only paralegal at one of the largest, young law firms in the state. Beside the workload she carries at her firm, she has done an excellent job in coordinating this committee and leading the members. I know that Autumn has worked tirelessly to meet the goals and missions of SDPA and she always does it with a smile."

*Congratulations, Autumn, and Thank You!*

**SUBMISSIONS**

The Reporter is a quarterly publication. Send submissions to [ReporterSubmissions@gmail.com](mailto:ReporterSubmissions@gmail.com) by:

January 31 .....	March
July 31 .....	September
April 30 .....	June
October 31 .....	December

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Inquiries: Jessi N. Stucke, CP @ [JStucke@rwwsh.com](mailto:JStucke@rwwsh.com)

# GRAMMAR CHECK

## *Frequently Confused Words*

Karen Armstrong, PP, PLS

*Here are a few more frequently confused words! Test your skill to see how many you get right:*

1. It's the (**principal** or **principle**) of the matter for which he is bringing a lawsuit.  
"Principal" means main, or original amount of a debt or investment on which interest is calculated.  
"Principle" means rule, belief, tenet and theory, general law, or code of conduct.  
*The correct answer here is "principle."*
2. I am going to change (**tack** or **tact**) and pursue a different major in college.  
"Tack" is a course of action or an approach. It is also the lower leading corner of a sail, and it points the direction the ship is heading.  
"Tact" is discretion, or sensitivity in social situations.  
*The correct answer here is "tack."*
3. From our client's (**prospective** or **perspective**), that was a lousy argument to make!  
"Prospective" means expected or expecting and is used in the context of something that is likely to happen in the future.  
"Perspective" is a point of view or an attitude.  
*The correct answer in this sentence is "perspective."*
4. The judge didn't mention the previous traffic offenses, but he (alluded or eluded) to them in his summary.  
"Allude" means to refer to indirectly.  
"Elude" means to avoid or to evade.  
*The correct answer here is "alluded."*
5. Please (**accept** or **except**) my apology for being such a blockhead.  
"Accept" means to receive.  
"Except" means to exclude.  
*The correct answer here is "accept."*
6. You just need to (**insure** or **ensure** or **assure**) her that things will get better.  
"Insure" means to issue an insurance policy.  
"Ensure" means to make certain that something happens.  
"Assure" means to make a person confident of something.  
*The correct answer here is "assure."*
7. These high heels (**reek** or **wreck** or **wreak**) havoc on my feet.  
"Reek" is a strong offensive odor or stench, or means to emit or give off steam, smoke, fumes, etc.  
"Wreck" means to cause or bring about harm or to inflict punishment or vengeance; or as a noun (remember—person, place, thing, or idea?) means the remains of something that has been damaged, disabled, or destroyed.  
"Wreak" means to cause or bring about harm or damage.  
*In this sentence, "wreak" is the correct answer. I actually saw in a document this week where someone said soil erosion had "reaped havoc" on our client's property!*
8. What are the (**perimeters** or **parameters**) for the arbitration?  
A "perimeter" is an outline or boundary of a physical area.  
"Parameters" are limits that affect how something can be done.  
*In this instance, "parameters" is the correct choice. A hint for remembering this is: the first part of "parameter" is spelled the same way as "paralegal."*
9. You don't want to be responsible for a (**breech** or **breach**) of confidentiality!  
"Breech" refers to rear ends, or something facing the wrong way, such as a breech birth.  
"Breach" is something broken off or open, such as a security breach.  
*The correct answer here is "breach."*
10. Remember to (**breath** or **breathe**) when you're up front giving your presentation.  
"Breath" is a noun referring to the air going in and out of your nose and mouth.  
"Breathe" is a verb we use for the process of inhaling and exhaling.  
*"Breathe" is the correct answer.*

*If you have any questions or grammar subjects you would like discussed in future articles, please let me know @ [Karen@SchoenbeckLaw.com](mailto:Karen@SchoenbeckLaw.com).*

## AUDIT

Chair: Paula Newman  
[PNewman@Austin-Hinderaker.com](mailto:PNewman@Austin-Hinderaker.com)  
Member: Cindy Schmit, ACP  
No report.

## EDUCATION

Co-Chairs: Autumn Nelson, CP  
[NelsonA@GoosmannLaw.com](mailto:NelsonA@GoosmannLaw.com)  
Courtney VandenBerg, CP  
[Courtney@JanklowAbdallah.com](mailto:Courtney@JanklowAbdallah.com)  
Members: Dixie A. Bader, CP  
Heather Boche  
Nicole Mayer, CP

The Education Committee would like to welcome new member Dixie A. Bader, CP! The Committee is diving into planning the October 2019 Semi-Annual Meeting and Seminar, set to take place on October 11, 2019, at Grand Falls Casino Resort, just minutes outside of Sioux Falls. This October will not be one to miss as SDPA will be celebrating its 30-year anniversary! The Education Committee welcomes any recommendation on topics, speakers, and ways to improve our seminars. Please email any recommendations for the upcoming seminar to Autumn or Courtney.

## LIBRARY

Clara Kiley, CP  
[PKKiley@msn.com](mailto:PKKiley@msn.com)

Seminar DVDs go back several years and may be checked out by members at a cost of \$35 plus postage and \$50 plus postage for nonmembers. Books and other printed materials also may be checked out for the cost of postage to send the materials to the member. To check out materials, please email me.

## JOB BANK

Chair: Laura Stewart  
[LStewart@FullerAndWilliamson.com](mailto:LStewart@FullerAndWilliamson.com)  
Members: Kayne Larimer, ACP  
Ashly Luke

Abbreviated job postings are on page 18. Complete postings are available [here](#). If you are an employer or know of an employer seeking legal staff, please contact Laura.

