



South Dakota Paralegal Association

REPORTER



Vol. 29 | No. 2

SDParalegals.com 

Summer 2018

Subrogation LIEN ISSUES *in Personal Injury Cases*

NEW FEATURES

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President's Message

Jennifer Frederick, CP

Executive Committee

PRESIDENT

Jennifer Frederick, CP
jen@SchoenbeckLaw.com

1ST VICE PRESIDENT

Vicki Blake, CP
Vicki@ZDClaw.com

2ND VICE PRESIDENT

Jackie Schad, ACP
JSchad@JohnsonEiesland.com

SECRETARY

Victoria Swenson, CP
VASwenson@BoyceLaw.com

TREASURER

Bonnie Woolam, CP
Interiors85@gmail.com

NALA LIAISON

Courtney Vanden Berg, CP
Courtlyn@hotmail.com

Hello SDPA members! I am really looking forward to my year as President. Thank you for the opportunity. The Executive Committee accomplished some really important things last year (Bylaws Amendment, Reimbursement Guidelines), and I want to take a moment to thank Tasha Altmann, who put both these issues on the radar during her term as Treasurer; Chris Lillo, who assisted us in her role as Parliamentarian with many of our technical questions; the Executive Committee members for keeping after it and getting it done; and the association members who provided feedback and votes to finalize the changes. It was definitely a group effort, and a great example of our association in action!

I also want to recognize the Education Committee for their hard work in putting together two great seminars last year (both were well attended) and for their innovative ideas. I was also impressed with the SDPA t-shirts provided by the Public Relations Committee. I haven't served on all SDPA's committees yet, but the ones I have had experience with so far are full of people who care about our profession and our association. So, thank you!

I've now had a chance to assign this year's committees, and I am so thankful for all the members who graciously accepted the invitation to serve. I know sometimes it can be a lot of work, but it is also fun to be involved, meet new people, and see your plans come to fruition.

If I can look back for a second to when I was first nominated Second Vice President, I knew I'd eventually be in the "big chair," so I started thinking about what I would like to accomplish during my term. Well, over the past two years on the Executive Committee, I realized that sometimes the issues of the moment determine what you'll accomplish more so than any big ideas. Having said that, we have some exciting things on the horizon this year.

Looking Ahead –

CLE Lunches

As many of you know from the Annual Seminar in June, there was a recommendation from the outgoing Executive Committee to assign a Special Committee to look into CLE lunches. You've probably noticed the local lunches have dwindled over the years, and the fact of the matter is it's difficult to get members to take on the responsibilities of setting them up. Another issue has to do with funding the CLEs and expanding them so members in rural areas have access to them. We have four members who volunteered to look into this problem: Jessi Stucke, Courtney Vanden Berg, Autumn Nelson, and Vicki Blake. If you have any ideas that might help them find solutions, please contact them. It's our hope to have a clear path forward by the end of the year.

Connections

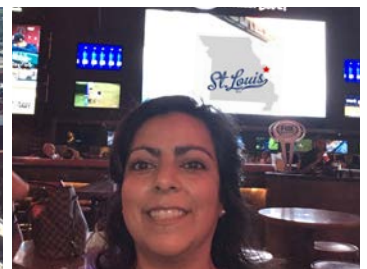
Additionally, it was suggested to me that our association would benefit from having more communication and coordination between committees throughout the year. I think that's not only a great idea, but one that is foundational to our association being successful as a whole. So, I would like to invite the committee chairs to meet with me via email, audio, or video conference every quarter to talk about ongoing and upcoming committee projects. I will be in touch with you to set those up.



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.



File Preservation

Another issue that has presented itself has to do with conversion of our paper files to electronic format. When I became president, I inherited four banker boxes of files. After some checking, it appears we have two boxes with treasurer files, one accordion file for the parliamentarian, and various paper files for the NALA Liaison and Membership Committee. Some of the committees have already begun storing things electronically (Education, Newsletter, and Website), but it is our goal to continue this process. We are looking into options which include using flash drives to save and transfer files from year to year, and cloud storage. If you have any thoughts on the matter, please let me know.

Semi-Annual Meeting & Seminar

I am especially looking forward to this year's Semi-Annual Seminar, which will be in Watertown on Friday, October 5, 2018. We have many law offices in town, but not many association members. I hope hosting our Semi-Annual Seminar here will help promote our association in my community, and I look forward to having you visit. More information is available on page [12](#).

NALA Conference & Expo: St. Louis

Last, but definitely not least! I arrived in St. Louis on Wednesday afternoon, and was able to catch one CLE on *How to Handle Your Lawyer*, which was full of ideas on how to lead, even when you are not the leader. Subtle suggestions, respecting their decisions once made, and showing yourself to be reliable, professional, and friendly are all important factors in leadership from any position. I then attended NALA's Annual Meeting, where Chris Lillo and Cindy Schmit gave speeches as candidates for NALA offices of District 2 Director, and Treasurer, respectively. They both did a great job (see pictures on [pg. 4](#)). Chris was elected, and I congratulate her! Cindy is one of our most valued members, and I know a position for her with NALA is not far away!

Wednesday evening, NALA Liaison Courtney Vanden Berg and I set up our SDPA table for the Affiliate Showcase/Reception (see picture on [pg. 4](#)). We had a great turnout and we (as in Courtney) answered a lot of questions not only about our association, but also about South Dakota. On Thursday, I had a full day of CLEs, which included *Essay Writing*, *Preserving Privilege*, *Dealing with Difficult People*, and *Building Habits*. I met many paralegals from other states, enjoyed hearing the different speakers, and I learned new ways of thinking about things we deal with every day.

On Friday morning, I attended my last CLE, *Talk Like a Leader*, before boarding the plane to return home. I didn't have a lot of time to sightsee, but I did make it to the top of famous St. Louis Arch, I enjoyed the view from the 360° restaurant, and I saw the biggest TV ever at the Busch Stadium Bar (see [pg 2](#)). The conference was well put together, and I really encourage you to attend at least one during your career. Thank you for giving me the opportunity to attend!

I apologize for the lengthy first address; I promise they won't all be this long. I'll see you in October at the Semi-Annual Meeting & Seminar in Watertown!



Calendar

SEPTEMBER

- 5* **Residential Real Estate**:..... 11am
The Closing Process From Start to Finish
- 6* **Franchise & Distribution Law** 1-2pm
- 10* **Organization: The Silent Weapon**..... 11am
of an Effective Paralegal
- 12* **The Nassar Case from Start to Finish**..... 11am
- 14 **Absentee Ballots Due** [pg 14](#)
- 27* **eDiscovery Defensibility Workshop** 11am
- 28^ **South Dakota Law Review Symposium** TBD
USD School of Law - Vermillion - *Free/Public*

Leather of the Law: Sturgis Motorcycle Rally
Geographical Trademarks & Intellectual Property
Rights in Tourism; Groups, Gangs, & Associates;
Motorcycle Helmet Law; Prosecution & The Rally;
Human Trafficking Issues Panel
- 28 **State Bar CLEs: Ramkota - Sioux Falls**
• **Estate Planning** [register here](#) AM
• **Ag Law** [register here](#)..... PM

OCTOBER

- 4* **The Intersection between Law Firm** 12pm
Technology, Competency, & Ethics
- 4 **SDPA Social: Dakota Butcher, Watertown**..... 7pm
- 5 **SDPA Semi-Annual Meeting** 7:30am-5pm
& Seminar: Ramkota - Watertown
- 9* **Overview of Insurance Coverage** 2pm
- 12* **How to NOT Practice Law** 11am
- 16* **Accounting 101 for Paralegals** 2pm
- 19 **State Bar CLE: Nuts & Bolts** [register here](#)..... TBD
Pierre - Red Rossa (Clubhouse Inn & Suites)

NOVEMBER

- 1-31 **CP Exam Testing Window - Part 2: Skills**
- 1* **The Care & Feeding of Your Court Clerk** 12pm
- 6* **Discovery Issues in Insurance** 2pm
Coverage Lawsuits

DECEMBER

- 7 **State Bar CLE: Juvenile Law** [register here](#) TBD
Ramkota - Rapid City

FEB-MARCH 2019

- 27-2 **ABA TechShow** Chicago, IL

JUNE 2019

- 19-21 **State Bar Convention** Ramkota - Rapid City
- 20 **SDPA Social** TBD
- 21 **SDPA Annual Meeting & Seminar** 7:30am-5pm
Ramkota - Rapid City

JULY 2019

- 11-13 **NALA Conference & Expo** Scottsdale, AZ

BROOKINGS LUNCHEONS

The Brookings area paralegals meet every other month. For more information, email Jessica Huyck, ACP at Jessica.Huyck@SDstate.edu.

*NALA Webinars, Central Time



NALA Liaison's Report

Courtney Vanden Berg, CP

As our NALA Liaison, I was able (and grateful) to expand my education at NALA's Annual Conference & Expo in St. Louis. The conference had more than 300 attendees from across the United States. It was remarkable! I attended several seminars during the three-day event. The seminars I attended focused on file/time management; dealing with tough situations and difficult people; the ethical uses of social media; and how to use social media to your advantage. The seminars were presented by several nationally-recognized speakers, including Eileen O'Grady, PhD, RN, NP. I attended two of her sessions, and both were outstanding. All of the sessions I attended were professionally presented and I found the information impactful, useful, and very uplifting. I look forward to using the tools and information from each of these sessions to advance my personal growth within my career.



The conference had not only remarkable speakers, but also incredible networking opportunities. I spent my sessions among new faces and shared the experience with other first-time attendees. It was a great to have this chance to meet other paralegals from across the country. We were able to talk about all of the wonderful things happening within our local organizations, and we shared our personal experiences with each other. We have the same goals and dreams of seeing our associations grow. The social event for the affiliates was held Wednesday night and the turnout was amazing. This was a great experience--meeting new people, and just having fun! It was great sharing this experience with SDPA's President, Jen Frederick, CP.

Five SDPA members attended this year in addition to Jen and myself: Cindy Schmit, ACP, Chris Lillo, ACP, and Tasha Altmann, CP. Cindy and Chris were on the ballot for positions within NALA. Congratulations to our very own Chris Lillo, ACP, on her election to NALA's Board of Directors! I wish her the best of luck in her new role with NALA.



