

REPORTER



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SDParalegals.com

March 2022

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Musings... *of Another Aging Paralegal*

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President's Message

Jessi N. Stucke, ACP



Executive Committee

PRESIDENT

Jessi N. Stucke, ACP
JStucke@rwwsh.com

1ST VICE PRESIDENT

Autumn Nelson, CP
NelsonA@GoosmannLaw.com

2ND VICE PRESIDENT

Christal Schreiber
Christal@XtremeJustice.com

SECRETARY

Dixie Bader, CP
Dixie@BurdandCarper.com

TREASURER

Clara Kiley, CP
PCkiley@msn.com

NALA LIAISON

Cindy Wooten, ACP
Cindy.Wooten@Midco.com



MISSION STATEMENT The purposes of the South Dakota Paralegal Association are:

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

I hope the new year has been treating everyone well so far and that you all enjoyed a wonderful holiday season. The Executive Committee is plugging away on several projects. We hope to have the apparel/accessory store link out in the next few weeks! We received word from NALA that the annual convention and expo is set to go back to the in-person format, but they will be keeping the virtual option. Keeping the virtual option is fantastic because that means it's affordable for everyone in SDPA to register and earn around 15 CLE credits for only \$149 (early bird rate)! Several of the Executive Committee and former Executive Committee members will be traveling to Phoenix to represent SDPA, since we've set aside our budgeted funds for the past two years while the convention was virtual only. This will probably be the largest group we've ever sent, and I believe a few others have decided to go on their own. If you are thinking about going, please let me know so we can make plans for the whole group to get together!

I'd like to focus the remainder of my time on increasing membership, and increasing the value of membership. The committee met to brainstorm ideas, and we have a fantastic plan in motion with some short-term and long-term projects in mind. Our organization has so much to offer and I can't say enough about the value of our network and the relationships we build with each other!

By the next time I write to you, spring will be in full swing, and we'll be looking toward our annual meeting and seminar. We'll be in Rapid City in conjunction with the State Bar Convention on Friday, June 24, 2022, at the Ramkota, with our low-key social the night before. Please save the date because we hope to see you there!

CALENDAR

March

9 SD St Bar: Law for Lunch
Online Cyber Risks
12:00 p.m. - 1:00 p.m. CT
Zoom

9 *Complicated Research Tasks
12:00 p.m. - 1:00 p.m. CT

16 *Navigating Paralegal Burnout
and Fatigue
12:00 p.m. - 1:00 p.m. CT

June

24 SDPA Annual Seminar
Rapid City

*NALA webinars: CST/CDT
Course info available



MEGAN HINKLE

Richardson, Wyly, Wise, Sauck
& Hieb (Aberdeen)

VALERIE SCHENCKER

Austin, Strait, Benson & Thole
(Watertown)

NALA *Liaison's* Report

Cindy Wooten, ACP



IN-PERSON REGISTRATION RATES				
REGISTRATION TYPE	NALA MEMBER	NON-MEMBER	STUDENT MEMBER	THURSDAY ONLY
Early Bird ¹	\$575	\$628	\$215	\$101
Standard ²	\$643	\$695	\$318	\$122
Late ³	\$695	\$725	\$400	\$122

VIRTUAL REGISTRATION RATES				
REGISTRATION TYPE	NALA MEMBER	NON-MEMBER	STUDENT MEMBER	MEETINGS ONLY
Early Bird ¹	\$149	\$199	\$99	Free
Standard ²	\$199	\$249	\$149	Free
Late ⁴	\$249	\$299	\$199	Free

¹ Early Bird concludes May 13, 2022.
² Standard Registration is between May 14 and June 22, 2022.
³ Late Registration for In-Person is between June 23 and July 14, 2022. On-site registration will be available at the Late Registration rate.
⁴ Late Registration for Virtual is between June 23 and July 8, 2022. No virtual registration can be processed after July 8th.

The NALA Affiliated Association Annual Report was turned in to NALA on January 10, 2022. SDPA has 109 members with 58 being either Certified Paralegals or holding at least 1 Advanced Certification. NALA's conference and expo is being held (in-person) on July 14-16, at the JW Marriott Desert Ridge Resort & Spa in Phoenix, AZ. The JW Marriot has an on-site spa, championship golf course, seventeen pickleball courts, five pools and a lazy river. It would be great to see a large showing at the conference by the SDPA paralegals and maybe we can get a pickleball tournament going. Plus, there will be over 30 educational sessions which is a great way to earn CLEs. NALA active membership fee is \$154 (annual), military members receive a 20% discount, and if you are a member of SDPA you also receive a 20% discount. The average dollar value of a NALA membership is \$450. When you join NALA, you receive an \$80 voucher to be used for NALA CLE seminars/webinars. You also receive a quarterly magazine called *Facts & Findings*. That magazine has useful articles and some of them, if read, will earn you additional CLE credits. Even if you are not a CP or ACP, the benefit of the various webinars/seminars, *Facts & Findings*, discounts on car rentals, hotels, office supplies and more benefit a paralegal in the beginning, middle, or end of their career. NALA is an organization run by paralegals for paralegals. If you have any questions regarding NALA, feel free to contact me at cindy.wooten@midco.com.