## PUBLIC RELATIONS

Chair: Diane Kerr, ACP  
[Diane@RedstoneLawFirm.com](mailto:Diane@RedstoneLawFirm.com)  
Members: Tasha Altmann, CP  
Carol Boche  
Autumn Nelson, CP

No report.

## ETHICS

Chair: Sue Jensen, ACP  
[Sue@MerkleLaw.com](mailto:Sue@MerkleLaw.com)  
Members: Jennifer Frederick, CP  
Vikki Kelner, ACP

No report.

## MEMBERSHIP

Chair: Janet Miller, CP  
[JMiller@sbsLaw.net](mailto:JMiller@sbsLaw.net)  
Members: Jackie Schad, ACP  
Jessi N. Stucke, CP

As of the writing of this report, SDPA has 105 members. Please remember to update any change in your address, employment, phone, and/or email address so that we may provide you with timely notices of our newsletter, emails for area luncheons, seminars, and SDPA news. If you have changes, please email me or call me at 225-5420.

## NEWSLETTER

Chair: Jessi N. Stucke, CP  
[JStucke@rwwsh.com](mailto:JStucke@rwwsh.com)  
Members: Karen Armstrong, PP, PLS  
Amanda Bain, CP  
Jessica Huyck, ACP  
Melissa Wipf, CP

Welcome new members Amanda Bain, CP, Jessica Huyck, ACP, and Melissa Wipf, CP! We are working on several new topics for the upcoming year, and we would love your input. Let us know if there is a subject you would like us to address, or if you would like to contribute!

## PROFESSIONAL DEVELOPMENT

Chair: Cindy Schmit, ACP  
[CindySmeinsSchmit@gmail.com](mailto:CindySmeinsSchmit@gmail.com)  
Members: Nicole Mayer, CP  
Janet Miller, CP

Congratulations to Michelle Tyndall, ACP, the recipient of our Advanced Certified Paralegal scholarship. We have another reimbursement scholarship available in 2019 and there is still time for other Certified Paralegals to take an ACP course! We also encourage paralegals who are not certified to sit for the CP exam. We have a \$250 scholarship available. We did not receive any student scholarship applications this year. Applications for the student scholarship, CP, and ACP reimbursement scholarships are available on our website. If you have any questions, please contact a member of our committee.

## NOMINATIONS & ELECTIONS

Chair: Cindy Schmit, ACP  
[CindySmeinsSchmit@gmail.com](mailto:CindySmeinsSchmit@gmail.com)  
Member: Chris Lillo, ACP

If you are interested in serving on the SDPA Executive Committee, please ask an SDPA member to nominate you or contact someone on the Nominations and Elections Committee. We are seeking nominations for 2<sup>nd</sup> Vice President, Secretary, and NALA Liaison. We will vote for these officers at the Semi-Annual Meeting to be held in October and the officers will begin their term on the 2020-2021 Executive Committee at the end of the Annual Meeting in June of 2020.

The following slate of officers has been recommended for the 2020-2021 term:

Dixie A. Bader, CP – President  
Jessi N. Stucke, CP – 1<sup>st</sup> Vice President  
Autumn Nelson, CP – 2<sup>nd</sup> Vice President  
Valerie Winegar, CP – Secretary  
Diane Kerr, ACP – Treasurer  
Janet Miller, CP – NALA Liaison

## SPECIAL COMMITTEE

Chair: Jessi N. Stucke, CP  
[JStucke@rwwsh.com](mailto:JStucke@rwwsh.com)  
Members: Autumn Nelson, CP  
Courtney Vanden Berg, CP

We received the Executive Committee's approval to pursue quarterly, state-wide CLE luncheons. The physical location will rotate each quarter, but each CLE will be offered live in the same format as our seminars. We are in the process of preparing a quick and easy online survey to the members to address your preferences and ideas!

## WEBSITE

Chair: Jessica Huyck, ACP  
[Jessica.Huyck@SDstate.edu](mailto:Jessica.Huyck@SDstate.edu)  
Member: Jessi N. Stucke, CP

We have continued the process of converting each document into an ADA accessible format. We have also continued to review the website for updates and keep the events and job postings current. We are currently in the process of researching other hosting platforms for our website that might help provide a more security, as well as bolster our image. Once our research has been completed, we plan to submit a report to the Executive Committee with our recommendations. As always, please contact our committee if you have an idea of something to add to the website.

# JUDICIAL Appointments



## 4<sup>th</sup> Judicial Circuit Kevin J. Krull

Governor Kristi Noem has appointed Kevin J. Krull to serve as a judge for the Fourth Judicial Circuit.

"Kevin has a strong history of serving his community and seeking out truth," said Noem. "His background and experience have prepared him well for this position, and I'm confident he will be an excellent judge."

"I am honored and humbled for this opportunity to serve South Dakota," said Krull. "In my position as State's Attorney, I have worked hard to listen to the opinions of others and evaluate those opinions with an open mind. I look forward to exercising these same practices as I serve the people of the Fourth Circuit as judge."

Krull grew up in Watertown. He attended the University of Notre Dame, where he obtained a degree in government and international studies, and the University of Florida College of Law, where he obtained his Juris Doctor.

Krull served in the U.S. Army from 1987 until 1991. From 1998 until 2002, he worked in private law and practiced general law and family law. In 2001, he began serving as a part-time Deputy State's Attorney and added criminal prosecution to his practice. In 2003, he became a full-time criminal prosecutor, and served in that capacity until 2011, when he was appointed Meade County State's Attorney. In this role, he has specialized in criminal prosecution and provided legal advice to the county commission and other county officials.

Aside from his law practice, Krull enjoys boating and fishing with his family. He teaches a weekly Sunday School class at his church and enjoys cheering on his sons in sporting and school events.