I truly enjoyed the conference, and enjoyed making new connections which now reach across the country. I am grateful for this opportunity and I hope each of you will be able attend the conference in the future. "Save the date" for NALA's 2019 Conference & Expo, scheduled for July 11-13, 2019. It will be held at the Westin Kierland Resort & Spa in Phoenix/Scottsdale, Arizona!

Follow-Up

The [June 2017 issue](#) (pg. 5) contained preliminary information on Montana's research into the use of Limited License Legal Technicians (LLLTs). The state's Supreme Court wanted a look into the model pioneered in the state of Washington. In the meantime, Utah will become the second state to license non-lawyers to practice law in limited circumstances. Its Supreme Court approved a new class called the Licensed Paralegal Practitioner (LPP), effective November 1. Officials expect licenses to be issued later next year following applicants' completion of requisite courses and licensing examinations. Read [more](#).



A recent Legal Talk Network podcast featured Attorney Patrick Palace, providing a recap and update on how LLLTs have emerged as a potential answer to solving 'access to justice' issues. Patrick Palace is a plaintiff's trial lawyer who specializes workers' compensation, personal injury, civil rights and social security. *Listen to the podcast [here](#).*

- Washington LLLT Program: Click [here](#).
- Utah LPP Program: Click [here](#).
- Montana project update: Click [here](#).



SD Supreme Court Opinions

THOMPSON v. BEAR RUNNER

This dispute is between two women who dated (were involved with) one man. Animosity developed and anger manifested in "heated text conversation[s]" and "alleged cyberbullying" on Facebook. Following a two-day hearing with 7 witnesses and 25 exhibits, the trial court granted a stalking order of protection in favor of the plaintiff. The SD Supreme Court reversed and remanded on the basis that the trial court's findings were inadequate. The Court held in ¶17:

"Nonetheless, the circuit court's findings merely parrot statutory text and do not clearly identify *how the evidence met the statutory elements of stalking under SDCL 22-19A-1.*" *Repp*, 2015 S.D. 53, ¶ 11, 866 N.W.2d at 126. ... What is missing from the circuit court's findings is conduct that it considered to be harassment. General statements like those made by the circuit court do not provide us with a "basis for [the court's] conclusions with sufficient specificity to permit a meaningful review." *Goeden*, 2003 S.D. 91, ¶9, 688 N.W.2d at 111. Therefore, we reverse the decision of the circuit court and remand the case to permit the court to identify which of [Defendant's] acts or conduct constituted stalking."

The decision was unanimous with opinion authored by Chief Justice Gilbertson.

BLUE v. BLUE

Brothers inherited interests in two parcels of land as tenants in common. Plaintiff brought this action for partition, with Defendant counter-claiming for partition. Defendant also counter-claimed for the recovery of money

"for the value of purported improvements [and] restitution for the time he spent caring for both properties."

Trial court divided land equally, denied Defendant's claims for improvements and restitution but awarded Defendant \$51,190 in owelty. [NOTE: owelty is an equalization charge, made in a partition action, designed to compensate a co-owner who receives less valuable property.] Defendant appealed asserting error in the denial of his claims for improvements and restitution and also asserting that the trial court did not adequately consider the

"inferior soil types of some acres."

The SD Supreme Court affirmed in a unanimous ruling with opinion authored by Justice Zinter.

STATE v. ROSS

Trial court sentenced Defendant to 5 years, with 3 ½ years suspended. Defendant left the counsel table and was in the process of being escorted out by the Sheriff when he made an obscene hand gesture to the Trial Court. The Trial Court ordered the Defendant to return to the counsel table and resented Defendant to the entire 5 years. Four months later (considering Defendant's pro se motion), the Trial Court entertained a resentencing hearing, this time imposing a sentence of 60 months, with 40 months suspended. Defendant appeals, asserting that Trial Court lacked authority to enter a sentence greater than the initial sentence. The SD Supreme Court affirmed. The analysis on appeal is broken down into two issues, with the resolution of one dividing the Justices:

- (1) Did the Trial Court act within its authority when it resented the Defendant to a greater period of confinement as a result of the Defendant's obscene hand gesture? All five justices agree that the Trial Court acted within its authority, but on differing bases. Justice Kern's opinion

"no formal break in the proceedings occurred",

agreed with by Justices Zinter and Jensen constitutes the opinion of the Court. Justice Severson's opinion, in which Chief Justice Gilbertson concurs, would adopt

"the bright-line rule that sentencing has concluded when a court imposes a valid sentence and a defendant leaves the courtroom in the custody of the sheriff."

- (2) Was the sentence imposed at the resentencing hearing authorized? All five Justices agree that the Trial Court's final sentence was within its authority. The Court's opinion on this issue is authored by Justice Severson.

HANSON v. BIG STONE THERAPIES

This was a medical malpractice action against a Physical Therapy Company and a Hospital. The Trial Court granted summary judgment in favor of both Defendants. The SD Supreme Court affirmed the summary judgment in favor of the Hospital, but reversed and remanded the action against the Physical Therapy Company.

The Court's decision was authored by Justice Severson with Justices Zinter and Jensen in agreement. Retired Justice Konenkamp,

sitting for Justice Kern, filed a concurring opinion with which the Chief Justice agreed.

All five Justices agree that the summary judgment for the Hospital should be affirmed.

All five Justices agree that summary judgment for the Physical Therapy Company should be reversed. The division between the Justices as to the reversal involves the extent to which a lay person (the victim) may provide evidence necessary to establish causation in a medical malpractice action involving a broken bone.

STATE v. RANDLE

A party attended by several young adults took place at a Sioux Falls condominium. Those in attendance

"were drinking and using marijuana and other illegal substances."

An AK-47 owned by the host of the party was brought out and the Defendant was handling/playing with the gun. The weapon was discharged, resulting in the death of one of the partygoers. The Defendant was convicted by jury of 1st degree manslaughter and two drug offenses (ingestion and possession). The SD Supreme Court reversed and remanded the 1st degree manslaughter conviction, holding it was reversible error for the trial court to not give the excusable homicide jury instruction requested by the Defendant. The Court's opinion addresses the interplay of SDCL 22-16-30 and SDCL 22-16-31, agreeing with the Defendant that an excusable homicide instruction is available under the facts of this case pursuant to SDCL 22-16-30 (but not SDCL 22-16-31) when death occurs by a dangerous weapon. This decision was unanimous with opinion authored by Justice Jensen.

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 on pending legislation or any other public or private matter 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](#).

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PARABLOG: SUBROGATION LIEN ISSUES in Personal Injury Cases

Karen Armstrong, PP, PLS

When I first started working in a law office many years ago, subrogation was one of those “hard to grasp” concepts for me. Simply put, “subrogation” is a legal right of most insurance carriers allowing the insurer to recover the amount it has paid for a loss by suing the party who caused the loss.

Reimbursement Claims

In other words, when an insurance carrier pays benefits on your client’s behalf, for injuries which were caused by another person or entity, that carrier has a claim for reimbursement—a subrogation claim. If the client recovers money from the person who injured him or her, then the insurance company has the right to get paid back for the damages it paid on your client’s behalf for accident-related injuries.

Insurers obtain their right of subrogation from the policy or contract. Your attorney may need to obtain the policy and review the subrogation clause in it if there is any doubt about the insurer’s subrogation rights. In most standard automotive insurance policies, the subrogation clause essentially states that if the insurer pays a claim, and someone other than the insured is liable for the damage, the insurer may sue the party liable for the damage to recover the amount of its claim payment.

In recent years, health insurance companies have started paying more attention to their subrogation claims, and in fact, hire specialized companies such as Optum and Discovery Health Partners to handle the collection of their subrogation claims. Medicare is also keeping a more watchful eye on subrogation claims in liability cases. Therefore, you also need to keep a more watchful eye on the client’s subrogation claims to ensure that your client’s subrogation claim is not missed entirely, or that your client doesn’t end up repaying more than he or she owes for a subrogation claim—a very common occurrence.

Initial Steps

When a new client comes into the office, be sure to find out about all insurance companies that may have paid medical bills on your client’s behalf. This includes medical payments through the client’s own automobile insurance policy, health insurance through an employer, private health insurance, Medicaid, Medicare, and/or a Medicare supplement policy or Medicare advantage plan. Make copies of both sides of your client’s insurance cards, as you may need the customer

service addresses and phone numbers on the back side of the cards. Also have your client bring in all medical bills, explanation of benefit (EOB) forms from any insurance company, and any correspondence they have received from any insurance company that may be related to the accident. Train your client to bring you all medical bills, EOBs, and correspondence from insurance companies they receive throughout the entire case.

You will need to explain to the client that it is their obligation to pay the subrogation lien claims. Clients oftentimes don’t understand why they have to pay anyone back since they were not the one at fault in causing the accident. They are baffled by the idea that they may need to repay their own automobile or health insurance company, especially when they have been paying premiums to these companies for years. You will need to educate the client about this process.

Write a letter to each of those companies putting them on notice that your law firm is representing the client in connection with the accident and request a payment log. Compare these payment logs to the EOBs you receive from your client. Ask for updated logs every few months and review them. It is amazing how many times there are mistakes on these logs. Sometimes they include bills that aren’t even related to the accident. Sometimes there are duplicate entries on the log. We recently uncovered a duplicate entry on a log that was more than \$46,000! If you don’t pay attention to these logs, the client could end up paying a lot more than necessary for a subrogation lien.

When someone else is responsible for the damages, your insurer can file a lien or even sue the at-fault party to recover the funds it issued to pay your claim.

Handling Subrogation Claims in South Dakota

Our firm offers to collect subrogation liens for insurance companies on the same terms that are contained in our fee agreement with the client. In most cases, that would be attorney’s fees of one-third, sales tax of 6.5 percent, and a pro rata share of the out-of-pocket costs incurred in bringing the case to a resolution. We spell out those terms in our initial letter to the insurance company, and we try to get the insurance company to agree to those terms early on in the case. The South Dakota Supreme Court, in *Bowen v. American Family Insurance Group*, 504 N.W.2d 604 (S.D. 1993), states that the insurer is liable for its proportionate share of attorney’s fees incurred by the insured in obtaining the

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settlement. Some carriers will quibble with you about the terms, but if you are nice to them and work with them, almost all will agree in the end. South Dakota is one of only three states in America that collect sales tax on attorney's fees, so you might have to explain that issue to the claim representative. If Medicare or Medicaid paid accident-related bills on behalf of your client, they have their own formulas for determining the share of attorney's fees.

