



South Dakota Paralegal Association
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June 2020

ANNUAL MEETING JUNE 19, 2020

Notice	2
Agenda	16
New Business	17
Committee Form	20

THIS ISSUE

Did You Know?	14
Good for You	15
NALA Elections	11
NALA Commons	11
New Members	15
Paralegal Voice Podcast	11
Tech Tips & Tricks	14

EVERY ISSUE

Advertising	15
Calendar	3
Careers	21
Committee Reports	13
Court Opinions:	
<i>SD Supreme Court</i>	4
<i>District / 8th Circuit</i>	10
CP/ACP Certification	22
GRAMMAR CHECK:	12
<i>Punctuation: Part 1</i>	
NALA Liaison's Report	3
President's Message	2
Q&A	15
Recipe	15
Crossword	14

Working from HOME

page 8

COVID-19

Orders, News & Opinions

page 6





President's Message

Vicki Blake, CP

This is my last message to you as President of SDPA. Thank you all for the opportunity to serve as your President. I'm sorry to say that we have all been affected by the Coronavirus and COVID-19, whether it was because our offices had to limit our clients, stagger our work times, have employees work remotely, or because we know someone who has suffered from this horrible virus. The year 2020 will be one that goes down in the history books much like 9/11. Everyone will remember where they worked or what they were doing when COVID-19 shut down so much of our great nation.

Of course, we are all aware that early this spring, the State Bar Association cancelled its annual convention which had been scheduled for June in Pierre. SDPA followed suit and we cancelled our seminar. The Executive Committee will bring the 2020 annual meeting to our members by way of GoToMeeting. The agenda and new business items can be found here beginning on page 16. I will miss the opportunity to see our members and guests, and the personal networking that is afforded by attending our seminar and annual meeting in-person. Hopefully, by the time fall comes around, we will be in a position to have an in-person seminar again.

SDPA and our members have accomplished much this year. I'm very proud to have helped bring the statewide CLE lunches to fruition. I can't thank the Special Committee enough, who continued to believe in that concept and who made it happen this year. We have several members who have helped host the Sioux Falls lunches (at their own personal expense) and arrange speakers to get this project off the ground and hopefully the lunches will continue into next year. Our members statewide have embraced the CLE lunches and participation has been great. Thank you all for making it a success!

The Executive Committee has agreed to make some committee changes for the upcoming year that we believe will be more accommodating and less time-restrictive for a couple of the committees. My hope is that our members can see that the changes are good for our membership as a whole and that we reached a common ground for the Executive Committee going forward.

For those of you who need or want CLE credits, NALA is offering all of the conference seminars "@Home" this year rather than having their annual conference in Atlantic City, NJ. The price is great and the seminars are all top notch. I would encourage you to sign up and attend the seminars remotely. NALA needs our support this year, much like our local businesses and law firms.

In closing, I would specifically like to encourage our members to mentor others. We have a lot of young members who are just starting their journey in our profession. We are a proud profession and SDPA has always encouraged networking and mentoring to our new or younger members. We were all new in our profession at one time and all appreciated the help that someone else gave. If you will all mentor someone else, I will have met one of my goals in my year as President. I am proud to say that the friendships I've established through SDPA, because of shared interests and a shared commitment to our profession, will last me a lifetime.

President Dixie Bader will be a welcome and awesome leader for the upcoming year! Thank you all again for the opportunity to serve you.

Executive Committee

PRESIDENT

Vicki Blake, CP

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NALA LIAISON

Autumn Nelson, CP

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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.



NOTICE OF ANNUAL MEETING of the SOUTH DAKOTA PARALEGAL ASSOCIATION, INC.

Pursuant to Article VI, Section I of the Bylaws, notice of the 2020 Annual Meeting was given by President Vicki Blake, CP, via email on May 18, 2020. The 2020 Annual Meeting of the South Dakota Paralegal Association, Inc. will be held via GoToMeeting on **Friday, June 19, 2020, to commence at 12:00 pm CT**. The purpose of the annual meeting is to hear reports of officers and committee chairpersons and to transact such other business that may come before the meeting. Prior to the meeting, members will receive a GoToMeeting invitation via email.

The slate of officers for the 2020-2021 term is as follows:

- Dixie A. Bader, CP - President
- Autumn Nelson, CP - 2nd Vice President
- Valerie Winegar, CP - Secretary
- Jessi Stucke, CP - 1st Vice President
- Janet Miller, ACP - NALA Liaison
- Diane Kerr, ACP - Treasurer



NALA Liaison's Report

Autumn Nelson, CP

As of April 2020, there are 117 Certified Paralegals (CP) throughout South Dakota, and of those, 38 are Advanced Certified Paralegals (ACP). Congratulations to Janet Miller, ACP, who recently obtained her advanced certification in Trial Practice!

- NALA offers members CLE credit for reading articles in *Facts & Findings*. As of August 1, 2019, CPs were no longer required to complete a test after reading the articles. Instead, CPs are eligible to earn one hour of CLE credit by reading the five designated articles in any issue. Credit must be submitted within one year of publication. No other publications will be considered. Up to two CLE hours are available per year, with a maximum of five hours per 5-year certification period.
- NALA offers live webinars through its website, including courses for certification and advanced certification. NALA offers discounts on occasion, so check in today and see if there is anything you are interested in! If you are an active NALA member, remember to take advantage of the free webinar courses offered, as well as the \$80.00 annual gift certificate provided for use toward any continuing education program.
- The next available testing window for the CP Skills Exam is July 1-July 31. NALA has released a Sample Skills Exam for anyone who may be interested, available [here](#).
- The 2020 NALA Conference & Expo will now be held live online July 9-11. Click [here](#) for more information. Typical registration costs around \$600 to attend in-person. Since the conference will be held online, registration is now only \$99 for members and \$149 for non-members. If you register before June 12, you will receive a complimentary, exclusive care package!
- For more information on each of these topics, as well as a plethora of additional information, log on to your NALA member portal or reach out to me and I will do my best to answer any questions you may have.

If you are not a current member or would like additional information about NALA, including becoming certified, please let me know. SDPA offers scholarships to assist in becoming certified or obtaining your ACP. Please feel free to contact me and I would be happy to help you or answer any questions you may have about NALA and becoming certified.

CALENDAR

June

- 4 + **How to Avoid Conflict of Interest Malpractice Missteps** 12pm
- 9 * **Diversity, Equity & Inclusion** 11am
- 11 + **Keeping it Clean with Green: Trust Accounting Dos & Don'ts** 12pm
- 16 * **Common Ethical & Legal Pitfalls in Estate Planning** 12pm
- 19 **SDPA Annual Meeting** (online only) 12pm
- 23 * **Preparing for Mediation in an Era of Social Distancing** 11am
- 25 + **Succession Planning: Managing the Transition from Start to Finish** 12pm

July

- 9-11 **2020 NALA Conference & Expo** (online only) TBD

August

- 19 * **The Successful Paralegal in the Digital Age** 12pm

September

- 18 **Retirement Accounts: Planning for Inherited Accounts & Marital Rights** 8:30am
State Bar: Ramkota Hotel ~ Sioux Falls

November

- 11 * **Cannabis 101: Special Industry Risks & Considerations** 1pm

*NALA webinars: CST/CDT
Course info available [here](#).

*SD State Bar webinars: CST/CDT
Course info available [here](#).

Sioux Falls Luncheons: Group meets monthly.
For info, email Vicki Blake, CP at Vicki@DDLAWSD.com.



2020 NALA CONFERENCE @HOME

FEATURING OUR
DIGITAL EXHIBITORS

JULY 9-11 REGISTER NOW

RECENT OPINIONS: *South Dakota Supreme Court*



ABDULRAZZAK v. S.D. BD. OF PARDONS AND PAROLES

2020 SD 10 – March 5, 2020

Appeal denied to inmate, with 2 justices dissenting on computation of time

Appellant's parole was revoked and he sought appeal to the Circuit Court. The Circuit Court dismissed his appeal as untimely. He presents this appeal to the SD Supreme Court pro se. This decision presents an analysis of the "prison mailbox rule" relating to compliance with time limits, as well as the Civil Procedure Rules regarding compliance and the 3-day extension for filing for mailing. Additionally, this appeal addresses the assertion that Appellant was denied effective assistance of counsel regarding, inter alia, the denial his request for "stand by" counsel.

The SD Supreme Court denied relief to Appellant on all issues, but the resolution of the appeal generates a 2-justice dissenting view on one issue.

As to the purported application of the "prison mailbox rule" in this state court litigation, the ruling of the Court is unanimous, 5-0. This portion of the Court's ruling is presented by opinion authored by Justice Salter.

Retired Justice Severson also authors the unanimous (5-0) ruling of the Court in regard to the ineffective assistance of counsel issue.