## 2<sup>nd</sup> Judicial Circuit Rachel Rasmussen

Governor Kristi Noem has appointed Rachel Rasmussen to serve as a judge for the Second Judicial Circuit. "Rachel's tenure of service in law has equipped her well for this position," said Noem. "She has exposure to a wide range of legal matters, and her legal experience has aided her successful transition from practice to the bench. I am confident she will uphold the law."

"I understand the privilege and responsibility it is to serve as a judge, and I am honored to do so," said Rasmussen. "I look forward to serving the people of South Dakota as a Circuit Judge for the Second Judicial Court."

Rasmussen grew up in Canton. She attended the University of South Dakota, where she graduated with a degree in political science, and the University of Minnesota, where she obtained her Juris Doctor.

Rasmussen served as a Deputy State's Attorney in the Lincoln County State's Attorney's Office from 2007 until 2010 and practiced law at Peterson, Stuart, Rumpca & Rasmussen from 2011 to 2018. She has served as a magistrate judge for the Second Judicial Circuit since 2018.

Aside from her role as a judge, Rasmussen is active in her community and church and enjoys spending time with her family and friends.



## DID YOU KNOW ? South Dakota STATE NEWS

The state news site is designed to provide citizens with the latest State news and information regarding the government's day-to-day operations.

- News by Agency:** Latest press releases and other info from the Governor's Office, Department of Tribal Relations, UJS, and more.
- Archives:** Press releases from past to present via a simple search function.
- Multimedia:** Videos, photos and audio recordings.
- Social Media:** Access to instant conversations about the latest news and government activity.
- Subscribe:** Join the email list to receive instant updates and immediate access to press releases issued from the Governor's Office.

# Preparing Clients & Witnesses

## A paralegal's approach and perspective

Vicki Blake, CP

Duncan Law Firm ~ Sioux Falls

Reprinted with permission of the National Association of Legal Assistants, Inc. This article originally appeared in the September/October 2011 issue of *Facts & Findings*.

Inquiries should be directed to NALA at [nalanet@nala.org](mailto:nalanet@nala.org)

**WE'VE** all seen or heard of clients who show up for court or a deposition dressed inappropriately and unprepared. It should be common knowledge for people to dress or act appropriately during legal proceedings, but our clients and witnesses don't always understand the importance of their impression on the judge, jury, or opposing counsel.

**The following should provide some basic information that you can share to prepare your witnesses.**

Attorneys prepare their clients for the legal side of a deposition or court hearing, and paralegals should do their part in assisting the attorney with "personal" preparation. Many attorneys do "mock" depositions or court hearings to prepare clients for what is ahead and many times they videotape the session so that clients can see their own demeanor. What attorneys don't always remember is that this territory is very foreign to people who are not familiar with the legal process. That is where the keen perception of paralegals comes in.

Paralegals can often put directions and suggestions into common language with less legalese than attorneys remember to do. While each court hearing and case is different, there are some basic things that paralegals can do to assist.

First, explain in plain language what happens when a witness is questioned. You should explain that the opposing attorney will ask questions "under oath." Make sure your clients understand that their deposition testimony is given as if it were in a courtroom and that they will be asked to swear an oath. Of course, you explain that the court reporter can't take down words that are being said by two people at once, so when a question is asked, make sure they understand to listen to the entire question before attempting an answer.

### Say What?

We all know that clients nod their heads and say "uh-huh." Explain that the interpretation of such behavior can be differently interpreted by different people so they just answer with an explicit "yes" or "no."

Reiterate that if a witness doesn't know the answer to a question, they should not make up an answer but answer

honestly that they don't know. Witnesses many times try to answer with what they "think" the answer should be.

A brief discussion of that with your clients, even if the attorney has already talked with them, can help eliminate those issues. Tell your client that an "I don't know" answer is acceptable and don't be afraid to say so. Make sure clients understand that this is not the time to be saying things that they honestly don't know.

"I don't remember" is also an acceptable answer. If your client or witness does not understand the question, it is perfectly acceptable for them to say so and the attorney will have to ask the question in a different manner.

If your client needs a break from testimony, they should be encouraged to ask for a break.

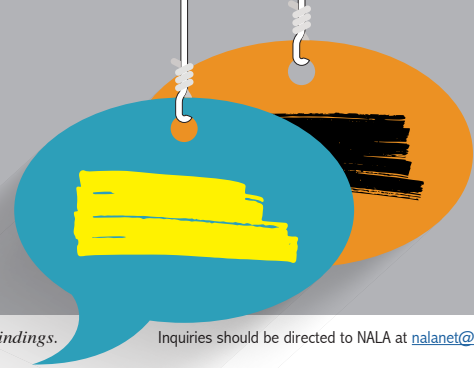
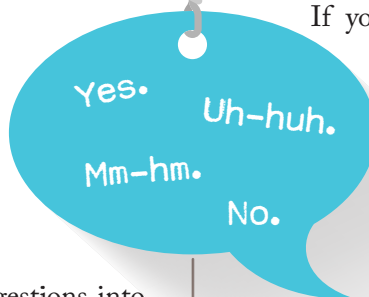
Explain again to your client that a concise answer to the question is best. Elaborating, or the need to explain, is very great for most witnesses because everyone wants the opportunity to tell their story, but doing so can harm your case.

### Who's There?

Let clients or witnesses know who will be at the deposition or hearing and what their role will be. If you have clients who are really nervous about a court hearing, take them to the courthouse and go into a courtroom or show them where the deposition will be taken. Take them on a walk-through and explain who will be sitting where and what will happen.

Make sure they know the proper etiquette regarding their actions towards the judge and/or opposing counsel. Assure your clients or witnesses that being nervous is natural. Show them a deposition or hearing transcript so they have an idea of how things go in a courtroom or deposition and what the final product will be. Explain that they will be allowed to review the transcript as provided by the court reporter if they choose.