AQUAFABA CHOCOLATE MOUSSE

By Autumn Nelson, CP

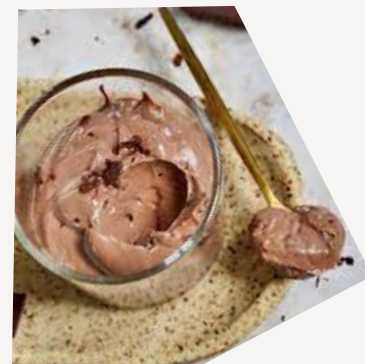
For anyone looking for a healthier alternative to go with your New Year's resolutions, here is a new take on chocolate mousse!

Ingredients

- 1/2 cup | 120 ml aquafaba, from 1 can unsalted chickpeas
- 1/2 cup dairy free dark chocolate, chopped or in chips
- 1-2 tablespoons unsweetened cocoa powder, sifted

Instructions

1. Add the aquafaba to a large mixing bowl and place in fridge for at least 10 minutes.
2. Melt chocolate in a microwave safe bowl and set aside to cool completely.
3. Use electric beaters or a stand mixer to beat the aquafaba on high until stiff peaks form. This can take anywhere from 10-15 minutes depending on the quality of the aquafaba. Just keep beating and scraping down the sides until the aquafaba has at least tripled in volume and stiff peaks form.
4. Pour the cooled chocolate into the aquafaba mixture as you continue beating the aquafaba. The volume will decrease slightly as you add in the chocolate.
5. Sift in the cocoa powder and continue beating until combined.
6. This recipe makes two servings – place in bowls/containers then place in the fridge to set for about 30 minutes.



RECENT OPINIONS: *South Dakota Supreme Court*

GODBE v. CITY OF RAPID CITY

2022 S.D. 1

[¶1.] Julie Godbe suffered horrific injuries after her bicycle tire caught in a storm drain grate in Rapid City (City). Julie and her husband David (Godbes) sued City for negligence. The circuit court granted City's motion for summary judgment, determining Godbes failed to generate a genuine issue of material fact showing that City breached its statutory duty under SDCL 31-32-10.

The SD Supreme Court affirmed in a 4-1 ruling. The Court's opinion is authored by Chief Justice Jensen. Retired Chief Justice Gilbertson participated in this decision which was orally argued on November 18, 2020. Justice Kern dissented.

FIRST NATIONAL BANK v. INGRAM

2022 S.D. 2

Plaintiff Bank filed suit to foreclose on real estate and for replevin of business property. Defendants counterclaimed fraud, deceit, breach of contract and breach of fiduciary duty. The trial court ruled favorably for the bank on its claims, certifying its decision as final for purpose of appeal pursuant to SDCL 25-6-54(b). Defendants appealed. The SD Supreme Court dismissed the appeal because the "certification order" did not adequately satisfy the requirements of Rule 54(b). This decision is unanimous with opinion authored by Justice Kern.

INTEREST OF L.N.

2022 S.D. 8

In an A & N proceeding initiated by DSS, the Parental rights of Indian Child were terminated by the trial court. Mother appealed asserting, inter alia, that her due process rights were violated because the termination decree was entered at a time when she had been adjudicated mentally incompetent. The SD Supreme Court affirmed in a unanimous (5-0) ruling, with opinion authored by Chief Justice Jensen.

ESTATE OF JONES

2022 S.D. 9

This is an intermediate appeal permitted in a dispute involving a deceased person. The dispute, relating to the prosecution of a wrongful death action, is described as follows:

[¶1.] Dale Dean Jones died intestate. The circuit court appointed Dale's wife, Lisa Jones, as his estate's personal representative. Dale's adult children, Douglas (Doug) and Jessica Jones, subsequently petitioned for the appointment of a special administrator to pursue a wrongful death claim for Dale's estate. They also served discovery requests on Lisa seeking information pertaining to their petition. Lisa refused to answer the discovery and filed a motion for a

protective order. Doug and Jessica filed a motion to compel. Following a hearing noticed for the discovery motions, the court denied the petition for special administrator and determined the discovery issues were moot. This Court granted Doug and Jessica's petition for intermediate appeal. Doug and Jessica argue that the petition for special administrator was not properly noticed for hearing and the circuit court abused its discretion by failing to address the discovery motions before deciding the petition for special administrator.