Tracking Medical Bill Payments

For all personal injury clients, I prepare a Summary of Medical Bills in Excel, which is used to calculate the total medical damages. This is just a list of the medical providers, date of treatment, and the amount of the bill for each date. You can use this summary in the demand letter or when answering discovery. Then I also prepare a second Excel spreadsheet (for internal use only) showing all medical bill payments that have been made from any source on each of the medical bills, the adjustment made by the insurance company, and the balance that the client is responsible to pay. The totals on these two spreadsheets should match. If you prepare this second spreadsheet, it will be easier to track the subrogation claims.

Also, it will be obvious if a bill isn't getting paid. You may need to call the medical provider to see if a bill has been submitted to the proper carrier and, in some cases, you may need to inform the medical provider who the proper carrier is! This is also a common occurrence, especially with medical providers that treat the client shortly after the accident. If the client has never been involved in an accident before, they may give the medical provider the insurance information for the liability carrier that they just received at the accident scene. That makes sense to them—another person caused the accident, so that person's insurance company should be responsible for paying for your client's treatment for accident-related injuries.

If a bill doesn't get submitted to the proper carrier within their deadline for filing claims (usually six months to one year), it may get denied for timely filing. You may need to assist the medical provider to get it submitted within the deadline. That's why it's important to check on the status of the medical bills when they first come into your office.

Sometimes you will see charges on EOBs from medical providers you wouldn't know about otherwise—such as

anesthesiology and radiology bills. Clients never meet their radiologists face to face and have no idea who read their x-rays or diagnostic tests. A lot of times, medical bills from these providers get sent directly to the insurance company and get paid, and the client never sees a bill from that medical provider. The only way you would find out about those providers would be from an EOB, or a payment log from an insurance company that paid the bill. If you get medical bills and you don't know whether or not they are accident-related, you will need to check out the diagnosis codes and the CPT codes on the bills. Diagnosis codes tell you what is wrong with a person. CPT codes tell you what the medical provider did to try to help the patient. You can Google these codes to find out what they mean and determine if the bill is related to the accident.

V·O·C·A·B·U·L·A·R·Y

■ [Subrogation Lien](#)

■ [Payment Log](#)

■ [EOB](#)

■ [Diagnosis Code](#)

■ [CPT Code](#)

■ [Double Damages](#)

Medicare Subrogation Liens

If the client was on Medicare, you will need to inform Medicare of the amount of the settlement, the amount of the medical payments benefits (if any), the date of the settlement, and an itemized printout of your firm's out-of-pocket costs. Medicare will then send a demand letter containing the amount that Medicare will accept in full payment of their lien. Payment is due within 60 days after the date of their final demand letter. If Medicare doesn't receive payment within 60 days, they start charging interest. If payment isn't received within 90 days, they will refer the case to the Department of Treasury or Department of Justice for further action. The law authorizes the federal government to collect double damages from a party who fails to do so as part of its responsibility for resolving the matter. See 42 C.F.R. § 411.24(c)(2). This responsibility most likely falls on your attorney, so don't delay in sending payment.

NOTE: It is very important to notify Medicare of your involvement in a case. If Medicare is alerted from some source other than you or the client that the client has received a settlement or award, they may send a letter demanding repayment of ALL of the medical payments they made on your client's behalf, WITHOUT a proportionate reduction for fees or costs!

The complete CLE outline, with sample forms and other resources, can be downloaded from SDPA's website [here](#).

If you have any questions, feel free to give Karen a call at (605) 886-0010.

AUDIT

Chair: Cindy Schmit, ACP
PetersonLaw@MidcoNetwork.com
Member: Paula Newman

The Audit Committee has received and reviewed the bank statements from Great Western Bank dated June 29, 2018, and July 31, 2018, along with the checkbook register and find them to be without error.

EDUCATION

Co-Chairs: Autumn Nelson, CP
NelsonA@GoosmannLaw.com
Courtney Vanden Berg, CP
Courtney@JanklowAbdallah.com
Members: Vicki Blake, CP
Heather Boche
Rebekah Nelson

We Co-Chairs would like to say a big Welcome! to our newest members, Vicki Blake, CP, Heather Boche, and Rebekah Nelson.

Mark your calendars! The Committee has been working diligently and has put together a well-rounded, proposed agenda for the Semi-Annual Meeting and Seminar set for October 5, 2018, to be hosted at the Ramkota Hotel and Watertown Event Center in Watertown.

We would like to remind everyone that the Committee welcomes recommendations on topics, speakers, and ways to improve our seminars. Please email recommendations to Courtney and/or Autumn.

JOB BANK

Chair: Laura Stewart
LStewart@FullerAndWilliamson.com
Members: Vicki Blake, CP
Kayne Larimer, ACP
Ashly Luke

Abbreviated job postings are on page [19](#). Complete postings are available [here](#). If you are an employer or know of an employer seeking legal staff, please contact Laura.

LIBRARY

Clara Kiley, CP
PCKiley@msn.com

Library activity has been slow because people are enjoying summer activities. The library continues to maintain DVDs of SDPA seminars from 2005 through 2018 for both members and non-members to obtain CLE credits. As of the writing of this report, none are checked out.

SDPA Seminar DVD Rates:
Members - \$35, plus postage
Non-Members - \$50, plus postage

Books/Other Printed Materials:
Cost of postage

Newest Acquisition:
CLA/CP Study Guide & Mock Examination,
2014 – Fourth Edition

The library catalog is available on SDPA's website [here](#). To check out materials, please email Clara.

MEMBERSHIP

Chair: Janet Miller, CP
JMiller@sbsLaw.net
Member: Jackie Schad, ACP

As of the writing of this report, we have 113 members. Since the last newsletter, we have added five new members:

Stephanie Bentzen • Heather Boche
Linda Hodgin • Christal Schreiber
Steve Thithavong • Brenda Van Dam

Look for their biographies in this and upcoming issues. Welcome!

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 newsletters, emails for area luncheons, seminars and SDPA news. If you have any changes, please email or call me at 225-5420.

NEWSLETTER

Chair: Jessi Stucke, CP
JStucke@rwwsh.com
Members: Karen Armstrong, PP, PLS
Autumn Nelson, CP
Vicki Swenson, CP

Welcome, Vicki Swenson, CP, to the committee! Last year, we started a library of brief, reusable content. We intend to use these in a rotation so that the information appears again in the future as either a refresher or a new resource for new members. Please contact any member of the committee if you have tips or resources that would benefit our members in having more tools at our fingertips!

NOMINATIONS & ELECTIONS

Chair: Cindy Schmit, ACP
PetersonLaw@MidcoNetwork.com
Member: Becky Purington, ACP

The Nominations and Elections Committee has recommended the following slate of officers for the 2019-2020 term:

Vicki Blake, CP – President
Dixie Bader, CLA – 1st Vice President
Jessi Stucke, CP – 2nd Vice President
Victoria Swenson, CP – Secretary
Diane Kerr, CP – Treasurer
Autumn Nelson, CP – NALA Liaison

WEBSITE

Chair: Jessica Huyck, ACP
Jessica.Huyck@SDstate.edu
Members: Autumn Nelson, CP
Jessi Stucke, CP

The committee has continued to keep the website current with job listings and events as they are brought to our attention. Since the Annual Meeting, we have updated several pages, including the Executive Committee, President's Page, Past Presidents, Committees, Membership, Member of the Year, and News & Events. If you have anything you would like included, please contact any member of the committee.

Committee Reports

SPECIAL COMMITTEE

Chair: Jessi Stucke, CP
JStucke@rwwsh.com
Members: Vicki Blake, CP
Autumn Nelson, CP
Courtney Vanden Berg, CP

This committee has been tasked with developing ideas to re-ignite SDPA's CLE luncheon program. We are hoping to have input from you! The committee's report is due to the Executive Committee by the end of this year. Please contact Jessi Stucke with your ideas and suggestions.

PROFESSIONAL DEVELOPMENT

Chair: Cindy Schmit, ACP
PetersonLaw@MidcoNetwork.com
Members: Janet Miller, CP
Jackie Schad, ACP
Liz Yarman

The Professional Development Committee would like to encourage paralegals who are not certified to sit for the CP exam, and encourages Certified Paralegals to complete an ACP course. SDPA has reimbursement scholarships available for both the CP exam and ACP course. Applications are available on our website [here](#). If you have any questions, please let us know.

PUBLIC RELATIONS

Chair: Diane Kerr, CP
Diane@RedstoneLawFirm.com
Members: Sarah Havlin, ACP
Linda Hodgkin
Jessica Huyck, ACP
Vikki Kelner, ACP
Vicki Swenson, CP

The Public Relations Committee is once again involved with Project SOS: Supply Our Students. We collected school supplies and dropped them off at The Banquet. We had volunteers helping with both the packing and distribution of supplies on August 17-18. We gave t-shirts to members who attended the annual SDPA meeting in June.

Committee member Vikki Kelner is in the process of organizing volunteers to assist with the Walk to End Alzheimer's in Rapid City on Saturday, September 22.

Finally, we are looking into organizing a clothing/supply donation drive for area women's shelters this fall. Watch for an email in September with more information!

ETHICS

Chair: Rebekah Nelson
RNelson@dehs.com
Member: Jennifer Frederick, CP

No report.

GOOD FOR YOU

Karen Armstrong PP, PLS

Karen and Lee Schoenbeck presented "Finding and Solving Lien and Subrogation Issues in Personal Injury Cases" at the State Bar Convention in June.

GREAT JOB, Karen!

Chris Lillo ACP

Chris applied for and was elected to the position of Area 2 Director on NALA's Board of Directors! Chris submitted this message as part of her application:

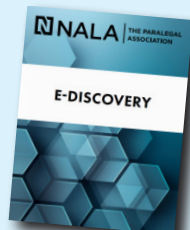
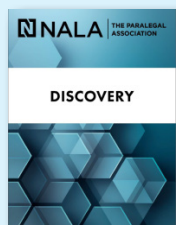
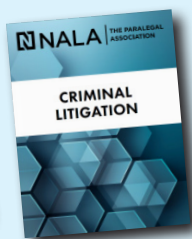
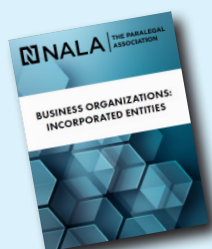
"What inspires me as a leader is the ability to mentor and inspire others to be the very best version of themselves they can be. In this regard, NALA's mission aligns with my personal views of leadership. As a member of the NALA Certifying Board, I have noted how NALA has the highest regard for teamwork and respect for individual member voices and opinions. Teamwork through good communication, exemplary listening skills, and integrity are qualities that I respect and admire and strive to emulate. NALA helps members put their best foot forward by providing first-class continuing education, leadership training, and certificate programs. Each of these programs has been an integral part of my professional career, and I wholeheartedly support the benefits these programs provide. I am grateful for the opportunity to serve NALA. As a leader, I will strive to maintain good communication, promote the benefits of NALA membership and its programs, and represent you to the best of my ability. Success of the individual members of NALA is what inspires me most as a leader."