Attorneys tell clients to "only answer what is asked of you." That means that if a "yes" or "no" question is asked, then the answer should be "yes" or "no." If the yes or no answer needs to be elaborated upon, then the attorney will ask for more information. Let your client know that the attorney will ask questions to either refute what has been asked or to allow them an opportunity to explain.



>>

Many cases are lost because a person under oath has volunteered too much information that either hasn't been discussed between them and their attorney, or is irrelevant to the legal case at hand. Once asked, it is said, you can't "un-ring the bell."

Allow plenty of time to prepare clients or witnesses. Any case worth taking is worth the preparation and many cases hinge upon depositional or court testimony.

## *Attire*

Appropriate attire is also important to discuss with clients. If you have a female client, don't just suggest what to wear for court or deposition, but ask her pointedly what she intends to wear. The judge and jury, or opposing counsel, don't need to be distracted by a female witness appearing in stiletto-heeled shoes and a miniskirt. Neither should a client attempt to dress as if they are headed to church or a funeral.

Business casual dress, so that you don't stick out like a sore thumb, is generally most acceptable. You don't want your clients to come to court dressed like they are out for a night on the town. Most male defendants should appear in court for trial dressed in a business suit or a sport coat. For other hearings and depositions, dress pants and a nice dress shirt are appropriate, at least in the Midwest. Female witnesses should wear a business dress or suit for trial and casual business dress for other hearings and/or depositions.

It should go without saying that if your witness has tattoos or body piercings, it is probably best to cover up the tattoos and leave the body jewelry at home. Regardless of their need to express their individuality, a courtroom or legal setting is rarely the time or place for that expression.

That includes gaudy or over-the-top jewelry, hairstyles, hair color, and make-up. It is fair to state that the more your client or witness fits into everyday society and the less they stick out, the better.

Speak frankly with your client about attitude. While most work in the legal profession is contentious and usually the people who meet in a deposition or court are fighting against each other in one way or another, your client needs to leave any chip on his or her shoulder at home. Bitterness and inappropriate attitude toward the adverse party and/or their attorney serves no useful purpose.

Always remember that the other side is evaluating your clients to see how they will appear in front of a judge and/or jury. Reducing levels of anxiety, argumentative attitude, and preparing your witness will make a deposition or court testimony productive. Talk with your witness about not arguing with the attorney. Attorneys many times use tactics to anger witnesses.

Let your witnesses know that they don't need to prove to an opposing attorney how smart they are. They don't need to sell their case. Witnesses need to be themselves, sell themselves, and let the facts sell their case. Explain that they should not be offended by personal questions that seem to have no bearing on their case.

You will need to gauge how your clients are perceived by opposing counsel, the court, and the jury. Every case is different, and each client scenario is different as well.

For final review, always go over what to wear, where to meet, and what time the deposition will be held. Never, ever, be late!

## *Pay Attention*

Cases are never the same after a deposition. Some cases get better and some cases are lost because of depositional testimony. Explain to your clients that depositions can get long and tedious, but remaining focused and answering questions as best they can is key.

Your preparation of the witness in addition to the preparation your attorney does will help depositions go smoothly and help your client or witness stay focused. Make sure your clients understand the importance of their testimony.

In addition to your witness or client being prepared, be aware of the importance of your own professional appearance on behalf of your law firm. Whether at conferences, trials, or depositions, we must be always aware of how our dress and demeanor affect our client's case.

For a paralegal to appear in court in flip-flops, for example, is totally unacceptable. That's a no-brainer, of course, but remember that while we have lives outside of the legal field, covering up our tattoos, leaving piercing jewelry at home, and being aware of how we are perceived is part of our professional responsibility.

Paralegals are the eyes and ears of our attorneys. What we do and how we handle our clients is of utmost importance, perhaps even more important than some of the research we do, the pleadings we draft, and the files we review. Many times our clients establish a bond with us that they don't with their attorney.

We must strive to accurately and efficiently gather the necessary information to prepare a case for trial and ensure that each client receives the highest quality of legal services. Preparing the witnesses is crucial.

Vicki has more than 30 years of experience in the legal field, and works in personal injury litigation, business litigation, domestic relations, and criminal law. She joined Duncan Law Firm in 2009. She also works in other areas of law, including creditor bankruptcy, real estate, and corporate law. She earned her Certified Paralegal designation in 2007, and is currently worked toward earning the Advanced Certified Paralegal designation in personal injury. She was named Member of the Year for 2008-2009, and is currently serving as SDPA's President. She is a member of 2<sup>nd</sup> Circuit Women in Law, and SDTLA.



# Minutes of Annual Meeting

## SOUTH DAKOTA PARALEGAL ASSOCIATION

June 21, 2019: *Rapid City*

The annual meeting of the South Dakota Paralegal Association (SDPA), a National Association of Legal Assistants (NALA) Affiliate, was called to order by the President, Jennifer Frederick, CP. The roll call was made with the following members attending in-person: Vicki Blake, CP; Michelle Schmidt; Karen Armstrong, PP, PLS; Jennifer Frederick, CP; Teri Farland; Jackie Schad, ACP; Gail Christen; Linda Fletcher; Betsy Petersen; Robin Peterson,; Dixie A. Bader, CP; Autumn Nelson, CP; Rebekah Koeck; Jessica Huyck, ACP; Gwen Aberle; Beth Ann Halverson; Karen Martin; Kayne Larimer, ACP; Susan Sare; Ashley Schmid; Peggy Lay; Maria Lindgren; Cindy Smeins Schmit, ACP; DeLynn Hanson; Heather Boche; and Carol Boche. The following members attended via webinar: Nicole Mayer, CP; Dixie Murphy, CP; Raquel Vokenroth, CP; Vikki Kelnor, ACP; Valerie Winegar, CP; Lonna Sue Jensen, ACP; Amanda Bain, CP; Jessi Stucke, CP; Abby Woytassek, CP; Melissa Wipf, ACP; Jaela Schultz, CP; Tasha Altmann, CP; Sara Imberi; Pamela van Engelenhoven, CP; Deana Olson, CP; Shelli Gust, CP; Clara Kiley, CP; Janet Miller, CP; Becky Purington, ACP; Jackie Hoefener, CP; Andrea McDowell, CP; Paula Haight, CP; and Brenda Van Dam. According to the Bylaws, a quorum was present for transacting business on behalf of SDPA.