The SD Supreme Court reversed and remanded, holding:

[¶33.] The circuit court has discretion to determine if a special administrator is "necessary to preserve the estate or to secure its proper administration including its administration in circumstances where a general personal representative cannot or should not act." SDCL 29A-3-614; see also *In re Est. of Hutman*, 705 N.E.2d 1060, 1064-65 (Ind. Ct. App. 1999) ("No one can serve as a special administratrix whom the trial court finds unsuitable. A person may be deemed unsuitable by reason of an interest in pending litigation, or bias or prejudice[.]"). In determining who shall pursue a wrongful death claim on behalf of an estate, the "[circuit] court must have confidence that the person will demonstrate the utmost loyalty, impartiality, and integrity, and that the person does not have an interest in pending litigation, or bias or prejudice, such that the appointment would be adverse to the interest of those to be served by the appointment." *Hutman*, 705 N.E.2d at 1065. We cannot say that Doug and Jessica's assertions, if supported by evidence revealed through discovery, would not affect the circuit court's decision on whether a special administrator should be appointed. By granting the motion for protective order and denying the motion to compel, the circuit court denied Doug and Jessica the opportunity to develop and present evidence that may be relevant to their Petition.

[¶34.] We reverse and vacate the circuit court's order denying the Petition, denying the motion to compel, and granting the motion for a protective order. We #29604-18-remand for further proceedings directing the circuit court to address the discovery issues before addressing the merits of the Petition.

STATE v. GRASSROPE

2022 S.D. 10

In this criminal case involving charges for DUI and driving while suspended, the Magistrate Court sustained a Motion to Suppress evidence filed by the Defendant. The State appealed arguing that the police officer's actions were justified under the "community caretaker" doctrine which is described as follows:

[¶9.] [Warrantless searches and seizures will be upheld where] local law enforcement officers

often "engage in what, for want of a better term, may be described as community caretaking functions, totally divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute."

The SD Supreme Court affirmed the suppression of evidence in a unanimous (5-0) ruling with opinion authored by Justice DeVaney.

This opinion reviews the three instances in the Court's history where the "community caretaker" doctrine had been upheld in situations involving: 1) an excessively slow-moving vehicle, 2) a parked vehicle with engine running and driver apparently passed out or sleeping, and 3) a situation where an occupant of vehicle reasonably appeared to be a domestic disturbance victim. The State asserted that the facts in this case fell within the purview of the 3rd scenario, but the Court disagreed.

BURGI v. EAST WINDS COURT, INC.

2022 S.D. 6

This is an action for injuries inflicted on a child by a pit bull when the child sought to retrieve an errant basketball which wandered into the zone of the dog's leashed confinement. The facts and disposition in this matter are summarized in the opening paragraph of the opinion, as follows:

[¶1.] Teresa Burgi's minor son, K.B., was attacked by a neighbor's dog near their home in a trailer court owned by her landlord. Teresa commenced this action against the landlord, alleging two negligence theories and a breach of contract claim. The circuit court granted the landlord's motion for summary judgment on each claim. Teresa appeals the court's decision solely as to her general negligence claim. We affirm.

This ruling is unanimous (5-0) with the Court's opinion authored by Justice Salter.

STATE v. NELSON

2022 S.D. 12

The Defendant's arrest in this case was precipitated by a phone call to 911 by the mother of the 6 week old infant. This case is summarized in the opening paragraph of the Court's opinion:

[¶1.] A jury convicted Carl Nelson of driving under the influence (DUI), abuse of or cruelty to a minor, reckless driving, and other offenses. He appeals his convictions, arguing that the circuit court erroneously denied his motions for judgment of acquittal on all counts, erroneously denied his motion for a mistrial, and erroneously instructed the jury on his right to refuse a blood draw. We affirm.

The Court's decision is unanimous (5-0) with opinion authored by Justice Myren.

RECENT OPINIONS: *8th Circuit Court of Appeals*

The following unofficial case summaries were prepared by the clerk's office and/or the USD ListServ as a courtesy. They are not part of the court's opinion.

Raymond Cross v. Mark Fox
U.S. Court of Appeals Case No:
20-3424
U.S. District Court for the
District of North Dakota - Western

[UNPUBLISHED] [Gruender, Author, with Benton and Grasz, Circuit Judges]
Civil case - Indian law. Plaintiff challenged a provision of the tribal constitution requiring nonresidents to return to the reservation to vote in tribal elections; the district court did not err in dismissing the action for lack of subject-matter jurisdiction; this court has previously held that the Voting Rights Act does not apply to Indian tribes because they are not states or political subdivisions subject to the Act; the district court did not err in finding that the Indian Civil Rights Act does not contain a private right of action to seek injunctive or declaratory relief in federal court; as plaintiff did not allege he intended to run for public office he lacked standing to challenge the Tribe's eligibility requirement for holding public office.

United States v. Japher Rajab
U.S. Court of Appeals Case No:
20-3547
U.S. District Court for the
District of South Dakota - Western

[UNPUBLISHED] [Colloton, Author, with Erickson and Stras, Circuit Judges]
Criminal case - Criminal law. The evidence was sufficient to support defendant's conviction for attempting to entice a minor using the internet; the offense does not require the involvement of an actual minor, and an offender commits the offense of attempted enticement under 18 U.S.C. Sec. 2422(b) even if an undercover agent is playing the role of the minor; defendant undertook substantial steps in furtherance of enticing the minor.