CONGRATS, Chris!



NALA released four new textbooks earlier this year. They are available to NALA members. Each corresponds to a CLE course but can be used on its own.

If you elect to take the course, you'll get the eBook free!



GRAMMAR CHECK!

Frequently Misused Words

Karen Armstrong, PP, PLS

I RECENTLY took a grammar quiz put together by Bryan Garner, legal writing guru, and I failed miserably! That was my inspiration to put together this little quiz for you.

I am giving you the correct answer immediately following each question instead of putting the answers on a separate page. We all want a little instant gratification, right?

1 We want to be able to (**disburse** or **disperse**) the funds in the trust account on Friday.

“**Disburse**” means to distribute or pay out money or other financial assets.

“**Disperse**” means to scatter or make disappear.

The correct answer is “disburse.”

2 That scarf is going to (**compliment** or **complement**) your new dress.

“**Compliment**” means to give praise or express admiration.

“**Complement**” means to complete something or supplement it.

The correct answer is “complement.”

3 When the doctor came into the room, his patient was lying (**prostate** or **prostrate**) on the floor.

“**Prostrate**” means to lie face down.

The “**prostate**” is a gland found in male mammals.

The correct answer is “prostrate.”

4 My attorney is (**discreet** or **discrete**) about the companies she represents.

“**Discreet**” means on the down-low, under the radar, careful.

“**Discrete**” means individual or detached.

The correct answer is “discreet.”

5 This video will (**elicit** or **illicit**) strong responses from the members of the jury.

“**Elicit**” means to draw out or to obtain.

“**Illicit**” means illegal.

The correct answer here is “elicit.”

6 The receptionist is in charge of ordering the (**stationary** or **stationery**) for our office.

“**Stationary**” means not moving.

“**Stationery**” refers to writing paper, envelopes, etc.

The correct answer is “stationery.”

7 My attorney is (**council** or **counsel** or **consul**) for ABC Company, and he will be representing the company at the upcoming city (**council** or **counsel** or **consul**) meeting.

“**Council**” refers to a group that governs, administers, or advises.

“**Counsel**” means advice or a legal or professional adviser. (As a verb, “counsel” means “to advise.”)

A “**consul**” is a government official appointed to a position in a foreign country.

The correct answers are “counsel” and “council,” respectively.

8 I am going to (**loose** or **lose**) my hat in this wind!

“**Loose**” means not tight.

“**Lose**” means to fail to win, to misplace, or to free oneself from something or someone.

The correct answer is “lose.”

9 This appellate brief takes (**precedence** or **precedent**) over all other projects.

“**Precedence**” pertains to ranking or status in order of importance or urgency.

“**Precedent**” is a previous example used to guide a decision.

The correct answer is “precedence.”

10 My boss was (**farther** or **further**) annoyed by my third interruption.

“**Farther**” should be used when relating to physical distance (such as miles, inches, etc. Remember “far.”).

“**Further**” is used when talking about non-physical distance, or something additional or more.

The correct answer is “further.”

11 When is management going to wake up and (**rain** or **reign** or **rein**) in that new paralegal?

“**Rain**” denotes the drops of water that fall from the clouds.

“**Reign**” means the period during which a sovereign occupies the throne.

A “**rein**” is a long strap used to lead a horse. Having “free rein” means you have considerable freedom to act as you please.

The correct answer is “rein.”

12 Did the recent flu outbreak (**affect** or **effect**) your business?

“**Affect**” is a verb, meaning to transform or to change.

“**Effect**” is a noun, and means outcome, consequence, or appearance.

The correct answer is “affect.”

That's enough fun for one day! If you have any questions or grammar subjects you would like discussed in future articles, please let me know @ Karen@SchoenbeckLaw.com.

Member of the Year



JESSI STUCKE, CP

Nomination Letter by
Karen Armstrong, PP, PLS

I am writing to nominate Jessi Stucke as the South Dakota Paralegal Association Member of the Year for 2017-2018. Jessi hasn't been a member of our organization for very long. I believe she joined SDPA in 2016. In fact, she hasn't been associated with the legal community for that long. She was a graphic designer before joining Richardson Law Firm at the end of 2014. She received her paralegal certification from NALA in 2016.

Jessi joined the Newsletter Committee in 2016, and she took on the position of Chair of the Newsletter Committee in 2017. Since that time, she has taken the newsletter to a new level with her innovative ideas and her flair for graphics. I know Jessi spends a great deal of time not only chairing the committee, but also writing articles, formatting the newsletter and coming up with new ideas for content. I appreciate the time and commitment that Jessi devotes to the newsletter, and I think she deserves recognition for her hard work.



Christal Schreiber

Christal was born and raised in Selby prior to attending college at National American University where she obtained her Paralegal Degree. Following graduation, she relocated to St. Louis, Missouri, where she worked for a law firm for more than 8 years before returning to South Dakota to raise her family. Christal has 18 years of experience in this profession, and in addition, has owned and operated a personal training studio for 29 years. She loves both professions and enjoys spending time between the two places each day. She recently renewed her paralegal certification through the University of Colorado and is glad to return to this profession after spending five years in the banking industry. She is currently employed at Schreiber Law Firm in Pierre, and works with her husband, Attorney Brad Schreiber. They have five grown children gone from home, and when she and Brad are not working, they enjoy spending time in the Hills or with family.

Thank you!

We have many past presidents, and while I have not met all of you, I can see as President this year that you put a lot of thought, dedication, and good old-fashioned elbow grease into your terms. Sometimes leadership comes with little recognition--thanks to each and every one of you for the foundation you laid. Jessica Huyck was a great mentor to me leading up to my term, and I thank you. Many of our past presidents remain involved and have led in other areas of our association.

If you see a past president, please thank them!

~ Jennifer Frederick, CP

Tammy Ackerman, CP	2011-2012	Dory Maks	1994-1995
Dixie Bader, CP	2008-2009	Janet Miller, CP	2015-2017
Don Bender, CP	2001-2001	Terri Miller, CP	1998-1999
Cherly Brewer, CP	1999-2000	Debra Niemi, CLA	1992-1993
Michael Bultema	1995-1996	Louise Peterson, CP	1991-1992
Jessica Huyck, ACP	2017-2018	Jennifer Pravecek, ACP	2006-2007
Joan Gillespie, CP	1997-1998	Becky Purington, ACP	2014-2015;
Karen Jaqua, CLA	1989-1990		2007-2008
Cindy Johnson, CLA	1990-1991	Rhonda Rentz, CP	2004-2005
Rosie Kean, CLNC, CNLCP	2003-2004	Dixie Riter, CP	2012-2013
Dennyce Korb, CLA	1996-1997	Michelle Schmidt, ACP	2005-2006
Kayne Larimer, ACP	2009-2010	Cindy Schmit, ACP	2010-2011
Chris Lillo, ACP	2002-2003	Pam van Engelenhoven, CP	1993-1994
Shiloh MacNally, CLA	2000-2001	Christi Weideman, ACP	2013-2014



**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 5, 2018, commencing at 11:15 a.m. CST at the Ramkota Hotel & Watertown Event Center**, 1901 9th Ave. SW, Watertown, South Dakota. The semi-annual meeting will be held in conjunction with the SDPA Semi-Annual Seminar, to be given on October 5, 2018.

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

The slate of officers for the 2019-2020 term is as follows:

- Vicki Blake, CP - President
- Dixie Bader, CLA - 1st Vice President
- Jessi Stucke, CP - 2nd Vice President
- Victoria Swenson, CP - Secretary
- Diane Kerr, CP - Treasurer
- Autumn Nelson, CP - NALA Liaison

Dated this 14th day of August, 2018.


Jennifer X. Frederick, CP
SDPA President

Sponsored by: SDPA's Executive Committee

YOU ARE INVITED
to SDPA's Thursday night social!

Complimentary drink and pizza.

When: 7:00 p.m.

Thursday, Oct. 4, 2018

Where: Dakota Butcher

**1923 Willow Creek Drive
(east location)**





South Dakota Paralegal Association, Inc.

Founded in 1989

SEMI-ANNUAL MEETING & SEMINAR
FRIDAY, OCTOBER 5, 2018
RAMKOTA HOTEL & EVENT CENTER
1901 9th AVENUE SW
WATERTOWN, SD 57201

<i>Time</i>	<i>Agenda</i>	<i>Speakers</i>
7:30-8:00 AM	Registration & Breakfast	
8:00-9:00 AM	Criminal Law: What to Know Before Recommending Drug Court	Honorable Judge Patrick McCann Magistrate and Drug Court Judge
9:00-9:10 AM	Break	
9:10-10:10 AM	Family Law: Post-Divorce Custody & Visitation Discussions	Attorney Ronald R. Frauenschuh, Jr. <i>Conflict Resolution & Mediation Center</i>
10:10-10:15 AM	Break	
10:15-11:15 AM	Odyssey and Pacer E-filing: How-To and What to Know	Open Forum led by Education Committee
11:15 -12:15 PM	SDPA Annual Meeting	<i>SDPA Executive Committee</i>
12:15-1:15 PM	Lunch	
1:15-2:15 PM	Employment Law: Defining Discrimination in the Workplace	Attorney Emily Maurice Goosmann Law Firm
2:15-2:25 PM	Break	
2:25-3:25 PM	Ethics: Ethical Use of Social Media in Discovery	Attorney James G. Sword Sword & Ahrendt Law Office, P.C.
3:25-3:35 PM	Break	
3:35-4:35 PM	Contract Law: Real Estate Contracts	Attorney Vince Foley Foley & Foley Law Office

REGISTRATION FORM

****NOTE: If planning to attend via webinar, please include the e-mail address at 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: _____ Member \$65 _____ Non-Member \$85 _____ Student \$30

Name: _____ Designation (CP/ACP/RP/PLS/PP) _____

Firm: _____ Email: _____

Address: _____

Telephone: _____ **Thursday Social:** ___ Yes ___ No ___ Maybe

Send registration form and payment to Courtney Vanden Berg, CP, c/o Johnson, Janklow, Abdallah & Reiter, LLP, 101 South Main, Suite 100, Sioux Falls, SD 57104 **by Friday, September 21, 2018**. Make checks payable to **SDPA**. To cancel your registration, please contact Courtney Vanden Berg at (605) 338-4304 or at courtlyn@hotmail.com/courtney@janklowabdallah.com. Cancellations received on or before September 21, 2018, will receive a full refund. There is a block of rooms available at the venue, the Ramkota Hotel (605-886-8011), under the SDPA, \$94.99 per night for a room with 2 queen beds. The deadline to reserve your room is **Friday, September 21, 2018**.