The new officers for the upcoming year were introduced:

Vicki Blake, CP – President  
Dixie A. Bader, CP – 1<sup>st</sup> Vice President  
Jessi Stucke, CP – 2<sup>nd</sup> Vice President  
Victoria Swenson – Secretary  
Diane Kerr, ACP – Treasurer  
Autumn Nelson, CP – NALA Liaison

It was moved and seconded that the reading of the October 5, 2018, minutes was waived. The minutes were approved as written.

### Executive Reports

Cindy Smeins Schmidt, ACP, presented the Treasurer's Report. The report was emailed previously to all members. Cindy pointed out that an additional amount was paid for an invoice for the GoTo Meeting application in the amount of \$372.62 which was not included in the report. The

Treasurer's Report was approved by motion and seconded as read.

The NALA Liaison's report was presented by Autumn Nelson, CP, on behalf of Courtney Vandenberg, CP. Out of our 105 members, there are 98 certified members and 29 members holding ACP status. It was reported that NALA is establishing a number of new ACP courses, which should be available soon.

### Committee Reports

Autumn Nelson, CP, presented the Education Committee report. The seminar attendance for this seminar was 36 members and 16 guests. Autumn recognized all of the sponsors for the seminar. It was also noted that the Association put an advertisement in the SD Bar Association Newsletter with additional information on our seminar. There was a motion and second to approve the Education Committee report.

The Membership Committee report was given for Janet Miller, CP, by Vicki Blake, CP. She also reported that we have 105 members and that the membership committee sent out letters to a number of law firms specifically inviting them to have their staff attend our seminar. The report was approved by motion and second.

Jennifer Frederick, CP, presented the Audit Committee report on behalf of Paula Newman. There being no opposition, it was moved and seconded to accept the report.

The Ethics Committee had no report.

The Public Relations Committee had no report.

The Library Committee report was presented by Jennifer Frederick, CP, on behalf of Clara Kiley, CP.

There was no report from the Newsletter Committee.

Cindy Smeins Schmit, ACP, presented the Professional Development Committee report. There was only one applicant to the ACP Scholarship reimbursement. Michelle Tyndall, ACP, of Belle Fourche, was awarded the scholarship.

Kayne Larimer, ACP, gave the Job Bank Committee report for Laura Stewart. He pointed out that there are currently nine positions listed on the state-wide job bank, and noted that the committee is putting the listing date on the announcement. He asked that if positions are filled, that members be sure and contact the Job Bank Committee to remove the listings.

The Website Committee report was given by Jessica Huyck, ACP. She indicat-

ed that the committee is reviewing other hosting websites.

The Nominations and Elections Committee report was given by Cindy Smeins Schmit, ACP.

There was no report by the Special Committee, which is working on state-wide webinar noon lunches.

Kayne Larimer, ACP, moved to accept all committee reports; seconded by Dixie A. Bader, CP, and the motion carried.

### Old Business

The subject of sponsorships was discussed. It was explained that sponsorships are being encouraged by in-kind donations to the seminar(s) rather than cash sponsorships be earmarked for something extra for the seminar, i.e. sponsorship of the social. The bylaws have been changed to reflect that the Education Committee "had" to seek sponsorships.

### New Business

It was presented to the meeting that the Library has new copies of the CP Study and Exam books recently released by NALA. The check-out policy will be that the books can be checked out for three months, with a check for \$99 as a deposit. The check will be held by the Librarian for the three-month check-out period and not cashed, as long as the study materials are returned. The borrower of the materials can ask for an additional three-month period for check-out, if done in advance. This was found to be necessary because we have had books that were not returned and were either loaned to someone else or lost. SDPA has purchased the books for the benefit of our members and need to be available to any member wishing to check them out.

President Jennifer Frederick, CP, presented the Member of the Year award to Autumn Nelson, CP. She also acknowledged the Education Committee for all of its hard work to present a great seminar, and thanked each of the Committee members for all of the hard work throughout the year.

1<sup>st</sup> Vice President Vicki Blake, CP, presented a gift to Jennifer Frederick, CP, in appreciation for all her work and diligence for the past year.

The members were reminded to complete their evaluation forms, with CLE credit forms to be signed by any member of the Education Committee, and their committee preference forms for the upcoming year.

The meeting was adjourned.



## Q&A

From time to time, the Executive Committee receives requests by members to send and receive information from our members on different legal and administrative issues. Eventually, we would like to have a Listserv similar to the one the South Dakota State Bar has for its attorneys, but until then the Executive Committee has set up a manual email procedure for our members to exchange information and ideas!

If you would like to submit a question to the Membership on a legal or administrative issue, please email it to the President for review by the Executive Committee. The President will then email your question to the Membership, and ask that members respond directly to you. If anyone else would like to get a copy of the information received, he or she can contact the person who posed the question.

The Q&A email will go to all members, but if you want to opt out of receiving these types of emails, please notify the President and you will be removed from this email group. You can opt out or opt in again at any time by emailing the President. This initial procedure may be modified based on any feedback we receive.