United States v. Lester Waters, Jr.
U.S. Court of Appeals Case No:
20-3659
U.S. District Court for the
District of South Dakota - Western

[UNPUBLISHED] Per Curiam - Before Colloton, Benton, and Stras, Circuit Judges]

Criminal case - Criminal law. Anders case. Defendant's pre-Miranda statements were admissible as they were made on defendant's own initiative, were related to public safety matters, or were responses to permissible requests for clarification. Defendant's pro se issues rejected.

United States v. Daniel Gray Eagle
U.S. Court of Appeals Case No:
20-3710
U.S. District Court for the
District of South Dakota - Central

[UNPUBLISHED] [Per Curiam - Before Loken, Wollman, and Benton, Circuit Judges]

Criminal case - Criminal law. The evidence was sufficient to support defendant's convictions for conspiracy to distribute methamphetamine and possession of the drug with intent to distribute.

Bruce Danielson v. Mike Huether
U.S. Court of Appeals Case No:
21-1556
U.S. District Court for the
District of South Dakota - Southern

[UNPUBLISHED] [Per Curiam - Before Loken, Shepherd, and Grasz, Circuit Judges]

Civil case - Civil rights. The order granting defendants summary judgment is affirmed without comment.

United States v. Palani Bear-Gardipe
U.S. Court of Appeals Case No:
20-3694
and No: 20-3703
U.S. District Court for the
District of South Dakota - Western

[UNPUBLISHED] [Per Curiam - Before Gruender, Erickson, and Stras, Circuit Judges]

Criminal case - Sentencing. The district court did not abuse its discretion by denying appellant's motions for downward departures based on victim conduct under Guidelines Sec. 5K2.10, age under Guidelines Sec. 5H1.1, or mental and emotional conditions under Guidelines Sec. 5H1.3; nor did the court base the sentence on clearly erroneous fact findings; the sentencing record makes clear the district court considered the 3553(a) factors and that it adequately explained the basis for its sentencing decision; sentence was not substantively unreasonable.

The following descriptive information is contained in the 1st paragraph of the opinion:

Palani Bull Bear pleaded guilty to voluntary manslaughter in violation of 18 U.S.C. §§ 1153 and 1112, discharge of a firearm during the commission of a crime of violence in violation of 18 U.S.C. § 924(c)(1)(A)(iii), and bank robbery in -2- violation of 18 U.S.C. § 2113(a). The district court sentenced Bull Bear to 120 months' imprisonment on the voluntary manslaughter conviction, varying upward from an advisory sentencing guideline range of 78 to 97 months, and a concurrent sentence of 78 months' imprisonment on the bank robbery conviction. Bull Bear also received a term of 120 months' consecutive imprisonment on the conviction for discharge of a firearm during the commission of a crime of violence. See 18 U.S.C. § 924(c)(1)(A)(iii) (stating that a 120-month sentence consecutive to that of the underlying crime is required for a violation of the statute). Thus, Bull Bear was sentenced to a total of 240 months' imprisonment.



Standing Orders, News & Resources

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. Supreme Court and Circuit Court orders are available here.

DISTRICT OF SOUTH DAKOTA

On March 13, 2020, the District of South Dakota declared a judicial emergency. Standing Orders are available here.

U.S. BANKRUPTCY COURT DISTRICT OF SOUTH DAKOTA

Standing orders and other updates are available here.

COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Standing orders are listed here. Calendar updates and other protocols are available here.

SUPREME COURT OF THE UNITED STATES

Standing orders and other updates are available here.

STATE BAR ASSOCIATION ARTICLES

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

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.



JOB SEARCH TIPS

Looking for a job? NALA has helpful tips for job seekers. Check it out!

You can find tips for the following:

- Interview Tips
- Resume Writing Tips
- Searching for a Paralegal Position
- Starting Your Second Career
- The Importance of Networking
- What is the one interview question you need to be prepared for?

Job Descriptions and Salaries: a quick snapshot:

Information below provided by Salary.com

- Paralegal I – average salary \$51,132
- Paralegal II – average salary \$58,901
- Paralegal III – average salary – \$70,413

To learn more, follow this link:

<https://nala.org/careers/>

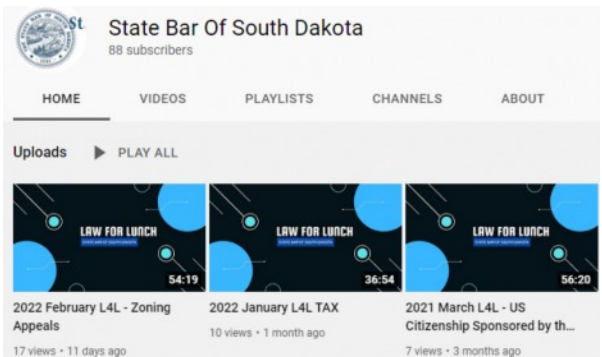
DID YOU KNOW?