Continuing legal education credit from NALA required to maintain the Certified Paralegal credential has been requested and if approved this seminar will breakdown as follows: 6 hours of CLE credit to include 1 hour of ethics credit and 1 hour non-substantive credit.

2019-2020 EXECUTIVE COMMITTEE NOMINATIONS

**Dixie A. Bader, CLA**1st Vice President

Dixie earned her Associate's Degree in Paralegal Studies from Nettleton Community College in 1997, and obtained her Bachelor's Degree in Paralegal Studies in 2002 from National American University in Sioux Falls. She became a Certified Legal Assistant (CLA) through NALA in September, 2004.

Dixie has worked as a paralegal since 1998 in the areas of immigration, family law, personal injury, employment law, and probate. In 2006, Dixie began working for Mary H. Burd, Burd and Carper Law Office, in Sioux Falls, in the area of family law.

She became a member of SDPA in 2002 and has served on the following committees: Charge Up (2003-2007); Education (Co-Chair 2015-2016); and Membership (Co-Chair 2003-2004, Chair 2005-2007 and 2013-2014). She has served in the following roles: NALA Liaison (2005-2006 and 2014-2015); 2nd Vice President (2006-2007); and President (2008-2009).

Dixie has been a NALA member since 2004, and has been a member of the Bar Association's Second Circuit Women in Law since 2014.

When Dixie is not working, she enjoys spending time with her husband, Mike, and their daughter, Alexis. She also enjoys camping, gardening, and fishing, as well as volunteering in Sioux Falls for the Children's Inn, Habitat for Humanity, and The Banquet.

**Jessi N. Stucke, CP**2nd Vice President

Jessi 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.

Jessi is a 2011 graduate of *Leadership Aberdeen*, and received its Dale Stein Award. She joined Richardson, Wylly, Wise, Sauck & Hieb in 2014 and works primarily with Jack Hieb and Zach Peterson.

She became a member of both NALA and SDPA in 2016. Jessi has served on the Newsletter and Website committees since then, and began serving as chair of the Newsletter Committee in 2017. She handles layout for *The Reporter*.

Jessi obtained the CP credential in 2016. She plans to obtain the ACP credential in Personal Injury.

Jessi and her husband, Chris, have two children, Evin (10) and Adeline (4), and four furbabies. She performs piano and vocals with her church's worship team, and plays flute with the Aberdeen Municipal Band during summer.

She also spends time studying the application of the ADA regarding how children with learning and behavioral conditions can grow to be unique and desirable assets in the workplace. She works with Evin through his ADHD, ODD, and sensory integration disorder and hopes to grow with other parents and help children in viewing these kids as simply "neurodiverse."

**Autumn Nelson, CP**

NALA Liaison

Autumn 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.

Autumn writes for *The Reporter* and recently 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.



ABSENTEE BALLOT

Semi-Annual Meeting October 2018

PRESIDENT:

Vicki Blake, CP

No Vote Necessary

1st VICE PRESIDENT:

Dixie A. Bader, CLA

(write in)

2nd VICE PRESIDENT:

Jessi Stucke, CP

(write in)

SECRETARY:

Victoria A. Swenson, CP

No Vote Necessary

TREASURER:

Diane Kerr, CP

(write in)

NALA LIAISON:

Autumn Nelson, CP

(write in)

MEMBER'S NAME: _____

MEMBER'S SIGNATURE: _____

If you cannot attend the SDPA Semi-Annual Meeting, please complete this Absentee Ballot and return it by September 14, 2018, to: Cindy E. Schmit, ACP, 5605 E. Eastbridge Place, Sioux Falls, SD 57110, or email it to CindySmeinsSchmit@gmail.com.

Tech Tips & TRICKS

I swear by Google Chrome, but I couldn't do without Firefox when it comes to taking

SCREENSHOTS

1 Open Mozilla Firefox.

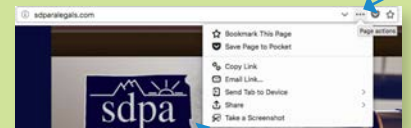
Don't have it? Download it [here](#).

- Type in the URL of the website.
- Navigate to the section you want to capture, or just stay at the top if you want to capture the whole page.



2 Find the three little dots.

They are located at the right side of the URL box. Click them, then select "Take a Screenshot."



3 Drag around the capture area.

This feature is fairly smart. If you're saving a single Facebook post among others on a feed, it places the frame around the post on your screen. But, you can always move it around.

Once you've made your selection, click the download icon (left of the "Save" button). The image will be saved as a ".png" file.



4 View/Print options.

Right-click the PNG and convert it to a PDF, which will be perfect for demonstrative purposes.

Overlength images can be printed for the judge or jury using the "tiling" feature ([more info here](#).)



Have a question or tip to share?

Please send them to Jessi Stucke at JStucke@rwwsh.com.

Questions will be kept anonymous.

YOU ARE WHAT YOU [HEAR]

Professional Development ala Podcast

LEGAL TALK NETWORK

Many of us don't have time to sit down to read all of the professional info available to us. But podcasts, like audiobooks, are another story.

If all you've got is the drive to the office each day, (or on your way to Watertown in October?) that's enough time to check out these podcasts from Legal Talk Network! More are available online [here](#), and all are also available on iTunes and Google Play.



LEGAL REBELS

In depth interviews with innovative pioneers in the legal profession. *Monthly.* [Link.](#)



LAWYERIST

Conversations with successful lawyers and interesting people. *Weekly.* [Link.](#)



LEGAL TOOLKIT

Highlights services, ideas, and programs that will improve practices and workflow. *Monthly.* [Link.](#)



THE UN-BILLABLE HOUR

Best practices regarding your marketing, time management, and all the things outside of responsibility to the client. *Monthly.* [Link.](#)

The Paralegal Voice

THE PARALEGAL VOICE

Covers the latest issues and trends in our world. Led by leading paralegals and legal professionals, the discussion ranges from career tips and tactics to writing skills and hiring trends. *The Paralegal Voice* is a comprehensive educational resource for paralegals at any level of experience. *Monthly.* [Link.](#)

Bonus: The web version includes a transcript of each podcast.

Sponsored by: NALA • Serve Now: A Lawgical Company • Thomson Reuters Firm Central

VISUAL LEARNER?

[ParalegalToday.com](#)

Intelligent, thought-provoking, and practical materials on career and technical information, coverage of national news, trends and professional happenings affecting paralegals, as well as colorful and informative pieces on unique areas and people in the profession.

[NALS Docket](#)

Trends and news within the legal profession, industry updates, and education.

[ABAjournal.com](#)

Economic forces, trends, and the people influencing and changing the profession.

[Lawyerist.com](#)

Online community for small firms to learn from each other, support each other, and have fun while growing as a successful member of a client-centered firm.

[Popehat.com](#)

A Group Complaint about Law, Liberty, & Leisure

[ABA's Blawg 100 List](#)

Top 50 Blogs • 25 Podcasts • 25 Tweeters



ASKED & ANSWERED

Featuring top of the industry guests discussing various legal topics. *Monthly.* [Link.](#)



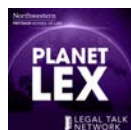
MODERN LAW LIBRARY

Features top legal authors and their works. *Monthly.* [Link.](#)



DIGITAL DETECTIVES

Interviews with digital forensic experts to discuss computer forensics as well as information security issues. *Monthly.* [Link.](#)



PLANET LEX

Conversations about the law, law and society, law and technology, and the future of legal education and practice. *Weekly.* [Link.](#)



IN-HOUSE LEGAL

Covers a variety of issues pertinent to the general counsel and corporate in-house legal departments. [Link.](#)



INSURANCE LAW

Discussions with leading insurance attorneys about timely industry issues. *Monthly.* [Link.](#)



LEGAL TECHNOLOGY NOW

Key players from the legal technology community discuss top trends and developments. *Monthly.* [Link.](#)



MAKE NO LAW

Explores the background of important 1st Amendment cases and the personalities and history that led to them. *Monthly.* [Link.](#)



ON THE ROAD

On-site recordings from recent conferences, bar meetings, industry events, and trade shows. [Link.](#)



THE DIGITAL EDGE

Covers the latest technology news, tips, and tools. *Monthly.* [Link.](#)



ROBERT HALF LEGAL REPORT

Covers the latest trends affecting the legal profession. *Quarterly.* [Link.](#)



WORKERS COMP MATTERS

Encompasses all aspects of workers' compensation from cases and benefits to recovery. *Monthly.* [Link.](#)

ANNUAL MEETING MINUTES

June 22, 2018

Prepared by: Vicki Blake, CP, 2nd Vice President

Meeting was called to order by President Jessica Huyck, and other members of the Executive Committee present introduced themselves: 1st Vice President Jen Frederick, 2nd Vice President Vicki Blake, and Treasurer Bonnie Woolam. Secretary Kristi Wood and NALA Liaison Melissa Wipf were both unable to attend the meeting.

Roll call was taken. Reading of the minutes of the semi-annual meeting held on October 6, 2017, was waived upon motion by Dixie Bader, seconded by Bonnie Woolam. The minutes as written were approved upon motion by Jessi Stucke and seconded by Dixie Bader, with all members in attendance voting aye.

Bonnie Woolam presented the Treasurer's report with one correction and that being the receipt of an additional sponsorship for the seminar. With that correction, the Treasurer's report was approved upon motion by Courtney VandenBerg and seconded by Valerie Winegar.