As to the favorable application of the state rules of civil procedure regarding compliance with time limits, the ruling of the Court is 3-2. This portion of the Court's ruling is presented by opinion authored by Retired Justice Severson.

Justice Salter authors a dissenting opinion (in which Justice Jensen joined) regarding the state rules of civil procedure. The resolution of this issue, as per this dissenting view is set forth in ¶ 43 as follows:

"[T]he Board's revocation order was served by mail on April 21, 2017. Excluding the day of service, [inmate's] thirty-day period for filing an appeal ran on May 21, 2017. However, May 21 was a Sunday, and the operation of SDCL 15-6-6(a) would move the deadline to Monday, May 22. The three-day mailing period of SDCL 15-6-6(e) should then be added to make [inmate's] notice of appeal due on Thursday, May 25, which was, in fact, the date on which it was filed with the clerk."

STATE v. CEPLECHA

2020 SD 11 – March 5, 2020

Life sentences to father & son affirmed



WESTERN AGRICULTURAL INS. CO. v. ARBAB-AZZEIN

2020 SD 12 – March 12, 2020

Liability insurer's "Vehicle Used for a Fee" exclusion defeats coverage

Passenger in 15-passenger van was seriously injured in roll-over accident. Passenger brought claim against Driver who was a co-worker. Driver regularly drove passenger and other co-workers to work, typically driving 10-15 passengers daily. Passengers paid driver \$40 weekly. Driver's liability insurer denied coverage based upon exclusion:

"Vehicle Used for a Fee. There is no coverage while any vehicle is being used to carry people for a fee. This exclusion does not apply to a shared-expenses car pool."

Following two-day bench trial, the lower court ruled in favor of liability insurer. The SD Supreme Court affirmed, stating in ¶ 26: "[T]he evidence and circuit court's findings objectively show that [Driver] was earning a sizable profit from the flat fees paid by his riders, rather than sharing expenses."

This decision unanimous (5-0), with opinion authored by Justice Jensen.

LAPLANTE v. GGNCS MADISON

2020 SD 13 – March 19, 2020

Dismissal of work comp claim on basis of failure to prosecute reversed

BLACK BEAR v. MID-CENTRAL

2020 SD 14 – March 19, 2020

Students denied claim for lost GEAR UP funding on basis of lack of standing

STATE v. WOLF

2020 SD 15 – March 19, 2020

Post-verdict judgment of acquittal reversed via de novo standard of review

BONEBRIGHT v. CITY OF MILLER

2020 SD 16 – March 19, 2020

Work Comp Insurers' denial of death benefits rejected

MATTER OF THE ESTATE OF GAASKJOLEN

2020 SD 17 – April 2, 2020

Undue influence upheld in will contest



SEDLACEK v. PRUSSMAN CONTRACTING, INC.

2020 SD 18 – April 2, 2020

Utilization of general verdict precludes appellate review of issues

Plaintiff sued for injuries "allegedly sustained while repairing a crane owned" by Defendant. The issue, as submitted to the jury, was by a general verdict form. Jury found for Defendant. Plaintiff asserts on appeal that "the [trial] court abused its discretion when it admonished the jury not to consider testimony regarding OSHA standards, denied a proposed jury instruction on OSHA standards, and denied [Plaintiff's] motion for a mistrial."

The SD Supreme Court affirmed, holding that the utilization of a general verdict form prevents appellate review of the issues framed on appeal stating in ¶ 22:

"Without special interrogatories detailing the basis for the jury's determination of no liability, we are unable to discern the reason for its verdict, which could have rested on multiple permissible bases. Under the circumstances, we cannot assess prejudice even if the court abused its discretion. We must therefore affirm without reaching the merits of [Plaintiff's] issues."

This decision is unanimous, with opinion authored by Justice Salter.

EXCEL UNDERGROUND, INC. v. BRANT LAKE SANITARY DISTRICT

2020 SD 19 – April 2, 2020

\$1.5 million verdict upheld

RECENT OPINIONS: *South Dakota Supreme Court*

STATE v. WARE

2020 SD 20 – April 9, 2020

Sheriff-Elect's assault conviction upheld

Sheriff-elect of Roberts County was found guilty by jury of aggravated assault, sentenced to seven years and placed upon probation. The SD Supreme Court affirmed this conviction. The concluding paragraph of the Court's opinion, ¶ 21, states:

"Here, the evidence that [Victim's] jaw was broken and required to be wired shut for a month and a half was sufficient to support a verdict for aggravated assault under SDCL 22-18-1.1(4). Additionally, the State offered evidence that the suddenness of the attack caused [Victim] psychological damage, along with his physical injury. Further, Dr. Phillips testified that even after fixing the jaw, [Victim] faced the possibility of ongoing health issues related to his jaw injury. Ware attempts to minimize this evidence by arguing that there was no apprehension of danger to life, health, or limb because [Victim] had no warning of the punch, [Victim] himself had to request bartenders call law enforcement because no one made the call, and he did not receive medical attention until the next day. The jury considered all the evidence and performed its exclusive role when it returned the verdict of guilty for aggravated assault, and there is sufficient evidence to support the verdict. Therefore, the circuit court did not err when it denied Ware's motion for judgment of acquittal. We affirm."

This decision is unanimous with opinion authored by Chief Justice Gilbertson.

OLSON v. SLATTERY

2020 SD 21 – April 9, 2020

Passenger injured in drive-by shooting denied insurance coverage



STROMBERGER FARMS, INC. v. JOHNSON

2020 SD 22 – April 9, 2020

Resolution of dispute in auction proceeds from cattle sale

This litigation involves an action for injunctive relief and money damages in connection with the auction of cattle, with the underlying dispute lying between the original owner of the cattle and the subsequent purchaser who placed the

cattle up for auction. The trial court ruled for the subsequent purchaser by granting a motion for partial summary judgment in the amount of \$185,718.30. The trial court also denied a request for change of venue filed by original owner. The SD Supreme Court dismissed the appeal related to the denial of change of venue on the basis of lack of jurisdiction. With respect to the award of \$185,718.30, the Court affirmed all but \$12,500 and remanded for a resolution of claims as to the lesser amount. This ruling is unanimous with opinion authored by Justice Jensen.

DUNHAM v. LAKE CTY. COMMISSION

2020 SD 23 – April 30, 2020

Dispute over proposed boat storage/sales facility in Lake County

HULS v. MEYER

2020 SD 24 – April 30, 2020

Appeal dismissed in dispute over buy-sell agreements related to hog confinement facilities in McCook County

TRASK v. MEADE CTY. COMM'N

2020 SD 25 – May 7, 2020

Challenge to productivity-based land assessment fails



GRAFF v. CHILDREN'S CARE HOSP. AND SCHOOL

2020 SD 26 – May 7, 2020

Meaningful review of key issue in jury trial precluded by lack of trial transcript

This is a tort action on behalf of a 16-year-old boy suffering "a variety of conditions related to his physical, mental, and intellectual abilities." This claim is against "Children's Care Hospital and School (CCHS), alleging it was negligent and inflicted emotional distress by using physical restraints on [the 16-year-old boy] when he received services at CCHS." Following a 3-week trial, jury found for Defendant. Appellant's primary assertion on appeal was that the trial court erred in refusing to allow certain Department of Health surveys into evidence – surveys "performed to assess CCHS's compliance with Medicaid and Medicare requirements."

The SD Supreme Court affirmed holding that "the lack of a trial transcript precludes meaningful appellate review."

This decision is unanimous, with opinion authored by Justice Salter. Of interest is footnote 2 of the opinion which indicates that Defendant "no longer uses prone restraints," which was one of the assertions made in this case.



HELLEBERG v. ESTES

2020 SD 27 – May 14, 2020

Dispute between neighboring landowners laid to rest

This dispute evolved from an alleged easement road and a restrictive covenant placed upon 40 acres of land which, in 1977, was divided into residential lots. The covenant provided "[t]he right of access to repair or install the water lines and to build an access road and use said access road over the water line is hereby granted by owner." Multiple claims, including an assault and battery claim, were filed by and between the parties (neighboring landowners). The trial court resolved some claims by summary judgment and the remaining claims by bench trial.

The SD Supreme Court affirmed, with the Court reviewing the trial court's interpretation of the restrictive covenant de novo and also upholding the trial court's finding that the Defendants failed to prove elements necessary to establish a prescriptive easement.

The Court's ruling is unanimous, with opinion authored by Justice Jensen. Circuit Judge Giles sat on this case, in lieu of Justice Kern.

STATE v. HOLLER

2020 SD 28 – May 21, 2020

1st Degree Manslaughter sentence upheld

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



Standing Orders & News

UNIFIED JUDICIAL SYSTEM

On March 13, 2020, the South Dakota Supreme Court declared a judicial emergency. The order granted the Presiding Judges of each of South Dakota's seven judicial circuits the authority to enter orders to respond to the public health emergency in their respective jurisdictions. The orders are linked green below. Click [here](#) for future updates.