The South Dakota State Bar has a YouTube Channel!

You can watch the SD State Bar's "Law for Lunch" CLEs.

FOLLOW THIS LINK FOR MORE INFORMATION:

<https://www.youtube.com/user/SDStateBar>



Musings . . . OF ANOTHER AGING PARALEGAL

By Karen Armstrong, PP, PLS

Vicki Blake's article in the last newsletter made me smile and inspired me to put my own musings down on paper.

In high school, I had no idea what I wanted to be when I grew up. The only thing that even remotely interested me was being a chiropractor. My dad wanted me to go to a four-year college in Oklahoma, but I just wanted to get a quick education and get a job somewhere so I could make some money! A man from Watertown Business University (WBU) came out to our house to talk about me taking a secretarial course there. He said, "Oh, you've got good grades—why don't you take the Legal Secretarial course?" I said, "Oh, okay," and that was that! That's how I got into the legal field!

I graduated from the Legal Secretary course at WBU in 1974, and I couldn't wait to get away from small town South Dakota! There were only two of us in that course—a gal named Jane and me. I am so old that I can't even remember Jane's last name—I think it started with an "A"—I wonder what ever happened to her . . .

My favorite aunt and uncle lived in Brooklyn Center, a northern suburb of Minneapolis. They said I could stay with them until I got my feet on the ground and could afford an apartment of my own, so that's where I headed in my 1963 Chevy Impala. (That thing was as big as a boat!) I scoured the help wanted ads in the *Minneapolis Star Tribune* and headed to downtown Minneapolis in my big boat to look for my first real job. I have to laugh when I think about how naïve I was at that time.

I remember having several interviews and I ended up getting a job for an elderly Jewish attorney in the Midland Bank Building downtown in January of 1975. I got hired for \$6.25 an hour. I was so excited! I remember going back to my aunt and uncle's house to tell them the good news, and I distinctly remember my uncle's belly laugh when I told him what I was getting paid.

Vicki was exactly right about the equipment back then. I had an old IBM typewriter with the little ball that danced around when you typed the letters. And yes, we used onion skin paper (ours were yellow) for copies with carbon paper in between. If you had to send carbon copies to more than one person, you had to insert a sheet of carbon paper and another sheet of onion skin paper for each additional person who was to get a copy of the letter. Sometimes the stack used to get quite thick! Your typing speed went WAY down because you didn't want to make any mistakes and have to erase on all those copies! And when you did make a mistake and started to erase the boo-boo on all the copies, if you accidentally pulled a little too hard, the stack would slide a little on your platen, and there was no chance of ever lining them up again. You would have to start from scratch all over again. This is where the term "carbon copy" comes from. It was a real thing back then!

If your firm had off-white stationery, you had to have your White Out tinted to match your stationery. If your firm wanted to be considered a high-class firm, you had to order "engraved" letterhead, so you definitely had to keep an eye on your supply cabinet to make sure you didn't run out.

I don't remember a whole lot about that first job, except for two things. First, on my first day, my elderly Jewish boss took me to his favorite downtown restaurant—"The Brothers." "The Brothers" was run by two Jewish brothers and their specialty sandwiches included pastrami and corned beef on Jewish rye bread. To my amazement, my boss pointed to a seat at the counter, and then he left! I scarcely knew downtown at all, so I gobbled down my sandwich as quick as I could to make sure I had time to find my way back to work. We had taken the skyways to the restaurant, and I didn't think I would be able to figure that out, so I walked outside. Thankfully, I was able to navigate my way back to work before my lunch hour was up.

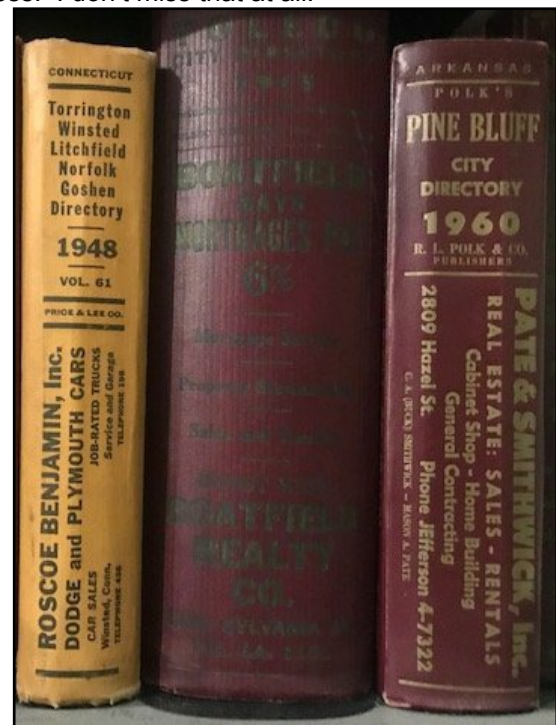
Second, my elderly Jewish boss taught me how to balance a checkbook. That was something I never learned in high school or WBU, and I faithfully use his method to this day to balance my checkbook every month.