**Q:** Do any Sioux Falls firms keep in-house RNs, or hire any as independent contractors for use as needed to review and analyze medical records? Is there any list of independent RNs?

[LStewart@FullerAndWilliamson.com](mailto:LStewart@FullerAndWilliamson.com)

**Q:** Is there current information on obtaining cell phone records from MCI via subpoena? (The phone number and email listed on MCI's website are defunct.)

[Karen@SchoenbeckLaw.com](mailto:Karen@SchoenbeckLaw.com)

**GOOD**  
.....  
**FOR YOU**

**Christine K. Lillo** ACP

Chris is now serving her second year on NALA's Board of Directors as the Area 2 Director.

**CONGRATULATIONS,**  
and **THANK YOU,** Chris!

### Balsamic Vinaigrette

*Autumn Nelson, CP*

*My diet is what I like to call whole foods-ish. I did the Whole30 program awhile back, and really learned what is good for my body, what fuels it, and what gives me the 3:00 naptime feeling every day. One thing that became very clear to me, is a lot of store-bought dressings and marinades have massive amounts of unnecessary, and often unhealthy "stuff" (for lack of a better word!), in them. One thing I found that I absolutely love, and is made with whole foods is Balsamic Vinaigrette dressing. It is great on salads and on meats!*

#### INGREDIENTS

1 Tbsp Balsamic vinegar  
1 Tbsp Whole-grain mustard  
1 Garlic clove, minced  
3 Tbsp Extra virgin olive oil  
\* Salt  
\* Pepper, freshly ground

#### PREPARATION

1. In a small bowl, combine the vinegar and mustard.  
2. Add the oil in a slow, steady stream, whisking constantly.  
\* Season with salt and pepper to taste.

### Past President

2018-2019



*Jennifer X. Frederick, CP*

Jennifer graduated from SDSU in 2001 with a Bachelor's Degree in Sociology. She spent more than twelve years with Spears Law Office. During that time, she obtained her Certified Paralegal designation, and she assisted with a successful Circuit Court Judge campaign. In 2015, she worked for a brief period at the Law Office and Mediation Center of Ronald Frauenschuh, until she accepted a position with Schoenbeck Law in Watertown. Jen joined SDPA in 2007, and was an inaugural member of SDPA's 360° Leadership Academy. Jen's peers awarded her as the 2011-2012 Member of the Year. She later served as Co-Chair of the Newsletter Committee, and she served on the Executive Committee for several years prior to serving as our President. Jen is active in various community organizations, but what she enjoys most is spending time with her husband and two precious grandsons.

*Thank You, Jennifer!*

# Job Bank

The following posts have been abbreviated. Complete, additional listings are available on our [website](#). If you are aware of open positions, please contact Job Bank Chair, Laura Stewart, at [LStewart@FullerAndWilliamson.com](mailto:LStewart@FullerAndWilliamson.com)

## PARALEGAL

**Woods, Fuller, Shultz & Smith**  
*Sioux Falls*

Seeking experienced paralegal to join our fast-paced Business and Estate Planning practice groups full-time. Successful candidate will be motivated, hardworking, and a team player, with impeccable organizational and communication skills. Prior experience preparing and filing 706 and 709 regulatory and tax filings is a plus.

The firm offers excellent benefits, additional voluntary benefits, and a family-friendly atmosphere. To apply, submit a cover letter and resume to [Careers@WoodsFuller.com](mailto:Careers@WoodsFuller.com).

## LEGAL SECRETARY

**Lynn, Jackson, Shultz & Lebrun**  
*Spearfish*

Full-time position as front office/legal secretary. Under minimal supervision, candidate will provide secretarial assistance to assigned attorneys and/or legal staff. Position involves drafting, proofreading, filing, and using multiple systems and databases to enter information promptly and accurately. Front office responsibilities including greeting clients, vendors, and visitors, processing mail, billing, ordering supplies, and maintaining office equipment. Send resume to [Pam.Asbridge@LynnJackson.com](mailto:Pam.Asbridge@LynnJackson.com).

## LEGAL ASSISTANT

**Bangs, McCullen, Butler, Foye & Simmons**  
*Rapid City*

Accepting applications for a litigation legal assistant. Typical hours are M-F 8am-5pm. Applicant must be detail-oriented, hold a positive attitude, and possess excellent clerical and communication skills. Wage DOE, excellent benefit package. Email resume to [BDreyer@BangsMcCullen.com](mailto:BDreyer@BangsMcCullen.com).

## PARALEGAL

**Dakota Plains Legal Services (DPLS)**  
*Rapid City*

DPLS is a non-profit legal services program serving Butte, Custer, Fall River, Harding, Lawrence, Meade, Pennington, and Perkins counties.

Applicant must have knowledge and expertise regarding the legal system, including understanding of substantive and procedural law. Must recognize ethical considerations of working under direct supervision by licensed attorneys. Must demonstrate an interest in poverty law and working with Native American and low-income clients.

Salary DOE. Excellent benefits including leave and medical. Submit cover letter and resume to Dalene M. Bettelyoung at [dpls2@gwtc.net](mailto:dpls2@gwtc.net).

## PARALEGAL

**East River Legal Services (ERLS)**  
*Sioux Falls*

ERLS is a non-profit law firm providing free, civil legal aid to low-income individuals in the 33 eastern SD counties. Seeking professional, experienced, intelligent individual with excellent communication and interpersonal skills to assist with a variety of poverty law cases pertaining to crime victims. Must be highly organized, punctual, and capable of accepting direction from multiple attorneys and other staff. This is a new position created under the program's recent Victim of Crimes Grant.

Casework involves domestic violence, housing, government benefits, elder law, and veteran's rights as assigned by the Executive Director. Position may involve client contact, drafting, research, file maintenance, representing clients at administrative hearings, conducting outreach, and assisting Pro Bono Coordinator.