NALA Liaison Melissa Wipf was in attendance at the seminar but had to leave for the meeting and did not have a report to leave to be read.



The EDUCATION COMMITTEE REPORT was provided by Courtney VandenBerg: The Education Committee has been working hard to prepare for this Annual Seminar and Conference. We are excited to report that 46 members and 10 visitors have registered for the conference, with 50 attendees in person and 7 via webinar. We also secured 12 sponsors for this seminar. At this time, I'd like to recognize our sponsors: Prairie Reporting, Capital Reporting Services, Precision Reporting, Black Hills Reporting, Kayla Lynn Rausher, Inc., Stolle Court Reporting, Schoenbeck Law PC, Capitol Lien, Stealth Journals, National American University, Goosmann Law Firm, and Richardson, Wylly, Wise, Sauck, & Hieb, LLP. Their gracious contributions and continued assistance helps us put these seminars together.

The committee is eager to get started on the October seminar and has high expectations for a great, educational lineup. As a reminder, the Education Committee welcomes any recommendation on topics, speakers, and ways to improve our seminars.

We look forward to meeting new members and encourage all members to join the Education Committee, as we strive to provide seminars that will provide information and knowledge to make us all excel within our profession. When we work together as a team, we all will exceed expectations.

The MEMBERSHIP COMMITTEE REPORT was provided by Christi Weideman: As of the writing of this report, we have 109 total members including three new

members, Steve Thithavong, Heather Bosche, and Christal Schrieber. Welcome to the SDPA! With the assistance of Jennifer Frederick from the Newsletter Committee, the Membership Committee created a full color flyer outlining the benefits of joining the SDPA. These flyers, along with a membership application, were distributed to all non-members in attendance at the seminar in person and online today. These flyers can be used in the future at luncheons or other events. Thank you, Jennifer, for lending your expertise to help us out! Additionally, the Membership Committee members mailed invitations to Sioux Falls area law firms that do not currently have any SDPA members inviting them to include their office staff at our Annual Seminar in Sioux Falls. Thank you, Vicki Blake, for preparing and sending those letters out. 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 newsletters, emails for area luncheons, seminars and SDPA news. If you have any changes, please email me or call me at 225.6310.



Tasha Altmann provided the AUDIT REPORT: This report covers a period September 2017 ending April 2018. I have verified the bank reconciliations for the organization's checking account and find them to be without error. The current balance in checking through May 29, 2018, was provided. I also reviewed the savings statements for the Great Western Bank account through March 2018. The ending balance in savings on March 30, 2018, was provided.

Dianne Kerr provided the PUBLIC RELATIONS COMMITTEE REPORT: The Committee would like to thank those who contributed to and helped deliver cookies for this year's "Cookies for Clerks" event. Cookies were delivered to the Lincoln County Clerk's office along with the Minnehaha Court Administration and the Clerk of Courts for both civil and criminal matters. The Ribstein & Hogan Law Firm also delivered treats to the Brookings County Clerk of Courts, Register of Deeds, States Attorney's office and the Sheriff's office. The SDPA also donated 44 lbs of food and \$65 to the Feeding South Dakota Food Bank. Thank you to all who donated. The Committee is also planning on organizing a clothing/supplies drive for local women's shelters. In the Sioux Falls area there is the Children's Inn. There are also women's shelters in Agency Village, Eagle Butte, Lake Andes, Mission, Mitchell, Pierre, Rapid City, Redfield, Spearfish, and Sturgis.

Jennifer Frederick presented the LIBRARY REPORT on behalf of Clara Kiley who was not able to attend in person: It is now already officially summer! The library has DVDs available from both 2017 seminars, as well as SDPA seminars from previous years. Soon after this seminar, a DVD will be available to be checked out. Seminar DVDs may be checked out by members at a cost of \$35 plus postage and \$50 plus postage for nonmembers. No seminars DVDs have been checked out since my last report in April. Books and other printed materials also may be checked out for the cost of postage to send the materials to the member.

The library recently purchased a second copy of the CLA/CP Study Guide & Mock Examination, 2014 - Fourth Edition, at a cost of \$97.23. This is available to members for check out. The library also has recordings of SDPA seminars from 1990 through 2004 that are on VHS, as well as two 2008 seminars on 8 mm tapes. I propose that the association consider disposing of these seminar recordings, as they are too old for anyone to use for re-certification purposes and few people still have the technology to utilize the recordings.

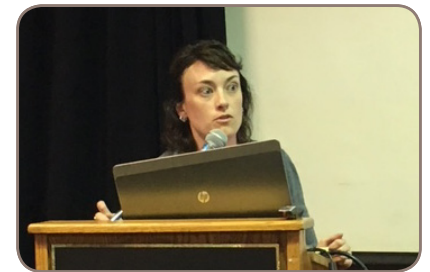
A complete list of seminar DVDs and other materials maintained in the SDPA library for the benefit of its members is available on the SDPA website. To check out materials, please email the librarian, Clara Kiley, CP, at pckiley@msn.com.

The NEWSLETTER COMMITTEE REPORT was given by Jessi Stucke: The committee has been busy this past year, and I thank the committee members for all of their work and input: Karen Armstrong, PP, PLS, Schoenbeck Law Office; Jennifer Frederick, CP, Schoenbeck Law Office; Nicole Mayer-McMillen, CP, Lynn, Jackson, Schultz & Lebrun - Sioux Falls; Autumn Nelson, CP, Goosman Law Firm; and Rebekah Nelson, Davenport, Evans, Hurwitz & Smith.

This year we added several new features, including a grammar column, highlights on recent Supreme Court decisions, member recognition, a periodic feature on materials available in our library, highlights on trending legal issues, a schedule of upcoming NALA webinars, "Did You Know?" resources, and an alternating crossword/word find. We are in the process of preparing additional content, including a member feature, a technology and computer skills column, follow-up articles on topics featured in previous issues, and more!

We welcome your ideas, topic suggestions, and feedback. Please feel free to contact me or another committee member. If you would like to contribute an article or write a short piece, please email me. If an attorney from your firm has recently written an article or presentation, please let me know if we could reach out to him or her to possibly republish or adapt the material regarding our roles as paralegals.

Chris Lillo presented the PROFESSIONAL DEVELOPMENT COMMITTEE REPORT: Congratulations to Melanie Bundy, the recipient of our 2018-2019 Student Scholarship! Melanie is a student at National American University in Sioux Falls and is working at Heidepriem, Purtell, Siegel & Olivier, LLP in Sioux Falls.



We did not receive any reimbursement applications for the CP exam this year. Cindy Schmit, ACP, submitted an application to the drawing for an ACP Course Reimbursement. Congratulations Cindy for successfully completing the Criminal Litigation ACP Course! The Professional Development Committee would like to encourage paralegals who are not certified

next page >>

to sit for the CP exam and Certified Paralegals to complete an ACP course. The Executive and Professional Development Committees worked together to make some minor changes to the scholarship and reimbursement programs this year, and we would like to pass that information along to our members. The ACP Course Reimbursement application and Student Scholarship application were modified to limit each applicant to one scholarship and to one reimbursement. Applications are available online. If you have any questions, please let us know.

Jennifer Frederick read the JOB BANK COMMITTEE REPORT on behalf of Laura Stewart: Currently, there are 11 positions available on the SDPA Job Bank. We have four in Sioux Falls, five in Rapid City, one in Sioux City and one in Fergus Falls, MN. For specific details on these positions, please check out the SDPA website. The Job Bank changes frequently so please check the website for the latest updates and available positions throughout the state. If you are an employer or know of an employer seeking paralegals and/or legal staff, please contact us.



Jessica Huyck presented the WEBSITE COMMITTEE REPORT: The committee has continued to keep the website current with job listings and events as they are brought to our attention. If you have anything you would like included on the website, please contact our committee.

The NOMINATIONS AND ELECTIONS COMMITTEE did not have a report to provide.

Upon motion made by Courtney VandenBerg and seconded by Dixie Bader, the committee reports were accepted.

OLD/UNFINISHED BUSINESS:

Jessica touched briefly on the reimbursement of expenses on behalf of SDPA and opened the floor to discussion of the matter. The only question asked was

the per mile reimbursement rate which was explained is the State Board of Finance rate. A motion to adopt the reimbursement guidelines was made by Tasha Altmann and seconded by Valerie Winegar. The motion passed.



NEW BUSINESS:

The subject of scholarships was discussed and presented to the members. A motion was made by Dixie Bader and seconded by Courtney VandenBerg to limit scholarships to one scholarship per person for attending class and completing the ACP course. The motion was carried.

It was brought to the attention of the Executive Committee that the Library has VHS tapes and other recordings of past seminars that have not been checked out for a long time, and are probably not in a format that they will be used again. The cost of converting the tapes to a digital medium would be about \$750.00. There was a discussion about how long NALA expects our affiliate to keep recordings of annual seminars and Chris Lillo expressed that she believed it was 7 years. A discussion followed and Pam Van Engenhoven moved and Dixie Bader seconded a motion to dispose of the library tapes that are over 7 years old. The motion carried. The subject of appointing a special committee to oversee and look into CLE lunches was discussed. It was brought to the attention of the members that voting on establishing a committee is not required by NALA or our Bylaws and that the incoming President may establish a special committee for this purpose.

Karen Armstrong read her nomination for Jessi Stucke as 2017-2018 Member of the Year. Jessi received the award for her work on the Newsletter Committee and her commitment to SDPA.

Announcements were made including a thank you to the Education Committee for a job very well done and a great seminar.

President Jessica Huyck was presented with a plaque from the Executive Committee to thank her for her service as SDPA President during the 2017-2018 term.

The meeting adjourned upon motion by Courtney VandenBerg and seconded by Robin Peterson.



South Dakota Supreme Court

Justice Mark E. Salter, former Second Judicial Circuit Judge began his appointment in June following the retirement of the Honorable Glen A. Severson. He represents the Second Supreme Court District.

2nd Judicial Circuit

Judge Robin J. Houwman will assume her position as Presiding Judge in September following the retirement of the Honorable Lawrence E. Long.

James A. Power will begin his appointment in September following Judge Long's retirement.

Rachel R. Rasmussen will take the bench as Magistrate Judge on September 17. She will fill the seat vacated by Crystal Johnson, who recently returned to practice.

3rd Judicial Circuit

Judge Kent A. Shelton succeeded the Honorable Jon Erickson following his retirement in June.