Ten months was all I could take of that first job. I liken that experience to learning to drive a car with a stick shift. If you can do that, you can do anything!

My next job was a few blocks away in downtown Minneapolis with a much larger law firm. I think there were twelve attorneys at that firm.

I was so glad that this firm had IBM Selectric typewriters with correction tapes on them so you could "erase" your mistakes on the original instead of using White Out. Happy day! You still had to erase the onion skin copies though.

Like Vicki, there was a lot of dictation by way of shorthand (Speedwriting, in my case, which is what I learned at WBU), and then you would go type the correspondence or pleading or whatever you had on your shorthand notes. What a long process. I don't miss that at all.



This firm was high tech! They purchased an IBM word processor! It was so large that it had its own room in the office! Since there were so many secretaries, we only got to use it for two hours a day. I really don't remember a lot about that word processor except that it really intimidated me. A lot of times, I let my friends use my two hours because they liked it a lot more than I did.

Then I went to my last job in Minneapolis. It was on the 51st floor of the IDS Center. It was (and still is, I believe) the largest personal injury firm in the Cities. I was so proud to tell people I worked there. There we had our own PC with a specialized legal software program! We had computer training off-site for days at a time. We had an in-house computer guru named Louise who made up all of our programs, and if you learned the keystroke abbreviations, you could get a lot of work done in a short amount of time.

In Minneapolis, they used to have city directories that were published every year. If you wanted to find someone's address, you would have to look in this HUGE book called "Polk City Directory" and hope the person hadn't moved since the book was published. If a letter came back with a forwarding address on it, you could resend it to the new address. If the forwarding order had expired, you were kind of out of luck, unless you had some other way to find the address. This process took lots of time.

There was no online Westlaw or LexisNexis. Legal research had to be done manually. There were no online search engines to guide you to the appropriate case. If your boss dictated a case name and didn't spell it for you, you had to go to the North Western Reporter and look it up! It was very time consuming. You couldn't quickly use Google to find the address of the Sheriff in Lake Benton, Minnesota. Oh yeah, what county is that in? First, you'd have to find an atlas to figure out that Lake Benton was in Lincoln County. It's been so long, I can't remember how we found the addresses for sheriffs. I think there may have been some sort of directory for that, too.

Then I moved back to South Dakota in 1996 to be by my mom. I went to work for Lee Schoenbeck when his office was in Webster. We had nice computers there, and that was where we got the Internet! WOW!! I didn't know how to perform a search, and I remember asking Kari Bartling who was an attorney at our office then what to do. She told me to go to the search box and type in as many things as I knew about what I was looking for. My whole world changed that day.

Email was amazing! I could email a court reporter and have a response within minutes! I could scan and email a letter to the opposing attorney or our client! Efiling and eserving—awesome! It saved so much time, paper, and postage.

I was without my computer one morning lately, and I was totally lost. No email, no calendar, no Internet. I had to resort to reading slip opinions! I just can't even remember how we worked and got anything done without the Internet.

I then took a job in Belle Fourche for three years in 2007, and it was there where I got my professional legal secretary and professional paralegal certifications through NALS. I am very grateful for the opportunity to earn those certifications. I learned so much studying for those tests. I am very grateful to Kathy Cline (who is now retired) for leading our study groups in Rapid City. I know it is because we practically had to memorize *The Gregg Reference Manual* for our PLS test that I was asked to write grammar articles for each of our newsletters.

Then, because I missed the grandbabies so much, we moved back east river, and after two horrible non-legal jobs, Lee Schoenbeck offered me my job back, and I have never looked back. Hopefully, this is my last job. Except my hobby is quilting, and since I recently bought a longarm quilting machine, I guess I hope to have another last job, which is quilting quilts for other people. I often joke and tell people that I'm going to be a longarm quilter when I grow up.

SDPA has been good for me. I have met a lot of amazing and intelligent paralegals. If I can't figure out something with the resources I have available to me, usually an email to one or more of these amazing, intelligent paralegals will get me an answer to my question in no time.

As I am slowing down a little (I have cut down to working three days a week in 2022), and think about my years in the legal profession, I think I am where I am supposed to be. Even though I had never heard of a "paralegal" in the 1970s, and I had no idea that was what I was going to be when I grew up, I have no regrets about going into the legal field. I have met and worked with all kinds of wonderful (and not-so-wonderful) people, and it really has never been boring to me. I have always felt that what I was doing was helping people in some way with whatever sort of problems they had, and it has been very fulfilling and gratifying.

Seriously, I really don't think I would have made a very good chiropractor anyway.