SOUTH DAKOTA SUPREME COURT

- 3.13.20 [Order Declaring Judicial Emergency](#)
- 3.13.20 [Order Suspending 180-Day Rule](#)
- 4.7.20 [Order Suspending Stipulation Requirement for Use of Interactive Audiovisual Device](#)
- 4.14.20 [Order Regarding Court Reporters, Witnesses & Notarizations](#)
- 4.23.20 [Supreme Court Conducts Oral Arguments via Zoom](#)
- 5.6.20 [Order Amending Rules & Regulations for Admission of Attorneys to Practice Law](#)
- 5.22.20 [Order Regarding Postal Procedures](#)

1ST CIRCUIT

- 3.16.20 [Administrative Order No. 1](#)
- 3.16.20 [Administrative Order No. 2](#)
- 3.23.20 [Administrative Order No. 3](#)
- 4.20.20 [Administrative Order No. 4](#)

2ND CIRCUIT

- 3.18.20 [Standing Order Regarding Courthouse Safety Measures](#)
- 3.25.20 [Standing Order \(Warrants\)](#)
- 4.14.20 [Amended Standing Order \(declaration of Public Health Emergency\)](#)
- 4.22.20 [Standing Order Regarding Facial Coverings](#)
- 4.24.20 [Standing Order \(remote appearances\)](#)
- 5.13.20 [Standing Order \(security measures\)](#)
- 5.20.20 [Standing Order \(juvenile pleas\)](#)

3RD CIRCUIT

- 3.16.20 [Administrative Order No. 1](#)
- 3.19.20 [Administrative Order No. 2](#)
- 3.23.20 [Administrative Order No. 3](#)

4TH CIRCUIT

- 3.16.20 [Administrative Order No. 1](#)
- 3.23.20 [Administrative Order No. 2](#)
- 4.9.20 [Emergency Order re: Grand & Petit Jurors for Calendar Year 2020](#)
- 4.20.20 [Administrative Order No. 3](#)

5TH CIRCUIT

- 3.16.20 [Administrative Order](#)
- 3.20.20 [First Amended Procedures \(courthouse access\)](#)
- 5.4.20 [Second Amended Procedures \(jury trial moratorium\)](#)
- 5.26.20 [Third Amended Procedures \(jury trial moratorium extended, conditions\)](#)

6TH CIRCUIT

- 3.15.20 [COVID-19 Procedures](#)
- 3.20.20 [First Amended Procedures](#)
- 4.3.20 [Second Amended Procedures](#)

7TH CIRCUIT

- 3.16.20 [COVID Protocol](#)
- 3.18.20 [Standing Order Regarding Courthouse Safety Measures](#)
- 3.23.20 [Administrative Order Regarding Case Processing](#)
- 3.25.20 [Standing Order \(warrants\)](#)
- 4.6.20 [Order Regarding Facial Coverings](#)
- 4.28.20 [Order Regarding Child Support Warrants](#)

STATE BAR ASSOCIATION ARTICLES

- [COVID-19 Ethical Considerations \(Rules 1.1 through 1.6 and 5.1-5.3\)](#)
- [Remote Execution of Wills and Living Wills Under the Supreme Court's Emergency Order](#)



Standing Orders & News

DISTRICT OF SOUTH DAKOTA

On March 13, 2020, the District of South Dakota declared a judicial emergency. Standing Orders specific to the COVID-19 crisis are linked green below. Click [here](#) for future updates.

- 3.13.20 **STANDING ORDER 20-2**
[Limited Access to Courthouses Under Exigent Circumstances Created by COVID-19/Coronavirus](#)
 - 4.24.20 [First Amended](#)
- 3.17.20 **STANDING ORDER 20-3**
[Changes to Court Operations Due to Coronavirus Disease \(COVID-19\)](#)
 - 4.8.20 [First Amended](#)
 - 5.21.20 [Second Amended](#)
- 3.20.20 **STANDING ORDER 20-4**
[Suspending the Policy for Signed Consents to Accompany Defense Motions to Continue Trials in Criminal Cases](#)
- 3.30.20 The United States Attorney's Office is not accepting personal service of pleadings until further notice. Pleadings should be sent by both certified mail and by e-mail to usasd.civilpleadings@usdoj.gov. Call (605) 357-2340 for more information. *Nothing in this notice is intended to alter FCRP service requirements. This does not apply to bankruptcy petitions or other pleadings, which must still be served according to the Bankruptcy Rules.*
- 3.31.20 **STANDING ORDER 20-5**
[Video Conference Hearings in Cases Due to COVID-19 Response](#)
- 5.1.20 **STANDING ORDER 20-6**
[Establishing a Procedure for Compassionate Release Motions Under the First Step Act](#)
- 5.22.20 **STANDING ORDER 20-7**
[Extending Certain Statutory Deadlines for Administrative and Civil Forfeiture Proceedings](#)

COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Click [here](#) for future updates.

- 3.16.20 [Notice to the Public Regarding Access to Clerk's Office](#)
- Service of paper copies on parties participating in CM/ECF suspended. Click [here](#) for complete details.

U.S. BANKRUPTCY COURT DISTRICT OF SOUTH DAKOTA

Click [here](#) for future updates.

- Courthouse access: [District of South Dakota Standing Order 20-2](#)
[District of South Dakota First Amended Standing Order 20-2](#)
- 3.30.20 [Notice regarding student loan payment deferrals per COVID-19 legislative package](#)

SUPREME COURT OF THE UNITED STATES

Orders and other updates specific to the COVID-19 crisis are available [here](#).

Working from Home During a PANDEMIC

Becky Kuch, MEd, NCC, LPC-MH

Northern Plains Psychological Associates ~ Aberdeen

I don't know about you, but this isn't exactly how I saw 2020 playing out. There is a great deal of fear, frustration, and uncertainty, and these are taking a toll on many people. I don't know if it's possible to have a day where the thought of COVID-19 is absent from our awareness.

I like to focus on what we CAN control, so let's dive in:

1 *Be gracious with yourself (and each other).*

We know that thoughts and fears are playing in our subconscious – even if we are unaware of it – and that makes us fatigued. It can also make you feel like you don't want to do more than the bare minimum, and that's okay. Or, you may clean out every storage space and closet in your home and redo all your cabinets. That is also okay. A few weeks ago, I saw a social media meme that said something to the effect of “If you are not succeeding at your side hustle, you aren't without time. You are lazy.” WHAT?!? So now I have to manage my feelings during a pandemic, figure out a new way of working, AND succeed at my side hustle?!? I don't even have a side hustle! Now what?

2 *Get ready for the day.*

I am going to be honest - I didn't do particularly well with this right away. It was a messy bun and yoga pants. However, getting ready for the day like you always have can lend itself to some feeling of normalcy. Someone once said, “Look good, feel good, do good!”



3 *Designate a workspace.*

In the early stages of this weirdness, all five of us in my family were working/schooling from home. Everyone had their space, even if it was a shared space with headphones. This tells your brain that it is time to work. Therefore, it is also important to avoid this

space when not working. If you are at your kitchen table, it may mean closing your laptop when not working so your brain knows: Laptop open = working. Laptop closed = not working.



4 *Set a schedule.*

Create a daily schedule and put it in writing. It doesn't have to be fancy, just specific. It can be a list of specific tasks that have to be completed that day or it can be a set block of time that you will dedicate to work. It really depends on your workload and home situation.

5 *Create and adhere to an eating plan.*

So, my new work environment has a full kitchen and pantry AND I am wearing yoga pants on the daily! Yikes! It is important to have a healthy eating plan. Many foods contribute to anxiety and depression such as processed food, caffeine (large amounts) and processed sugars. Likewise, many foods help with energy, memory, and concentration, such as fruits, nuts, vegetables, lean protein, and whole grains. Sticking to a schedule can help you avoid working to the point of starvation and then thinking an entire package of Oreos is a great lunch.



6 *Working around kids.*

Some of you may be at home with your kids, a friend's kids, or grandkids, and this presents an entire set of different challenges.

- See if your boss is okay with a modified schedule if needed. If there is another adult in the house with you, try and work out a schedule with them. I know some couples have one person working from 7:00am-2:00pm and the other person does 2:00pm-9:00pm, or some variation.