DID YOU KNOW

SECRETARY OF STATE: BUSINESS SERVICES

The latest update to the SD Secretary of State's website includes a new business entity search by Registered Agent. You can now find business entity records by the individual or organization name of the Registered Agent associated to those specific entities.

This new search can be found [HERE](#).



[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 2 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 were 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

REAL ESTATE:

Land Use • 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

SD Supreme Court Opinions

STATE v. WAYFAIR

Reacting to the U.S. Supreme Court's recent ruling and upon motion by the State of South Dakota, the SD Supreme Court held:

"[T]he circuit court's order granting defendants' motion for summary judgment is reversed, and the case is dispositively remanded for further proceedings not inconsistent with the United States Supreme Court's opinion in *Wayfair*."

The opinion was unanimous and per curiam.

STATE v. SHARPFISH

The Court dismisses an attempted appeal by the State on the basis that it is untimely. This case involves the use of a dashcam video, with the magistrate judge and circuit judge forming different conclusions on the legality of the arrest.

In adjudicating a motion to suppress in this DUI prosecution, the magistrate judge reviewed a dashcam video recording of the police officer's encounter with the Defendant. The magistrate judge agreed with the State that the video showed that the police officer was justified in finding "a reasonable suspicion of criminal activity." The magistrate thereafter conducted a bench trial and found the Defendant guilty. Defendant appealed to Circuit Court, which reviewed the same dashcam video and reached a different conclusion and e-mailed its decision to the parties on June 19, 2017, "order[ing] that [Defendant's] motion to suppress be granted and the case remanded for further proceedings." State then sought a discretionary intermediate appeal by Petition filed with the SD Supreme Court on July 5, 2017.

The SD Supreme Court dismissed the appeal as untimely, upholding SDCL 23A-32-6 which requires that "an appeal must be taken within ten days after written notice of entry of the judgment or order."

This ruling is unanimous with opinion authored by Justice Kern.

ISG, CORP. v. PLE, INC.

The dispute and issues in this case are complex. The opinion is 22 pages. View the full opinion (link at end) to gain a better understanding of this dispute and its resolution.

This is an action against PLE, a SD corporation which sells lift equipment, and its president. This dispute involves the efforts of the plaintiff to secure tactical observation platforms (TOPs) on behalf of the police department in San Juan, Puerto Rico. Plaintiff asserted that the Defendant

<< *Continued from pg. 5*

seller "did not deliver the platforms they agreed to build and instead delivered a used, contractually noncompliant platform." Plaintiff filed suit for fraud and breach of contract. The jury found in favor of the Plaintiff awarding substantial damages:

"The jury awarded \$450,000 to ISG in compensatory damages for PLE's breach of contract. On the fraudulent inducement claim, the jury awarded \$662,000 in compensatory damages against PLE and [its president]. The jury also awarded \$600,000 in punitive damages against PLE and \$900,000 against [its president]. For the fraudulent-misrepresentation claim, the jury awarded \$80,699 in compensatory damages against both defendants. Further, it awarded \$37,000 in punitive damages against PLE, and \$148,000 against [its president]."

The trial court granted a new trial on the issue of damages. The SD Supreme Court reversed and remanded, holding:

"The circuit court erred in concluding that there was insufficient evidence to support the compensatory awards. Because the compensatory damages awards provided by the jury can be explained by the evidence, they did not impermissibly taint the punitive damages awards. The circuit court's order for a new trial on the issue of damages is reversed. On remand, in order to avoid a double recovery ISG must elect its remedy by choosing the contract damages, or the damages for fraudulent inducement or fraudulent misrepresentation. If ISG elects damages for one of the fraud claims it may recover the accompanying punitive damages against both PLE and [its President] because the awards were assessed separately against them."

This ruling is unanimous with opinion authored by Justice Kern. Circuit Judge Rank sat on this case in lieu of Justice Jensen.

FLUTH v. SCHOENFELDER CONSTR.

This opinion provides a review and analysis of the law concerning a plaintiff's ability to settle with one tortfeasor and still pursue another alleged tortfeasor, as well as the remaining alleged tortfeasor's right to seek contribution against the settling tortfeasor.

Plaintiff sued Neighboring Landowner and a Contractor (hired by neighboring landowner) for water damage to her basement from a water

line leak. Plaintiff asserted various theories and eventually brought a claim for punitive damages against Neighboring Landowner. Plaintiff settled with Contractor by accepting an Offer of Judgment and payment in fulfillment thereof in the amount of \$7500 from Contractor. The litigation then evolved into a resolution of the ramifications of that settlement in regard to Plaintiff's ability to continue to pursue the Neighboring Landowner and, if thus permitted, whether the Neighboring Landowner had the ability to bring a contribution claim against the Contractor with whom Plaintiff had settled.

The trial court granted summary judgment for the Neighboring Landowner, citing the "well-settled rule" established in other jurisdictions that "satisfaction of one judgment precludes action against another joint tortfeasor."

The SD Supreme Court reversed in part and remanded in part.

This opinion applies SDCL 15-8-13 ("The recovery of a judgment by the injured person against one joint tortfeasor does not discharge the other joint tortfeasors."). This provision was part of the Uniform Contribution Among Tortfeasors Act (UCATA) codified in South Dakota in 1945. The Court finds the language "recovery of a judgment" to be ambiguous and interprets the statute so as to permit Plaintiff to pursue the Neighboring Landowner if the satisfaction of judgment [effectuated through the offer of judgment] did not reflect a full satisfaction of [Plaintiff's] damages.

Plaintiff's claim is, however, limited. The Court explained:

"We emphasize, however, that this conclusion does not permit plaintiffs to obtain a double recovery. Rather, satisfaction of a judgment reduces the award of a subsequent judgment against other tortfeasors using the same formula for releases under SDCL 15-8-17."

The Court instructed that the Neighboring Landowner would be "only entitled to a pro-tanto offset of \$7,500." Furthermore, the Neighboring Landowner is entitled to bring a contribution claim against Contractor so long as it is not barred by the statute of limitations.

The Court additionally ruled that the Plaintiff's claim for punitive damages against the Neighboring Landowner remains intact.

This decision is unanimous with opinion authored by Justice Kern.

Decisions are available [here](#).

Job Bank

If you are an employer, or know of an employer seeking paralegals and/or legal staff, please contact Job Bank Chair:

Laura M. Stewart
Fuller & Williamson
7521 S. Louise Avenue
Sioux Falls, SD 57108
(605) 333-0003

LStewart@FullerAndWilliamson.com

Some of the listings below have been abbreviated - see the complete postings [here](#).

PARALEGAL

May & Johnson - *Sioux Falls*

Full-time or part-time paralegal to work with experienced litigation attorneys. Looking for a long-term employee for this litigation support position. Salary negotiable depending on experience.

Cover letter, resume, and references:

Mark Arndt

MArndt@MayJohnson.com

LEGAL ASSISTANT / PARALEGAL

Gunderson, Palmer, Nelson & Ashmore - *Rapid City*

Full-time legal assistant/paralegal in family law department. Must be detail-oriented, be able to maintain a heavy workload in a fast-paced environment, present a professional appearance, possess a positive attitude, and have excellent communication skills. Extensive typing, knowledge of legal documents and electronic court filing knowledge are paramount. Salary dependent on experience. Excellent benefits package.

Cover letter and resume: Glenda Hutton
GHutton@gpna.com

PARALEGAL

Avera Health - *Sioux Falls*

Avera Health is looking for a results-oriented, full-time paralegal for litigation support. Must be proficient in document drafting, discovery, and case management in a large-volume practice.

Supports Patient Accounts attorney in drafting pleadings, coordinating and scheduling discovery, working predominantly in Circuit Court, but also Minnesota Workers' Compensation Court and Federal Bankruptcy Court as necessary. Position is responsible for case tracking and reporting status to referring Avera entities.

Must have knowledge and proficiency in dealing with FDCPA, HIPAA, HITECH, and GLBA is required in addition to state and local civil procedure statutes and rules, workers compensation, and bankruptcy.

Must have CP credential from NALA or obtain certification within one year of employment.

Click [here](#) for more information.

LEGAL ASSISTANT

Bangs McCullen - *Sioux Falls*

Applicant must be a detail-oriented person who has a positive attitude and possesses excellent clerical and communication skills. Wage DOE. Excellent benefits package.

Resume: BDreyer@BangsMcCullen.com

ASSISTANT TRUST OFFICER

South Dakota Trust Company *Sioux Falls & Rapid City*

Position requires an accounting, paralegal, or business degree with a minimum of 2 years related work experience. Will assist the Trust Officer with the day-to-day management of accounts by performing the tasks associated with opening new accounts, working with attorneys, financial advisors, and clients, calculating distributions, managing a trust accounting system, running annual reports, clerical work, and facilitating correspondence.

Must be a self-starter who can work independently at a high level, and must be able to take initiative to ensure deadlines are met. Strong writing and verbal communication skills, time management, scheduling, organization, office skills, along with contributing to a team effort, are also necessary. Ability to multi-task is critical.

Competitive salary and benefits package. More information available upon request.

Cover letter and resume - Sioux Falls:

Jobs@SDTrustCo.com

Cover letter and resume - Rapid City:

acreelman@SDTrustCo.com

LITIGATION PARALEGAL

Shuck Law Firm - *Sioux City, IA*

Candidate must be self-motivated, hard-working, confident, and a team player. Salaried position involves case management, drafting legal correspondence and pleadings, interaction with clients, preparation for depositions, and trial attendance. 401k benefits, and profit sharing.

Cover letter and resume: Kim@ShuckLawFirm.com

CORPORATE PARALEGAL

Otter Tail Corporation - *Fergus Falls, MN*

Supports general counsel, the corporate secretary, and other attorneys in a range of legal, transactional, securities compliance, and executive administrative duties. Also provides high-level administrative support to the Board of Directors. Must have experience in supporting activities related to a public company, corporate governance, maintenance of corporate and legal records, and corporate secretary duties. Proven commitment to integrity and ability to work with minimal supervision.

Day-to-day interaction with all levels of management requiring executive presence as well as strong verbal and written communication skills. Successful candidates will be self-motivated, responsible, and confident. The ability to prioritize multiple projects, meet deadlines, and work collaboratively is a must.