Committee Reports

AUDIT

Chair: Cindy Smeins, ACP
Member: Vicki Blake, CP

The Audit Committee has received and reviewed the credit card and bank statements from CorTrust Bank through January 31, 2021, and find them to be without error.

EDUCATION

Chair: Rebekah M. Mattern
EC Liaison: Autumn Nelson, CP (1st VP)
Members: Amanda Anderson
Heidi Anderson
Rebecca Goeken
Stephanie Bentzen
Susan Rasmussen, ACP
Courtney Vanden Berg, CP

The Education Committee is gearing up for another educational experience. This June the Annual Meeting and Seminar is set to take place in Rapid City. The Committee is in the early stages of planning the agenda and locating speakers. We will be requesting CLE credits from NALA. Once again, we will also be setting up a Facebook event, which will provide a great platform for updates and suggestions, so be on the lookout for that. Reminder, you do not have to be a member of the SDPA to attend the seminar, so please feel free to invite any paralegals you know throughout the state. The Education Committee welcomes recommendations on topics, speakers, and ways to improve our seminars. Please email any recommendations for the upcoming seminar to Rebekah at rmattern@lynnjackson.com.

ETHICS

Co-Chairs: Jennifer Frederick, CP
Janet Miller, ACP
Vikki Kelner, ACP
Member: Dixie A. Bader, CP

Nothing to report at this time.

FINANCE

Chair: Clara Kiley, CP

As of January 31, 2022, there is \$22,352.80 in the association savings account and \$31,309.61 in the checking account with three checks totaling \$195 yet to be deposited. Also as of January 31, 2022, 77 members have paid their 2022 member-

ship dues. This equates to \$5,670 in gross income before Stripe fees.

The only expenses the association has incurred so far this year are for postage. The sales tax return for the second half of 2021 has been filed and no tax was owed.

LIBRARY

Chair: Courtney VandenBerg, CP

The Library has received five (5) new requests for past seminars from the library, as individuals work to complete their CLE requirements for NALA. We will now have the October 2021 seminar recording and materials available for check out together with the recent CLE Leadership Luncheon/Webinar presented by Brian Stroh of John Maxwell Team. As a reminder, the library catalog is now available for check out through our website (<https://www.sdparalegals.com/news-resources>). Please take a moment to review the catalog and if there are any recommendations for additional materials, please let me know.

As a reminder, recordings of previous seminars can be checked out by SDPA members for \$35.00 or \$50.00 for nonmembers, plus postage. 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.

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 to study for the exam after paying a \$100.00 deposit. The manual is an excellent resource for anyone studying for the CP exam.

Please note that due to the USPS increase in rates, the flat rate fee for mail has increased to \$9.00 effective immediately. If you have questions or would like to check out any of the library materials, please email Courtney L. Vanden Berg, CP, at courtlyn@hotmail.com or courtney@strangelaw.com

MEMBERSHIP

Co-Chair: Autumn Nelson, CP
Co-Chair: Jessi Stucke, ACP
EC Liaison: Christal Schreiber (2nd VP)
Members: Amanda Anderson
Heidi Anderson

Dixie A. Bader, CP

Co-Chairs Autumn and Jessi would like to thank members Christal, Amanda, Heidi, and Dixie for serving on the Membership Committee for 2022. As of January 31, 2022, we have 105 members, with 25 of those memberships pending renewal. If you work with or know any paralegals or legal assistants who are interested in joining SPDA, please have them contact Autumn or Jessi. Also, please remember to update any changes in your employment, home or work contact information and email address so that you receive timely notices, newsletters, and other important emails. All changes can be sent to Autumn at nelsona@goosmannlaw.com. We are hoping to coordinate some fun membership mixers in 2022 and always welcome any suggestions from our members for activities they would like to see.

NEWSLETTER

Chair: Jessi Stucke, ACP
EC Liaison: Dixie Bader, CP (Secretary)
Members: Karen Armstrong, PP, PLS
Amanda Bain, CP
Jennifer Frederick, CP
Jessica Huyck, ACP

Nothing to report at this time.

NOMINATIONS & ELECTIONS

Chair: Cindy Smeins, ACP
EC Liaison: Dixie Bader, CP
(immediate Past President)

Nothing to report.

PROFESSIONAL DEVELOPMENT

Chair: TBD
EC Liaison: Christal Schreiber (2nd VP)
Members: Autumn Nelson, CP

Nothing to report.

PUBLIC RELATIONS

Chair: Vicki Blake, CP
EC Liaison: Dixie Bader, CP (Secretary)
Members: Jennifer Frederick, CP

The Public Relations Committee again participated in the Cookies for Clerks Project on or about the Valentine's Day holiday. Cookies were delivered to county clerks of court, county court administration offices, county Register of Deeds' offices

Committee Reports, continued.

and in some cases, the federal clerks' offices. Various members throughout the state participated in donating cookies and hand delivering them on behalf of SDPA to show our appreciation for all those folks do for us all year long. In Minnehaha and Lincoln Counties alone, 30 dozen cookies were packaged and delivered with a thank you note on behalf of our members. Thank you to all who donated cookies and time to make this annual project a success.