- If your kids are older, explain the ground rules. In my situation, my office is upstairs. Even though I have the door closed and use headphones, I ask them to remain downstairs if I am in session. I open the door between sessions so they know I am done.
- Be mindful that your kids are struggling right now, too. They aren't able to see friends, teachers, participate in activities, etc., and it wears on them. One thing is to have daily check-ins with them (and you). "What is one thing you felt today?" or "On a scale of 1-10 (1 = not great, 10 = fantastic), how was today?"
- Balance work and play. The weather is finally nice, so get outside as you can. Invest in some games for days when you are inside. My daughters found a volleyball net for \$7! It is important for everyone to have less screen time (during downtimes) and more connection.



7 *Balance being informed and being overwhelmed.*

I don't care what side of the pandemic you are on; it is important to have balance. People who are watching too much Fox News tend to be angry that this is all a conspiracy and feel we should be doing business as usual. People who watch too much CNN tend to be angry because the world is going to hell in a handbasket and no one is taking it seriously. Okay – maybe that is oversimplifying things – but you get my point.

8 *Limit social media.*

Everyone is an expert right now and some people are downright nasty in how they are sharing things. Mental health professionals have been recommending this for a few years, and more so now. Too much social media will increase frustration, anxiety, and even anger at times. It just isn't worth it.

9 *Watch out for Zoom fatigue.*

This is a real thing. People are noticing fatigue and crankiness from so many hours of online meetings. Again, to control what you can, you may want to limit the amount of time you spend catching up with friends

and relatives online. It's important to stay connected; however, you may need some balancing.

10 *Stay active.*

This is imperative. There are countless studies that prove exercise decreases depression, anxiety, and stress. The upside is, it doesn't matter what type of exercise. Just get moving for 30 minutes/3 times/week (minimum). You can walk, bike, do yoga, or find an at-home plan. We have been sheltering at home with our 22-year-old daughter who is a certified exercise physiologist who is getting her master's degree in nutrition and exercise science AND a Level 1 Certified CrossFit Coach... we've been getting in our exercise! I hate exercise – I am naturally a couch potato. However, I have also known for years the benefits I get from it in the area of stress reduction. I do it – I complain the entire time – but I do it.

Bottom line – this is a time like none of us has ever experienced – however, as humans, we are SO resourceful. We will get through this. Don't be too stubborn or proud to reach out for help. Many employers offer an Employee Assistance Plan (EAP) that will cover the cost of some counseling sessions. Most insurance providers are covering behavioral telehealth and most counseling practices are accepting new clients. You are not in this alone.



"26 WFH Tips While Self-Isolating During the COVID-19 Outbreak"
Emily Cronkleton, April 1, 2020

www.healthline.com/health/working-from-home-tips



Becky Kuch, MSEd, NCC, LPC-MH

Becky works primarily with individuals aged 18 and older. She has almost 20 years of experience working with individuals and couples. She assists people with a wide range of issues including, but not limited to, depression, anxiety, relationships, post-traumatic stress disorder (PTSD), grief, personality disorders, and stress management. While she has a varied range of experience, she primarily practices Cognitive Behavioral Therapy (CBT). Becky is a certified facilitator for Prepare Enrich (www.Prepare-Enrich.com). She is also certified in Critical Incident Stress Management and Debriefing (www.ICISF.org) and is a volunteer provider with the Give An Hour project (www.GiveAnHour.org).

RECENT OPINIONS: *District of South Dakota & U.S. Court of Appeals - 8th Circuit*

UNITED STATES v. WENDELL ARCHAMBEAU, JR.
USCA 18-CR-3595 – March 5, 2020

Defendant's sentence was not substantively unreasonable

Opinion available [here](#).

RAYMOND ELLIOTT v. OCWEN LOAN SERVICING, LLC
USCA 19-CV-2102 – March 5, 2020

District Court did not abuse its discretion in denying Plaintiffs Rule 60(b) motion

Opinion available [here](#).

LEONA VAN DUSSELDORP v. CONTINENTAL CASUALTY COMPANY
USCA 18-CV-3257 – March 10, 2020

The district court did not err in determining that under South Dakota law and the provisions of the parties' contract for Plaintiff's long-term care, Plaintiff's chosen provider was not a covered provider, and Defendant did not breach the contract or wrongfully deny benefits by denying coverage

Opinion available [here](#).

HAIDER ABDULRAZZAK v. J. SMITH
USCA 19-CV-2170 – March 19, 2020

Dismissal of some of plaintiff's claims and entry of summary judgment for defendants on the remaining claims affirmed without comment

Opinion available [here](#).

UNITED STATES v. CHRISTOPHER BRADSHAW
USCA 18-CR-3728 – April 7, 2020

The district court's decision to deny defendant's motion to continue the trial and substitute counsel did not violate defendant's Sixth Amendment right to counsel and was not an abuse of the district court's discretion; the evidence was sufficient to support defendant's convictions for conspiring to distribute methamphetamine and possessing the drug with intent to distribute

Opinion available [here](#).



UNITED STATES v. WAYLON YOUNG BIRD
USCA 19-2125 – April 16, 2020

Anders case. The evidence at trial was sufficient to support defendant's conviction for conspiring to distribute methamphetamine and possessing the drug with intent to distribute; district court's drug quantity calculation was not erroneous; no error in imposing an enhancement under Guidelines Sec. 3B1.1 cmt. n.2 for role in the offense; sentence was not substantively unreasonable

Opinion available [here](#).



WARREN BARSE v. UNITED STATES
USCA 19-CV-1543 – April 27, 2020

C&W Enterprises failed to remit employment taxes and the IRS recovered a portion of the funds owed from the current owners and assessed the balance due against C&W's former owner, Barse. Barse alleged the IRS misallocated the funds levied in 2006 from the current owners and claimed he owed nothing. The Court held that Barse's 2015 administrative claims challenging the 2006 alleged misallocation was untimely because it was made more than two years after the taxes were paid

Opinion available [here](#).



RIIS v. SHAVER
2020 U.S. Dist. LEXIS 74484
(D.S.D., Central Div.) – April 28, 2020
Forcible catheterization to prove ingestion of drugs is dead in South Dakota

This case challenged the long-standing practice by some South Dakota police of having persons suspected of ingesting drugs, who refuse to provide a urine sample in response to a warrant, forcibly catheterized by medical personnel to

obtain their urine to use as evidence against them, held at p. 61-63: "the unreasonableness of the Defendants' conduct becomes clear under the second and third Schmerber [v. California, 384 U.S. 757 (1966)] factors. Defendants' need to obtain the Plaintiffs' urine to prove a low-level drug crime did not justify subjecting the Plaintiffs to involuntary catheterization, a highly invasive---and in these cases---degrading medical procedure."

Then "[I]n sum, forcing the Plaintiffs to undergo catheterization was unreasonable given the extreme intrusion on the Plaintiffs' dignitary interests, the nature of the suspected crime, and the availability of less intrusive means to collect evidence of guilt."

This summary was written for USDLaw ListServe by Attorney Jim Leach, Rapid City.

UNITED STATES v. TODD TUTTLE
USCA 19-CR-3459 – April 30, 2020

Anders case. The district court did not abuse its discretion in revoking defendant's supervised release, and the within-guidelines sentence it imposed was not substantively unreasonable

Opinion available [here](#).

UNITED STATES v. JACQUES EVIGLO
USCA 19-CR-1123 – May 6, 2020

The evidence was sufficient to support defendant's convictions for making false claims against the U.S. in connection with a fraudulent tax return scheme; defendant's within-guidelines range sentence was substantively reasonable

Opinion available [here](#).

UNITED STATES v. SONYA DUBRAY
USCA 19-3095 – May 7, 2020

The oral pronouncement that the court was imposing an upward variance controls over the court's written judgment, indicating the sentence was an upward departure; there is no dispute the court could impose an upward variance, and the sentence it imposed was not substantively unreasonable; the court considered the 3553(a) factors and clearly explained its sentencing decision

Opinion available [here](#).

Meet the Candidates!

If you are an Active-type member of NALA, you have the privilege to vote for important issues within the association. This includes voting for who you think is the best candidate to represent your interests on the NALA Board of Directors. Online voting will open on June 17 and close on July 8 at 5 p.m. CT. Election results will be announced during the Annual Membership Meeting on July 9. Attendance at the meeting is complimentary since it will be held online, even if you can't attend the virtual conference. Click [here](#) to register for the meeting.

Open Officer Positions

Officers to be elected are Vice President, Secretary, and Treasurer. These officers are elected for one-year terms and may serve a maximum of two consecutive terms.

Open Director Positions

Three directors will be elected, one from each area (Area 1, Area 2, Area 3). Directors are elected for a two-year term and may serve a maximum of two consecutive terms.

- SDPA's own Cindy E. Schmit, ACP, is running for Area 2 Director! ••
- Please take a moment to read her information [here](#), and watch her video [here](#). ••

Click [here](#) to view the rest of the candidate profiles.



Check out NALA Commons – YOUR Paralegal Collaborative Community!