Apply online/upload cover letter and resume:

OtterTail.com

PARALEGAL

Clayborne, Loos & Sabers - *Rapid City*

Works primarily in business and litigation practices, including family and domestic relations. Great compensation and benefits package. Experience in litigation including client communications, file organization, drafting pleadings, and electronic filing are preferred. Training is available for the right person.

Cover letter and resume:

Donna Eixenberger, Office Manager

Clayborne, Loos & Sabers, LLP

Post Office Box 9129

Rapid City, SD 57709

CENTRALIZED BILLING SPECIALIST

Ballard Spahr - *Sioux Falls or Minneapolis, MN*

Position could be located in Minneapolis or Sioux Falls offices. Responsible for all aspects of client bill preparation according to both client and attorney specifications. Electronic invoicing in accordance with client and vendor guidelines, and researches and resolves related issues. Accounting support in cash receipts and accounts payable as needed. Provides time and billing application support to users firm-wide. Must be flexible to work overtime as needed during time-critical deadlines such as month-end and year-end closing.

Must have strong computer skills, be proficient with Microsoft Word, Excel, and Outlook, with a basic understanding of Microsoft Access. Must have good organizational and analytical skills, ability to meet multiple demands, prioritize tasks and handle the pressure of meeting deadlines. Able to work in a team environment as well as independently, and possesses excellent interpersonal and communications skills.

Excellent compensation, comprehensive benefits package and generous PTO program.

Apply online [here](#).

PARALEGAL

Woods Fuller - *Sioux Falls*

Seeking an experienced full-time paralegal to join fast-paced business and estate planning practices. Must be a motivated, hardworking, team player with impeccable organization and communication skills. Prior experience preparing and filing 706 and 709 regulatory and tax filings a plus.

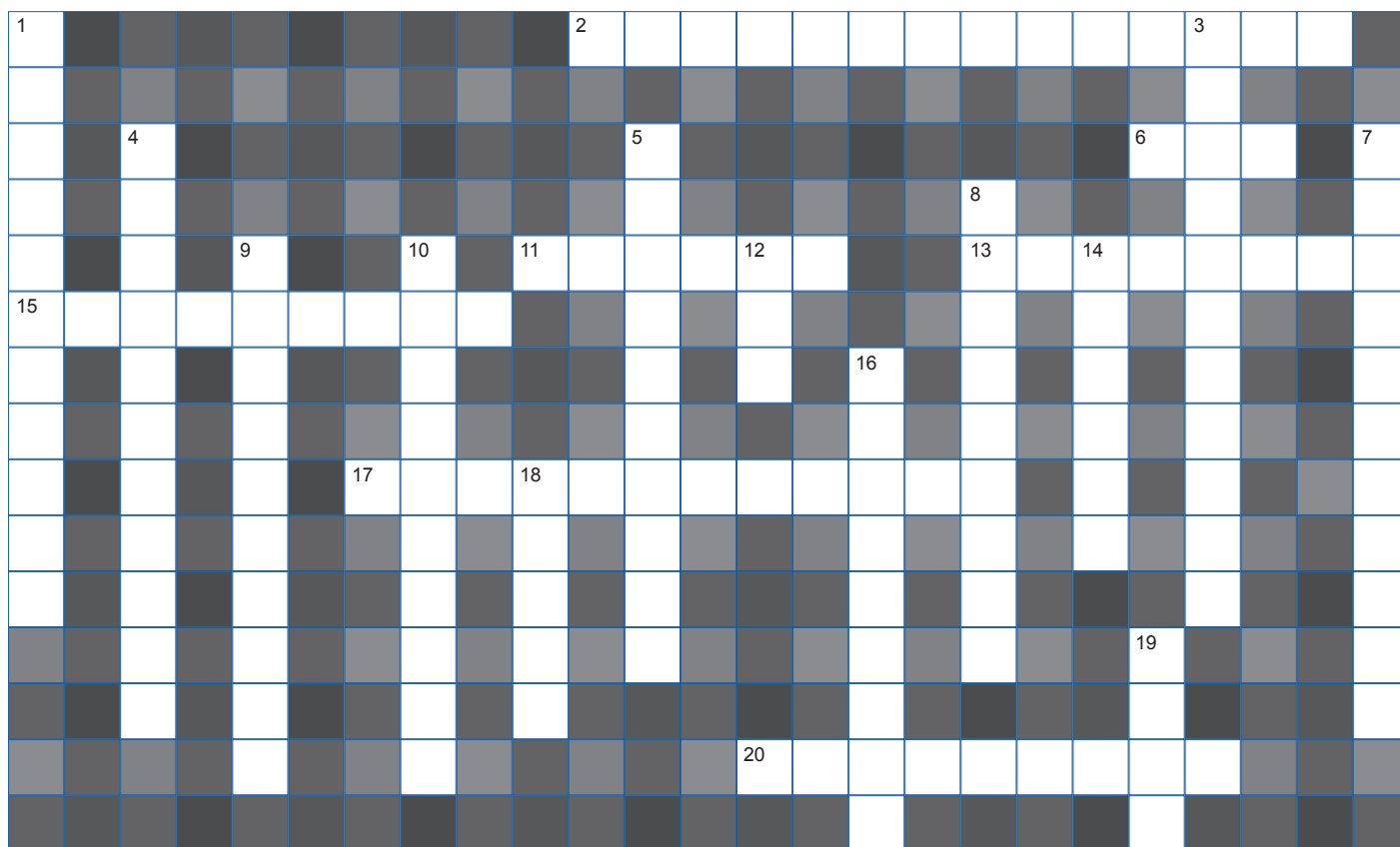
If you are looking for a work family, Woods Fuller is the place for you. We offer excellent benefits and a family-friendly atmosphere.

Cover letter and resume: Rachell Henning

HR / Office Administrator

Careers@WoodsFuller.com

~ INJUNCTIONS ~



Adapted from CALI Puzzle by Prof. Alan Woodlief @ cali.org | Answer Key @ sdparalegals.com/newsletter.html

ACROSS

- 2. ___ Injunction: A bar from speech before it occurs.
- 6. Abbreviation sounding like the result of many of Mike Tyson's fights - Evander Holyfield might have wanted one.
- 11. The likelihood of success on the ___ can be a factor in the decision whether to grant an injunction.
- 13. Unlawful entry on another's property.
- 15. The court leveling the hardships.

- 17. They might prevent you from obtaining an injunction.
- 20. ___ Injunction: Resolves the matter.

DOWN

- 1. ___ Injunction: Order against doing a specific act.
- 3. ___ harm.
- 4. ___ Injunction: Issued before a full hearing.
- 5. 1950s TV attorney.
- 7. Temporary ___ Order.

- 8. The existing state of things.
- 9. Property of sentimental value = ___ damages.
- 10. An order directing a party to do (or not do) something.
- 12. Typical duration of [No. 7 Down].
- 14. He who seeks ___ must do ___.
- 16. ___ Injunction: Orders an affirmative action.
- 18. California jurisprudence.
- 19. Common pre-injunction requirement.

Recipe

SCOTCHEROOS

Serves: 52 Prep Time: 45 min. Oven Temp: N/A

Instructions:

1. Mix corn syrup* and sugar into 3-qt. saucepan. Cook over medium heat, stirring frequently, until sugar dissolves and mixture begins to boil. Remove from heat. Stir in peanut butter. Mix well. Add Rice Krispies. Stir until well-coated. Press mixture into 9" x 13" pan pre-coated with cooking spray. Set aside.
2. Melt chocolate & butterscotch chips together in 1-qt. saucepan over low heat, stirring constantly. Spread over cereal mixture. Let stand until firm. Cut into 2" x 1" bars once cooled. You can place them uncovered in the fridge for quick-cooling.

**Note: Before measuring the corn syrup, coat your measuring cup with cooking spray - the syrup will pour easily out of the cup.*

I've made these for office gatherings and for family cook-outs and they are a hit with adults and children alike! Be careful, you can't eat just one!



Ingredients:

- 1 c. Light corn syrup
- 1 c. Sugar
- 1 c. Peanut butter
- 6 c. Rice Krispies*
- 1 c. Semi-sweet chocolate chips
- 1 c. Butterscotch chips

**Or Cocoa Krispies for a chocolate version of this treat!*

From the Kitchen of: **AUTUMN NELSON**

SUBMISSIONS

The Reporter is a quarterly publication. Send submissions to ReporterSubmissions@gmail.com by:

January 31 Winter
 July 31 Summer
 April 30 Spring
 October 31 Fall

ADVERTISING

Rates are per issue and include tax:

Full Page..... \$53.²⁵
 Quarter Page..... \$21.³⁰
 Half Page..... \$31.⁹⁵
 Business Card..... \$15.⁹⁸

Inquiries: Jessi Stucke, CP
 @ jstucke@rwwsh.com



South Dakota Paralegal Association

Est. 1989



2018 SPONSORSHIP CONFIRMATION FORM

YES! You can count on my support to help fund the 2018 Semi-Annual Seminar of SDPA on **Oct. 5, 2018**, in Watertown!

Company Name _____

Contact Name _____

Mailing Address _____

City _____ State _____ Postal Code _____

Phone # _____ Fax # _____ Email _____

Please indicate sponsorship level:

Break Sponsor: \$25 _____

Lunch Sponsor: \$100 _____

Breakfast Sponsor: \$50 _____

General Sponsor: \$1 - \$100 _____

Sponsor Benefits Include:

Sponsorship will provide a donation for the overall seminar costs. Each sponsor who contributes will receive recognition of their contribution in honor of the 2018 semi-annual conference of SDPA. Our goal is to reach 6 sponsors to help maintain the costs of the seminar.

In special thanks for your sponsorship, your firm or organization will get program recognition, special thanks noted in our next Reporter newsletter, and the opportunity to display brochures, pamphlets, or business cards at the registration table.

Method of Payment (checks only): Please make checks payable to SDPA and mail to Autumn Nelson, CP, at Goosmann Law Firm 5010 S. Minnesota Ave., Suite 100, Sioux Falls, SD 57108 **to be received by Friday, September 28, 2018**, along with your completed form. Please designate the proper title of your firm or organization. If you have business cards or a brochure from your firm or organization, please include them in your mailing or bring them to the seminar and deliver to SDPA's presentation table prior to 7:30 a.m. on October 5, 2018. This year's annual seminar will be located at the Ramkota Hotel & Event Center, in Watertown, SD.

Your contribution is greatly appreciated by all the members of SDPA. We thank you!