Wage DOE (current entry-level salary is \$33,000/year). Excellent benefits package including PTO, retirement, and health benefits. Send cover letter and resume to Brent Thompson, Executive Director, 335 N. Main Ave., Suite 200, Sioux Falls, SD 57104.

## PARALEGAL

**East River Legal Services (ERLS)**  
*Sioux Falls*

ERLS is a non-profit law firm providing free, civil legal aid to low-income individuals in the 33 eastern SD counties.

Position oversees volunteer program, including recruitment, retention, mentorship, and recognition of volunteers, management of legal clinics, case placement, and coordination of pro bono initiatives. This is a newly-created position and is currently on a contract basis. If successful, this position will become full-time employment.

Wage DOE (minimum \$20/hour). Excellent benefits package including PTO, retirement, and health benefits. Send cover letter and resume to Brent Thompson, Executive Director, 335 N. Main Ave., Suite 200, Sioux Falls, SD 57104.

## PARALEGAL

**Expansion Capital Group**  
*Sioux Falls*

Position available on in-house legal and compliance team. This position requires a high degree of analytical, written and oral communication, and organizational skills. Involves legal research, drafting, dispute investigation, monitoring changes in laws and regulations plus drafting and administering compliance training and marketing materials. Send cover letter and resume to [TLoos@ExpansionCapitalGroup.com](mailto:TLoos@ExpansionCapitalGroup.com).

## LEGAL SECRETARY

**Moreno & Bachand**  
*Pierre*

Opening for receptionist/secretary. Duties include answering phones, directing calls and inquires tactfully and discreetly, maintaining and ordering office supplies, preparing correspondence and miscellaneous legal documents, transcription, and electronic filing. Must have working knowledge of Microsoft Office and general office equipment. Experience preferred, but right candidate will be trained. Flexible hours, excellent retirement plan. Wage DOE. Send resume to [RHanson@PIRLaw.com](mailto:RHanson@PIRLaw.com).

## PARALEGAL

**Donahoe Law Firm**  
*Sioux Falls*

Seeking full-time paralegal to support two attorneys in preparing legal documents, filing in state and federal courts, answering phones, and serving as initial contact for the firm. Organize and maintain client files, scheduling, and assist in trial preparation. Should be proficient in Microsoft Office. Experience with state and federal court systems preferred. Paralegal certificate or Bachelor's degree in related field preferred, along with more than one year experience in office environment. Send cover letter and resume to Lynnda Schoen at [Lynnda@DonahoeLawFirm.com](mailto:Lynnda@DonahoeLawFirm.com).

## LEGAL SECRETARY / ADMINISTRATIVE ASSISTANT

**Riter, Rogers, Wattier & Northrup**  
*Pierre*

Full-time opening for a legal secretary or administrative assistant. Prefer knowledge of or background in preparing legal briefs, legal correspondence, and other secretarial duties, along with good communication and Microsoft Office skills. Will consider someone with good secretarial background skills, willing to learn and work with legal terminology and documents. Preferred candidate must have ability to be thorough, timely and accurate, communicate information in clear and concise manner both verbally and in writing, and maintain effective working relationships with co-workers and clients. Wage DOE; competitive benefits. Send resume and cover letter to [M.Northrup@RiterLaw.com](mailto:M.Northrup@RiterLaw.com).

## BUSINESS MANAGER

*Rapid City*

Full-time position at real estate development company. Candidate will work with established attorney and real estate broker/developer. Must be highly organized, have strong administrative skills, be detail-oriented, reliable, and proficient in Microsoft Office and Quickbooks. Legal secretarial experience preferred. Salary DOE. Send cover letter and resume to [Kent.Hagg@AMatterOfLaw.com](mailto:Kent.Hagg@AMatterOfLaw.com).

# USDLaw Crosswords

**ACROSS**

- \_\_\_\_\_ McCullen
- Contracts professor
- \_\_\_\_\_ Johnson  
(family law attorney)
- U.S. Senator
- \_\_\_\_\_ Dam
- \_\_\_\_\_ & Hutton, Evidence

**DOWN**

- Chief Justice
- Meierhenry \_\_\_\_\_, LLP
- S.D. Statutes (citation format)
- J. Crisman \_\_\_\_\_
- \_\_\_\_\_ Johnson (deceased)
- Former judge, now senator
- Ken \_\_\_\_\_, federal law clerk
- Former judge, now legislator
- \_\_\_\_\_ Siegel, Barnett & Schutz

**ACROSS**

- State's Attorney - Minnehaha
- May, Adam, \_\_\_\_\_ & Thompson
- Access to \_\_\_\_\_
- Presiding judge - 2<sup>nd</sup> Circuit
- Presiding judge - 1<sup>st</sup> Circuit

**DOWN**

- SDCL 19
- County Seat - McPherson
- Law School Dean @Y2K
- Presiding Judge - 3<sup>rd</sup> Circuit
- SDCL 15-6-26(b)(4)
- County Seat - Beadle
- \_\_\_\_\_ thousand or less (small claims)
- Presidential candidate, 1972

**ACROSS**

- Chair, Elder Law Committee
- Famous Deadwood Sheriff
- Number of judicial circuits (SD)
- Judicial circuit with fewest civil cases
- \_\_\_\_\_ Driscoll,  
Law School Dean (deceased)
- SD Supreme Court Justice,  
author of two recent dissenting opinions
- Presiding Judge - 4<sup>th</sup> Circuit

**DOWN**

- Spendthrift \_\_\_\_\_
- Chair, Administrative Law Committee
- Chair, Law School Committee
- \_\_\_\_\_ Patten
- Federal statutes for Indian children