Have you checked out NALA Commons? The new, member-only collaborative site launched last month and is already facilitating engaging conversations about the paralegal field. NALA Commons is an excellent way to talk through questions you may have, share important articles and stories, and simply engage in meaningful conversations about the subjects you are passionate about in the paralegal field.

Follow these easy steps to enter NALA Commons:

1. Log into your NALA [account](#).
2. Click on [NALA Commons](#) (found in the Quick Links section of our homepage).
3. Upon entering the site, please read the guidelines and policies. This information is a pinned post on the home page and is also posted in the *New Members to NALA Commons* group.
4. NALA Commons offers many groups to join and participate in. Click on Groups (left-hand column) and choose the groups you would like to join - simply click "Join Group."

Thank you for your patience during this time of growth - NALA launched this platform nearly three months ahead of schedule in an effort to provide resources to its members during the COVID-19 crisis. As always, we are here to answer any questions or concerns you may have. Problems or questions? Please reach out to the NALA Commons Administrator at DYoung@NALA.org.



Paralegals at Home: Tips for Healthy Remote Work Habits

This episode aired on March 31, 2020. The shift to remote work has been disorienting for many, blurring the lines between work life and home life, which can be a challenge to navigate. Paralegal Voice host Carl Morrison offers guidance to fellow paralegals on keeping a healthy schedule and positive perspective while working from home.

BONUS: He also shares his perspective on the ABA's changes to the definition of a paralegal.

The At-Home Paralegal: Tips & Tricks for Remote Work

This episode aired on April 23, 2020. Many of us aren't used to working from home, but Florida paralegal Debbie Hrytzay has years of experience! Debbie shares remote work tips tailored to the unique needs of paralegals.

The podcast is available on Apple Podcasts, Google Play, Spotify, and Stitcher. You can also listen on the website [here](#). The website includes a transcript of each episode.



GRAMMAR CHECK!

I just came across what I thought was a great quote on the Internet. It said:

Punctuation is the traffic light for reading. The punctuation used tells you when to pause, when to stop, and how to proceed.

The following is the first part of a brief review of when to use each type of punctuation mark.

The period

- Use it at the end of a sentence that makes a statement or expresses a command.



"Now is the time for all good men to come to the aid of their country."

- Use it at the end of an elliptical (a condensed expression that represents a complete statement or command).

"No problem."

"Been there. Done that."

- Use it at the end of a polite request or command.

"Call at once if you need further help."

- Use it at the end of an indirect question.

"The big question in everyone's mind is when can we go out to eat at our favorite restaurant again."



The question mark

- Use it at the end of a direct question:

"Will you come with me after work to get some toilet paper?"

- Use it at the end of an elliptical (condensed) question:

"When?"

- Use it at the end of a sentence phrased like a statement but is spoken with the rising intonation of a question:

"You really expect me to believe that story?"

- Use it to express doubt or uncertainty about a word or phrase within a sentence:

"She came to the law firm after the H1N1 pandemic in 2009(?)."



If used in this way, do not insert any space before the opening parenthesis, and leave one space after the closing parenthesis, unless another mark of punctuation is required at that point.

The exclamation point

- Use it at the end of a sentence to indicate enthusiasm, surprise, disbelief, urgency, or strong feeling.

"I couldn't believe my eyes!"

- It may be used in place of a question mark to express strong feeling.

"Why would anyone do that!"

- It may follow a single word to express intense feeling:

"Terrific!"

- The exclamation "oh" may be followed by either an exclamation point or a comma, depending on the emphasis you desire:

"Oh! I can't believe what just happened!"



The comma

- Use them to set off nonessential expressions (words, phrases, and clauses that are not necessary for the meaning or structural completeness of the sentence).

"There is, no doubt, a rational reason for his outburst."

- Use them to set off words, phrases, or clauses when they break the flow of a sentence from subject to verb to object or complement.

"Could you pick up some toilet paper today, or, if you wish, tomorrow morning."

- Use it to set off an afterthought or words, phrases, or clauses loosely added to the end of a sentence.

"Send more toilet paper upstairs as soon as you can, please."

- Use them to set off transitional expressions (like therefore, however, on the other hand) and independent comments (like obviously, in my opinion, of course) when they interrupt the flow of the sentence.

"We are determined, nevertheless, to find some toilet paper today."

However, do not set these elements off with commas when they are used to emphasize the meaning and are essential for the meaning of the sentence.

"We are nevertheless determined to find toilet paper today."

- The Oxford comma (if you read "*Grammar Nuggets: Oxford Commas & Winning Cases*" in the Spring 2017 issue of *The Reporter* [here](#), you'll know all about this kind of comma): the final comma in a list of things.

"Please stop at the store and get hand sanitizer, paper towels, and toilet paper."



That's enough fun for this issue. We'll cover the other punctuation marks next time. Hopefully COVID-19 will be a thing of the past and our lives will have returned to normal by then. Be careful and stay safe.

If you have any questions or grammar subjects you would like discussed in future articles, please contact Karen Armstrong, PP, PLS @ Karen@SchoenbeckLaw.com.

AUDIT

Chair: Paula Newman
PNewman@Austin-Hinderaker.com
Member: Cindy Smeins, ACP
No report.

EDUCATION

Co-Chairs: Autumn Nelson, CP
NelsonA@GoosmannLaw.com
Courtney VandenBerg, CP
Courtney@StrangeLaw.com
Members: Dixie A. Bader, CP
Christal Schreiber

After much consideration, and with the cancellation of the South Dakota Bar Association's annual seminar, the Education Committee has decided it is in the best interest of the membership at this time to cancel the June seminar due to the current COVID-19 crisis. On a positive note, we are looking at bringing you a new experience this October and hope to see everyone there!

As a reminder, the Education Committee is looking for a few additional committee members to help organize and put our seminars together. We welcome any recommendations on topics, speakers, and ways to improve our seminars, and look forward to working with new committee members. Only by working together will we be able to continue growing our organization. Please email any recommendations for the upcoming seminar to Courtney or Autumn.

ETHICS

Chair: Sue Jensen, ACP
Sue@MerkleLaw.com
Members: Jennifer Frederick, CP
Vikki Kelner, ACP

The committee has nothing to report.

FINANCE

Diane Burns, ACP
Diane@RedstoneLawFirm.com

The committee has nothing to report.

JOB BANK

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

Abbreviated job postings are on page [21](#). 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

Now is a great time to check out seminar DVDs to earn CLE credits for recertification. If you cannot get out to enjoy the spring weather, check out a DVD or two and get "earn CLE credits" off your to-do list! Recordings of previous seminars can be loaned for postage plus \$35 to SDPA members or to non-members for \$50. Let me know what seminars you were not able to attend but would like to view, and I can get the DVDs out to you.

Since the last report, two seminar DVDs have been checked out and returned.

The library also has two copies of the NALA Certified Paralegal Exam Fundamentals manual available for members to check out if you are thinking now is the time to get certified. Members are allowed to use the manual for three months in order to study for the exam after paying a \$90 deposit. The manual is an excellent resource for anyone studying for the CP exam.

If you have questions or would like to check out any of the library materials, please email Clara.

MEMBERSHIP

Chair: Janet Miller, ACP
JMiller@sbsLaw.net
Members: Jackie Schad, ACP
Jessi N. Stucke, CP

As of the writing of this report, SDPA has 97 members. Please remember to update any change in your address, employment, phone, and/or email address so that we may provide you with timely notices of our newsletter, emails for area luncheons, seminars, and SDPA news. If you have any changes, please contact Janet at jmiller@sbslaw.net or 225-5420.

NEWSLETTER

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

We hope you enjoyed this edition of *SDPA Reporter*. If you are interested in contributing information or articles for future issues, please contact Jessi Stucke. And as always, the committee welcomes tips and suggestions so that we can continue to provide you information to help you in your daily work and for your career.

NOMINATIONS & ELECTIONS

Chair: Cindy Smeins, ACP
CindySmeinsSchmit@gmail.com
Member: Chris Lillo, ACP
No report.

PROFESSIONAL DEVELOPMENT

Chair: Cindy Smeins, ACP
CindySmeinsSchmit@gmail.com
Members: Nicole Mayer, CP
Janet Miller, CP

No report.

PUBLIC RELATIONS

Chair: Diane Burns, ACP
Diane@RedstoneLawFirm.com
Members: Tasha Altmann, CP
Carol Boche
Autumn Nelson, CP

Due to the COVID-19 situation, the committee has noting to report. Hopefully, life will get back to normal soon!

SPECIAL COMMITTEE

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

The Executive Committee has agreed to the recommendations submitted by the Special Committee regarding permanent state-wide CLE programming by webinar. The recommendations will be discussed during the upcoming Annual Meeting. Additionally, our committee will be sending an anonymous survey to the membership to facilitate future CLE sessions.

WEBSITE

Chair: Jessica Huyck, ACP
Jessica.Huyck@SDstate.edu
Member: Jessi N. Stucke, CP

The news page has been updated to include links to COVID-19-related orders, news, and ethics and procedure articles from the South Dakota State Bar. Click [here!](#)

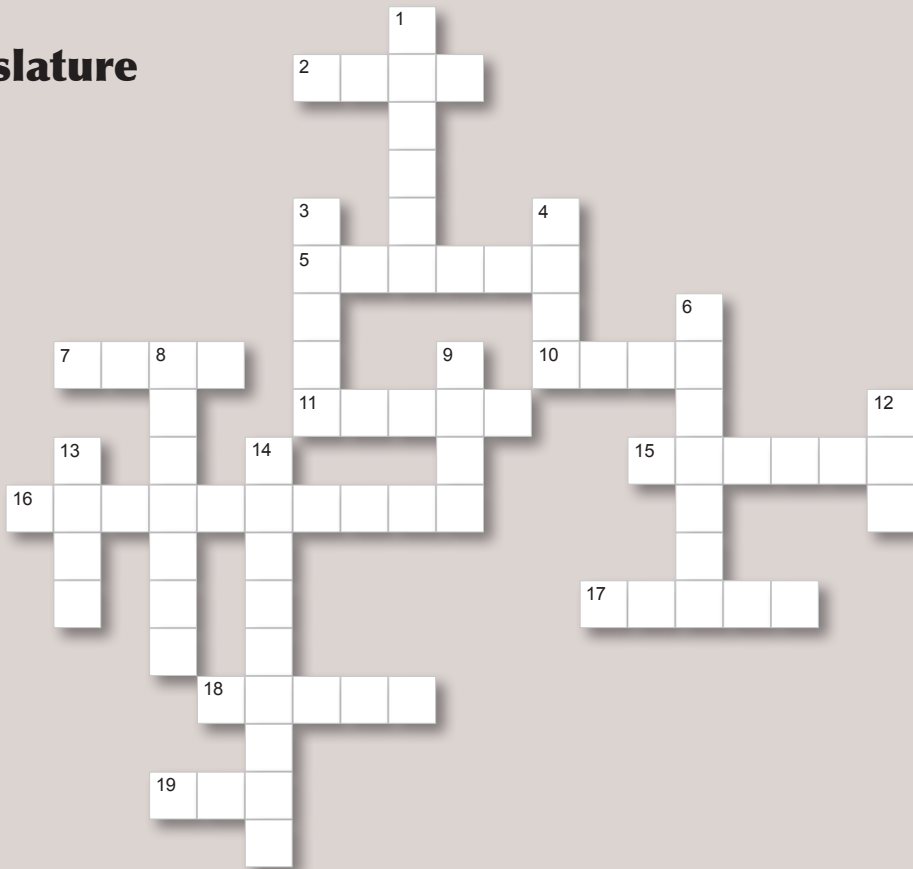
Current Events & SD Legislature

ACROSS

2. ____ boosting
5. Tribe legalizes marijuana
7. ____ -- we're on it.
10. Industrialized ____
11. ____-through testing
15. Faculty ____ banned
16. ____ surrogacy
17. ____ China
18. ____ market
19. World Health Organization

DOWN

1. ____ distancing
3. ____-19
4. ____ your hands
6. ____ language driving exams
8. Native American journalist death
9. ____ office statement
12. ____ Summit League Women Champs
13. New (and former) Chief of Staff
14. Presumptive ____ intact

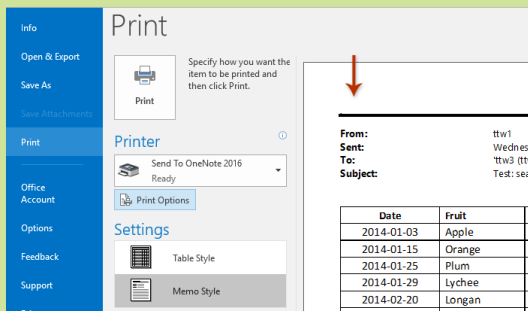


Tech Tips & TRICKS

HOW TO REMOVE YOUR NAME FROM PRINTED EMAILS

Actually, you can't remove your name, but you can make it virtually invisible! When a client forwards an email that needs to be converted for document production, I don't like to have my name big and bold atop the header. Here are the steps to adjust this setting:

1. Click "Print"
2. Click the "Print Options" button
3. Click the "Page Setup" button
4. From the format tab, in the Font section, click the "Font" button
5. In the Font window, choose the "Webdings" font, leave the Font style as "Regular," and set the Size to "1." Then click "OK."



HAVE A QUESTION OR TIP TO SHARE?
Contact Jessi Stucke, CP, at JStucke@rwwsh.com.

DID YOU KNOW ? SDCL AMENDMENTS

The South Dakota Supreme Court issues rules throughout the year to amend South Dakota's codified laws. Hearings are held on each proposed amendment, and those hearings are listed on the Court's calendar [here](#). Generally, rule changes become effective on July 1 of each year. These amendments are available online [here](#). This section of the UJS website contains an index of rule changes since 1991, with links to a PDF of each rule.

Also—if you aren't getting a copy of the South Dakota State Bar newsletter—ask your attorney if you can get a copy. Rule changes (among other helpful information) are always included in the monthly newsletter.

Rule 20-01 February 24, 2020
SDCL 15-12-33 Transmittal of copies of order to substitute judge or magistrate and counsel.

Rule 20-02 February 24, 2020
SDCL 15-15-4 Sale or destruction of exhibits if not collected when judgment final—Retention of necessary copies—Fee.

Rule 20-03 April 2, 2020
SDCL 25-4A South Dakota Parenting Guidelines



FREE LEGAL FORMS CLINIC

THE THIRD THURSDAY OF EVERY MONTH
3:00 PM - 6:30 PM

- | | |
|-------------------|--------------------|
| February 20, 2020 | July 16, 2020 |
| March 19, 2020 | August 20, 2020 |
| April 16, 2020 | September 17, 2020 |
| May 21, 2020 | October 15, 2020 |
| June 18, 2020 | November 19, 2020 |
| December 17, 2020 | |

This is a **FREE** legal clinic for parties who do not have an attorney. ERLS Staff, USD Law Students, and volunteer attorneys will be available to assist, one-on-one, with filling out legal forms, answering questions, and explaining the process and procedures for legal issues. Attendees should bring all necessary documents with them to the clinic.

Please take note, CLINIC VOLUNTEERS DO NOT REPRESENT YOU. This clinic is for information only, and is not in anyway intended to be a substitute for legal representation. Notary Available.

335 N Main Ave, Suite 200
Sioux Falls, SD 57104
800.952.3015
www.erservices.org
info@erservices.org

Q&A

If you would like to submit a question to our members on a legal or administrative issue, please email it to the President. The President will email your question to the Membership and ask that members respond directly to you. If anyone else would like to get a copy of any information received,

please contact the person who posed the question. Q&A emails go to all members. You can opt out or opt in again at any time by emailing the President.

Q: Does anyone know or have you done research on if a client or customer is paying by credit card, and the recipient is charged a fee for the use of the card, can those fees be somehow charged back to the client or customer?

Vicki Blake, CP -- Vicki@ddLawSD.com

Q: What types of software does your firm use for accounting, billing, and timekeeping? Do you like the software? What are the pros and cons?

Brenda Van Dam -- Brenda@JOlsonLaw.com

Easy Lemon Sheet-Pan Shrimp

Autumn Nelson, CP

Pair this easy baked shrimp recipe with some roasted asparagus or potatoes for an easy and delicious meal!



Ingredients

- Jumbo shrimp (fresh)
- Italian Seasoning
- Butter (one stick, melted)
- Lemon (sliced)

Instructions

1. Melt one stick of butter in a cookie sheet.
2. Slice one lemon and layer it on top of the melted butter.
3. Place in as many fresh, jumbo shrimp as you like.
4. Sprinkle with Italian Seasoning.
5. Bake in the oven at 350) for 15 minutes.



Heidi Anderson

Legacy Law Firm ~ Sioux Falls

Joanie Littrel

Riggins Family Law ~ Rapid City

SUBMISSIONS

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

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

ADVERTISING

Rates are per issue and include tax:

Full Page	\$53. ²⁵
Half Page	\$31. ⁹⁵
Quarter Page	\$21. ³⁰
Business Card	\$15. ⁹⁸

Inquiries: Jessi N. Stucke, CP @ JStucke@rwwsh.com

GOOD FOR YOU

Cindy E. Schmit ACP

Cindy is running for the Area 2 Director position on NALA's Board of Directors! Please take a moment to read Cindy's Q&A responses and qualifications [here](#), and you can watch her application video [here](#)!