**ACROSS**

- \_\_\_\_\_ Annex, Sioux Falls
- State's Attorney - Pennington
- SD Secretary, SD  
Department of Revenue
- Linda \_\_\_\_\_, family law attorney
- \_\_\_\_\_ judicata
- State's Attorney - Stanley
- Mike \_\_\_\_\_ State Prison
- John & Lisa \_\_\_\_\_,  
Selby
- \_\_\_\_\_ Jane,  
Deadwood
- SD Supreme Court  
Justice, author of recent  
dissenting opinion
- \_\_\_\_\_ Driscoll,  
Law School Dean (deceased)
- SD Supreme Court Justice,  
author of two recent dissenting opinions
- \_\_\_\_\_ Patten
- Federal statutes for Indian children

**DOWN**

- Law School Associate Dean
- State's Attorney - Sully
- State's Attorney - Perkins
- Location of SD Women's prison
- Judicial circuit with most civil cases
- Director, SD Division of Insurance
- Law professor Tom \_\_\_\_\_
- Recent landmark U.S. Supreme Court decision on SD sales tax
- Law professor Thomas J. \_\_\_\_\_



# 2019 SPONSORSHIP FORM

Company Name \_\_\_\_\_ Contact \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

## SPONSOR OPTIONS

### 1. PROMOTIONAL GIVEAWAY ITEMS

**Choose One:**

- Door prizes (5-10 items)
- First Come/First Served @ Registration Table (15-20 items)
- All attendees (Education Committee will provide estimate)

Describe your giveaway items: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### 2. SEMINAR SOCIAL OR SPECIAL EVENT

**Choose One:**

- Seminar Social** (describe, i.e., provide venue, food/drinks, etc.)

\_\_\_\_\_

\_\_\_\_\_

- Special Event** (describe, i.e., tickets for baseball game, VIP room, paid speaker, etc.)

\_\_\_\_\_

\_\_\_\_\_

Please purchase and deliver the items to our Education Committee by **October 1, 2019**, along with any other information about your business which you wish to display at the seminar. Giveaway items can be your business products or other fun items with your business logo or name on them, or with an annotation of "Sponsored by \_\_\_\_\_."

If you choose to sponsor a seminar or special event, please describe the nature of your sponsorship. The Education Committee will work with you and our Executive Committee to coordinate any sponsorships for seminars, socials or other special events.

## SPONSOR BENEFITS

Sponsors will be recognized during the upcoming seminar and will identified in the next issue of *The Reporter*. Your firm or organization are welcome to display brochures, business cards, or other promotional information at the seminar's registration table.

Please return this form to Autumn Nelson, CP, Education Committee Co-Chair at [NelsonA@GoosmannLaw.com](mailto:NelsonA@GoosmannLaw.com).

***Your contribution is greatly appreciated by the members and guests of SDPA. Thank you!***



[CLICK HERE for COMPLETE INFORMATION](#)

**NALA will release new editions of the CP study materials to correspond with the new format launched this year.**

Part 1	KNOWLEDGE Exam
Available year-round at PSI testing centers. Contact your chosen testing center for availability.	

- Administered on-demand, year-round at testing centers with preliminary results upon completion.
- 120\* multiple-choice questions covering the topics listed in Appendix A online. *Only 100 questions will be scored.*
- Subjects addressed:
  - Corporate/Commercial Law
  - Criminal Law & Procedure
  - Estate Planning & Probate
  - Real Estate & Property
  - Professional & Ethical Responsibility
  - U.S. Legal System
  - Civil Litigation
  - Contract Law
  - Torts

Candidates must successfully complete the Knowledge Exam in order to be eligible to take the Skills Exam.

- Candidates must wait at least two weeks after passing the Knowledge Exam to take the Skills Exam.

Part 2	SKILLS Exam
Candidates are eligible two weeks after passing the Knowledge Exam.	

- Administered four times each year: February, April, July, and October.
- Written assignment (see Appendix A online).
- Written submissions will be evaluated according to the following criteria:

**WRITING**

- Grammar, Spelling & Punctuation
- Clarity of Expression

**CRITICAL THINKING**

- Reading Comprehension
- Analysis of Information
- Decision Making

**Re-Testing**

Candidates who do not pass the Knowledge Exam must wait 90 days before re-taking it. Candidates must pass each exam within the first three attempts at each exam during a 365-day period or wait 365 days before trying again.



[CLICK HERE for COMPLETE INFORMATION](#)

ACP certification is available for Certified Paralegals and is focused on mastery of any of the following law specialties.

Courses are self-study, web-based modules. The courses include presentations(s), detailed exercises, and a final assessment exam. Courses average 20 hours to complete.

Self-Study / Web-Based
Online course module, detailed exercises and assessment.

**NALA is in the process of converting courses to its new online platform. The following focus areas are available at this time:**

**BUSINESS ORGANIZATIONS:** Incorporated Entities

**CRIMINAL LITIGATION**

**DISCOVERY**

**E-DISCOVERY**

**FAMILY LAW:**

- Adoption & Assisted Reproduction
- Child Custody, Child Support, Visitation
  - Dissolution Case Management
- Division of Property & Spousal Support
- Adoption & Assisted Reproduction

**LAND USE**

**REAL ESTATE PRINCIPLES**

**TRIAL PRACTICE**

**Returning Soon:**

**BUSINESS ORGANIZATIONS:** Non-Corporate Entities

**COMMERCIAL BANKRUPTCY**

**CONTRACTS MANAGEMENT**

**ESTATE PLANNING**

**PERSONAL INJURY**

- Automobile Accidents
- Entity Medical Liability
- Individual Medical Liability
- Intentional Torts
- Premises Liability
- Product Liability
- Worker's Compensation
- Wrongful Death

**TRADEMARKS**