Voting opens June 17.

GOOD LUCK, Cindy!

Janet Miller ACP

Janet recently obtained her Advanced Certified Paralegal credential in the specialty of Trial Practice.

CONGRATULATIONS, Janet!

AGENDA

Due to Covid-19 pandemic GoToMeeting will be utilized

- I. Call to Order
- II. Roll Call (Secretary)
- III. Approval of Minutes of October 11, 2019, Semi-Annual Meeting
- IV. Treasurer’s Report/Finance..... (Treasurer)
- V. NALA Liaison’s Report..... (NALA Liaison)
- VI. Committee Reports
 - A. Education
 - B. Membership
 - C. Audit
 - D. Ethics
 - E. Public Relations
 - F. Librarian
 - G. Newsletter
 - H. Professional Development
 - I. Job Bank
 - J. Website
 - K. Nominations & Elections
 - L. Special Committee
- VII. Old/Unfinished Business
 - A. Special Committee (state-wide lunch webinars) update (Please see attached explanation)
- VIII. New Business
 - A. Change in committee appointment dates (**See Attached Explanation**)
 - B. NALA Conference attendance (**See Attached Explanation**)
 - C. Proposed By-Laws changes
- IX. Announcements
 - A. Acknowledgements
 - B. Complete committee preference forms
- X. Adjourn

NEW BUSINESS

PRESIDENT AND EXECUTIVE COMMITTEE NEW BUSINESS EXPLANATION:

The current Executive Committee (hereinafter “EC”) and our Parliamentarian have reviewed our By Laws and determined that the EC has the authority to make changes to committee terms.

At the current time, committee preference forms are provided to members in advance of the annual meeting each June. The committees take effect following the annual meeting (July through June). The proposal of the EC is to change the committee effective date to a calendar year assignment (January through December).

Our reasoning is:

- The Education Committee has the responsibility of arranging for speakers, venue, food, and CLE credit hours through NALA, among other things. If the Education Committee members were to completely change immediately following the June meeting, the new committee would be responsible to put together the seminar and annual meeting by October of the same year. While a complete change in the Education Committee following the June meeting will hopefully never happen, the responsibilities of that Committee are huge in relationship to our goals and the requirements of NALA to provide at least 10 hours of CLE credit each year.
- We have considered and debated what the change will do since the officers and Executive Committee change in June each year. We understand that the change will be such that the incoming President and EC will work with the committees chosen by the prior President and EC for a period of six months (until the end of the calendar year) at which time the new committees will take effect.
- Our rationale is that:
 - NALA’s year for calculating CLE credits is a calendar year;
 - The incoming President (who has authority to assign committees) will have a period of six months to decide his/her committees and have the information for each committee provided to the new committee, rather than having the committee change immediately.
 - We believe this will allow for a smooth transfer of committee responsibilities and assignments over a period of time.
 - Committee preference forms would be provided to the membership at the June annual meeting (no longer in advance of the meeting), with the committees to be appointed effective each January 1st of the following year.

NEW BUSINESS

NALA CONFERENCE EXPLANATION:

Because the 2020 NALA Conference in Atlantic City, New Jersey, will be held virtually only this year rather than an in-person conference, the Executive Committee has discussed and voted unanimously for the following:

1. The incoming President (Dixie Bader) and NALA Liaison (Janet Miller) will be allowed to attend the 2021 NALA Conference in person in Louisville, KY, during the summer of 2021 with the then incoming President (Jessi Stucke) and the newly appointed NALA Liaison.
2. SDPA's budget allows for travel expenses for two persons to attend the conference each year, regardless of which year they attend.
3. The Coronavirus should not stop our state officers from attending a national conference in person. The time and commitment of these people are what make our Association viable.
4. Our incoming officers will virtually sign in at this year's NALA business meeting sessions and represent SDPA.
5. SDPA will not pay for anyone to attend the conference virtually in 2020.

PROPOSED AMENDMENTS TO BYLAWS

(Redlined Version)

May 18, 2020

ARTICLE X. STANDING AND SPECIAL COMMITTEES

Section I. Standing Committees. The standing committees and respective officers who shall chair such committees are as follows:

- a. *State Bar Liaison (President).* [See Article XI, Section 1.]
- b. *Finance (Treasurer).* [See Article XI, Section 5.]
- c. *Nominations and Elections.* [See Article IX.]
- d. *Educational Committee ~~Programs~~.* This committee shall plan seminars and workshops and work with NALA, the State Bar and other organizations, in the event of co-sponsorship of any programs. The committee shall be responsible for fulfilling the educational requirements under Article VI of these Bylaws and its chairperson shall report such educational meetings to the NALA Liaison. The term of this committee shall run from ~~June~~ January to ~~June~~ December, with each committee planning the annual seminar/workshop in June and a semi-annual seminar/workshop in the fall.

NEW BUSINESS

- e. *Membership*. This committee shall be charged with the responsibility of developing programs to encourage membership in the association. The Membership chairperson is responsible for determining if the applicant meets the qualifying criteria for membership and for notifying the prospective applicant of their acceptance/rejection of membership. The Membership chairperson is also responsible for keeping a current membership roster in conjunction with the Treasurer.
- f. *Audit Committee*. The Audit Committee shall be composed of at least two active members, one of whom is preferably a past Treasurer, whose purpose is to audit the Treasurer's books as of the close of the fiscal year prior to the annual meeting.
- g. *Registered Agent and Office*. The association shall maintain a registered office and agent with the Secretary of State, whose business office is identical with the registered office.
- h. *Ethics Committee*. This committee shall investigate and report any violations of South Dakota Supreme Court Rule 97-25 or the Code of Ethics adopted by SDPA to the Executive Committee for appropriate action, including a member's censure, expulsion, or discipline.
- i. *Public Relations*. This committee shall develop programs to promote good relations with the legal community and the public; prepare promotional materials for publication; and arrange for radio and television programs or in any other media which would benefit SDPA.
- j. *Librarian*. The librarian shall be responsible for maintaining a library of books, magazines, articles, publications, video and cassette tapes, NALA's Findings of Fact and Career Chronicles, SDPA newsletters, and other written materials related to the legal assistant profession. The librarian shall provide the materials or copies for a fee set by the Executive Committee.
- k. *Newsletter*. The newsletter committee shall publish and distribute the association's newsletter at least quarterly, or more often if directed by the Executive Committee.
- l. *Professional Development Committee*. This committee shall read and report current case law involving legal assistants of the NALA Professional Development Committee. In addition, the committee would promote local professional involvement with the legal community.
- m. *Job Bank Committee*. This committee shall maintain a listing of jobs available to legal assistants in South Dakota as provided by prospective employers.
- n. *Website Committee*. This committee shall maintain the website for the association and also respond to any inquires by members or nonmembers that are posed through the website.
- o. *Lunch CLE Committee. This committee shall be composed of one (1) person from each of the other standing committees outlined herein, with the chairperson to be chosen by the President. The committee shall organize lunches with speakers and seek CLE credit through NALA for state-wide CLE presentations by one-hour webinar. The committee will host between two and four webinars per year (February, May, August, and/or November). The committee shall, to the extent possible, maintain records of members and non-members (guests) in attendance, and encourage guests to join the association or charge for their attendance after attending three (3) presentations as a guest and report the numbers to the NALA Liaison for reporting to NALA. The committee shall work in conjunction with the Education Committee members in presenting speakers and topics. Any fee for attendance of guests at webinars shall be set by the Executive Committee.*

Section 2. Special Committees. Special committees and their chairpersons may be appointed by the President.



South Dakota Paralegal Association, Inc.

Founded in 1989

2020-2021 COMMITTEE PREFERENCE FORM

Please mark your first, second, and third choices for committees you are interested in serving on.

<input type="checkbox"/>	Audit	<input type="checkbox"/>	Education	<input type="checkbox"/>	Ethics	<input type="checkbox"/>	Finance
<input type="checkbox"/>	Job Bank	<input type="checkbox"/>	Library	<input type="checkbox"/>	Membership	<input type="checkbox"/>	Newsletter
<input type="checkbox"/>	Nominations & Elections	<input type="checkbox"/>	Parliamentarian	<input type="checkbox"/>	Professional Development	<input type="checkbox"/>	Public Relations
<input type="checkbox"/>	Website	<input type="checkbox"/>	No Preference	<input type="checkbox"/>	Same Committee as last year		

NAME: _____ EMAIL: _____

Please e-mail your form by July 1, 2020 to Dixie A. Bader, CP at Dixie@BurdAndCarpenter.com.

Committees and Descriptions:

- **Nominations and Elections Committee.** The Nominations and Elections Committee shall present a slate of officers to the membership thirty (30) days prior to election and perform such other duties as are required under these Bylaws. No name shall be on the slate without the consent of the candidate.
- **Educational Programs Committee.** This committee shall plan seminars and workshops and work with NALA, the State Bar and other organizations, in the event of co-sponsorship of any programs. The committee shall be responsible for fulfilling the educational requirements under Article VI of these Bylaws and its Chairperson shall report such educational meetings to the NALA Liaison.
- **Membership Committee.** This committee shall be charged with the responsibility of developing programs to encourage membership in the association. The Membership Chairperson is responsible for determining if the applicant meets the qualifying criteria for membership and for notifying the prospective applicant of their acceptance/rejection of membership. The Membership Chairperson is responsible for keeping a current membership roster in conjunction with the Treasurer.
- **Audit Committee.** The Audit Committee shall be composed of at least two active members, one of whom is preferably a past Treasurer, whose purpose is to audit the treasurer's books as of the close of the fiscal year prior to the annual meeting.
- **Ethics Committee.** This committee shall investigate and report any violations of South Dakota Supreme Court Rule 97-25 or the Code of Ethics adopted by SDPA to the Executive Committee for appropriate action, including a member's censure, expulsion, or discipline.
- **Public Relations.** This committee shall develop programs to promote good relations with the legal community and the public, prepare promotional material for publication, and arrange for radio and television programs or in any other media which would benefit SDPA.
- **Librarian.** The librarian shall be responsible for maintaining a library of books, magazines, articles, publications, video and cassette tapes, NALA's Findings of Fact and Career Chronicles, SDPA newsletters, and other written materials related to the legal assistant profession. The librarian shall provide the materials or copies for a fee set by the Executive Committee.
- **Newsletter Committee.** This committee shall publish and distribute the association's newsletter at least quarterly, or more often if directed by the Executive Committee.
- **Professional Development Committee.** This committee shall read and report current case law involving legal assistants of the NALA Professional Development Committee. In addition, the committee would promote local professional involvement with the legal community.
- **Job Bank Committee.** This committee shall maintain a listing of jobs available to legal assistants in South Dakota as provided by prospective employers.

Job Bank

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

LEGAL ASSISTANT

Dakota Law Firm ~ Tea or Miller

Seeking personable, diligent and motivated individuals with a positive mental attitude for full-time transactional Legal Assistant positions to work in its Tea and Miller offices. We offer a competitive salary and benefit package and a professional work environment.

Assisting staff in their effort to meet client needs. Complete administrative duties to include copying, scanning, and directing phone calls. Manage, organize and maintain documents in paper of electronic filing. Maintain and coordinate calendars and scheduling. Work on assignments independently and alongside other teammates as needed.

Must have intermediate computer proficiency, MS Office Suite (Word, Excel, Outlook). Must be self-motivated; with strong initiative and time management skills. Ability to organize and prioritize multiple tasks simultaneously. Accuracy and attention to detail. Excellent verbal and written communication skills. Professional attitude and demeanor. Be comfortable working in a deadline-driven environment. High school diploma or general education degree (GED) required. Prior experience in an administrative position is a plus.

Send resume to:
Dakota Law Firm, Prof. L.L.C.
Post Office Box 65
Miller, SD 57362
or Fax (605) 893-2004

No emails or phone calls please.

(Posted 05-13-2020)



PARALEGAL

Robins Kaplan ~ Sioux Falls

This role supports litigation teams in various types of complex litigation, driving process improvement and efficiency throughout all phases of the litigation. Additional responsibilities include making daily/weekly mail and supply runs, processing invoices, and other duties as needed.

Responsibilities include analyzing facts and data, understanding the details of case issues and claims, organizing voluminous case materials, facilitating deposition designations for trial, drafting privilege logs and exhibit lists, collaborating with trial support services regarding logistics, providing support to litigation teams at trial and arbitrations, and maintaining calendars.

Looking for a self-motivated individual with strong organizational skills and impeccable attention to detail, strong verbal and written communication skills, expertise in state and local court rules, ability to

deliver superior client service, and ability to appropriately handle stressful situations, exuding professional behavior that sets a positive tone for a successful team dynamic.

Associate or Bachelor degree required, preferably in the paralegal field, or Bachelor's degree with ABA approved paralegal certificate. Competitive compensation and benefits, respectful environment, and opportunity for rewarding and challenging work. Submit letter of interest and resume [here](#).

(Posted 1-28-2020)



LEGAL ASSISTANT

Lynn, Jackson, Shultz & Lebrun ~ Rapid City

Seeking an enthusiastic, diligent, and motivated individual for a full-time position to work in the Litigation Area. We offer a complete salary and benefit package and a professional work environment.

Administrative duties include copying, scanning, and directing phone calls; manage, organize and maintain documents in paper of electronic filing; maintains and coordinates calendars and scheduling; duties include billing processes for assigned attorneys; work for additional assignments when team coverage is necessary; and assist with special projects.

Must have intermediate computer proficiency, MS Office Suite (Word, Excel, Outlook); must be self-motivated; with strong time management skills; ability to organize and prioritize multiple tasks simultaneously; accuracy and attention to detail; takes initiative; excellent verbal and written communication skills; professional attitude and demeanor; able to work well independently; along with being a team player; be comfortable working in a deadline-driven environment. High school diploma or general education degree (GED) required. Prior experience in an administrative position a plus.

Send resume to Pam.Asbridge@LynnJackson.com

(Posted 1-21-2020)



PARALEGAL / LEGAL ASSISTANT / TRIBAL ADVOCATE

Dakota Plains Legal Services Pine Ridge

Non-profit legal services program has an opening for a paralegal (tribal advocate) position. Office serves the Pine Ridge Indian Reservation and Oglala Lakota, Bennett, and Jackson counties in South Dakota.

Applicants, through formal education, training, and experience, must have knowledge and expertise regarding the legal system, substantive and procedural law, and the ethical considerations of the legal profession which qualify them to do work of a legal

nature under the direct supervision of a licensed attorney; must have strong written and oral communication skills; must be able to handle a significant caseload with regular court appearances; must demonstrate an interest in poverty law and working with Native American and low-income clients; must be qualified to obtain a license to practice law in the Oglala Sioux Tribal Court. The primary duties of the successful applicant will be to advise and provide legal representation to clients on matters that are within the jurisdiction of the Oglala Sioux Tribal Court.

Salary competitive DOE. DPLS has excellent fringe benefits, including generous leave benefits and employee insurance coverage (medical, dental, life, disability). Native Americans, Women and Minorities are encouraged to apply. EOE.

Send letter of interest and resume to:
Thomas S. Mortland, Executive Director
Dakota Plains Legal Services
Post Office Box 727
Mission, SD 57555
(605) 856-4444

(Posted 04-16-2020)



LEGAL ASSISTANT

Dakota Plains Legal Services ~ Rapid City

Non-profit legal services program has an opening for a Part-Time Legal Assistant. Office serves the counties of Butte, Custer, Fall River, Harding, Lawrence, Meade, Pennington, and Perkins. Position will be 22.5 hours a week for a total of 45 hours every two weeks.

Applicants, through formal education, training, and experience, must have knowledge and expertise regarding the legal system, substantive and procedural law, and the ethical considerations of the legal profession which qualify them to do work of a legal nature under the direct supervision of a licensed attorney; must have strong written and oral communication skills; must be able to handle a significant caseload with regular court appearances; must demonstrate an interest in poverty law and working with Native American and low-income clients.

Salary competitive DOE. High school diploma or equivalent preferred. Experience in legal research for at least one year preferred. Paid time off. Part-time hours typically within 9am-5pm M-F. Native Americans, Women and Minorities are encouraged to apply. EOE.

Send letter of interest and resume to:
Thomas S. Mortland, Executive Director
Dakota Plains Legal Services
Post Office Box 727
Mission, SD 57555
(605) 856-4444

(Posted 04-16-2020)



[CLICK HERE for COMPLETE INFORMATION](#)

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

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

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

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

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

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

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

WRITING

- Grammar, Spelling & Punctuation
- Clarity of Expression

CRITICAL THINKING

- Reading Comprehension
- Analysis of Information
- Decision Making

Re-Testing

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



[CLICK HERE for COMPLETE INFORMATION](#)

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

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

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

NALA has converting some ACP courses to its new online platform. The following focus areas are available at this time:

BUSINESS ORGANIZATIONS: Incorporated Entities

CRIMINAL LITIGATION

DISCOVERY

E-DISCOVERY

FAMILY LAW:

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

LAND USE

REAL ESTATE PRINCIPLES

TRIAL PRACTICE

Returning Soon:

BUSINESS ORGANIZATIONS: Non-Corporate Entities

COMMERCIAL BANKRUPTCY

CONTRACTS MANAGEMENT

ESTATE PLANNING

PERSONAL INJURY

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

TRADEMARKS