WEBSITE

Chair: Jessica Huyck, ACP
Members: Carrie Reider
Jessi Stucke, ACP

Since our last report, we have been able to utilize more of the new website's features, including the option to renew membership with SDPA online through the website. If you have not yet had a chance to explore the new website, we encourage everyone to become familiar with the new layout and let us know if anything needs to be added or corrected. <https://www.sdparalegals.com/>

Job Bank

The following posts have been abbreviated. Complete listings are available on our [website](#).

If you are aware of open positions, please contact Job Bank Chair, Laura Stewart, at LStewart@FullerAndWilliamson.com

Chair: Laura Stewart
EC Liaison: Autumn Nelson, CP (1st Vice President)
Members: Kayne Larimer, ACP
Ashly Luke
Jackie Schad, ACP

There are currently 7 openings in the job bank. To see complete descriptions, please go to our website.

If you are an employer or know of an employer seeking paralegals and/or legal staff, please contact me.

Legal Assistant – Sioux Falls

WOODS FULLER SHULTZ & SMITH is seeking a full-time legal assistant supporting 2-3 attorneys.

Legal Assistant – Sioux Center, Iowa

WOODS FULLER SHULTZ & SMITH is seeking a full-time legal assistant in their Sioux Center, Iowa, firm.

Legal Assistant/Paralegal – Sioux Falls

ALVINE WEIDENAAR is hiring a legal assistant/paralegal for their personal injury and workers' compensation claims firm. Previous experience preferred.

Legal Assistant/Paralegal – Pierre

The federal public defender's office for the districts of South Dakota and North Dakota in Pierre is hiring an experienced full-time legal assistant/paralegal.

Legal Assistant - Pierre

SD DEPT OF TRANSPORTATION has an opening for a full-time legal assistant. Bachelor's degree in a law-related field and 2 year experience as a legal assistant preferred.

Receptionist/Legal Assistant – Rapid City

ZEPHIER & LAFLEUR has an opening for a full-time legal assistant/receptionist with experience in litigation.

Litigation Paralegal - Watertown

SCHOENBECK & ERICKSON, PC is seeking an experienced litigation paralegal who is highly motivated and organized.



GRAMMAR CHECK

By Karen Armstrong, PP, PLS

POTPOURRI OF GRAMMAR MISTAKES

I have touched on most of these issues in prior newsletters, but today I am focusing on grammar issues that I have seen with my own eyes in various legal writings in the past couple weeks. These issues have no rhyme or reason—that's why I am calling this article a "potpourri." I believe these are some of the most common grammar mistakes people make. Read on to make sure you are not guilty of making them!

1. Contractions vs. Possessives.

I have seen this one several times this month: Its vs. it's.

For a possessive, use "its." Example: **My cat has no front claws, but its back claws are extremely sharp.**

For a contraction, use "it's." Example: **It's a beautiful day in the neighborhood.**

Remember, a contraction is the result of putting two words together, and placing an apostrophe where you took out the missing letter(s). Here is the test: If you can use the two full words (such as "it is" in the above example) in the sentence and it makes sense, that's a good way to know you are dealing with a contraction.

2. Another Contractions vs. Possessives.

This is another one that really is used incorrectly a lot: Your vs. you're.

"Your" is a possessive. Example: **It's cold, so be sure to wear your coat.**

"You're" is a contraction. It is short for "you are." Example: **You're going to wear your coat, right?**

You could say "You are going to wear your coat" and it makes sense, so the contraction is the right way to go in this sentence. Also, remember from No. 1 above, an apostrophe goes where you took out the missing letter(s).

3. Periods and commas go before the ending set of quotation marks. Always.

If you are quoting material from another source, the ending punctuation mark, whether a period or a comma, always goes before the ending set of quotation marks. Always.

Example: **My friend told me, "My goal is to learn something new every day."**

or

My mom used to say, "One day at a time," and "Getting old ain't for sissies."

The period or comma always go before the ending set of quotation marks. Always, always, always.

4. Making possessives out of subjects that end with "s."

I used to think that if you wanted to make a possessive out of a word that ended in "s," you just added an apostrophe. However, that is not correct!

Incorrect: boss'

Correct: boss's

You need to go by how the word is pronounced. If adding the "s" adds another syllable to the word, you add an apostrophe plus an "s" to the end of the word.

5. Misplaced modifiers.

Read your sentences carefully to make sure they make sense. I have had to rearrange my attorney's sentences twice just this past week.

Incorrect: The hospital would not disclose the name of the man who committed suicide at the request of his family.

Correct: At the request of the family, the hospital would not disclose the name of the man who committed suicide.

I am cutting this article short because I got rather longwinded in my other article in this newsletter!

SDPA LIBRARY CATALOGUE



AUDIO CASSETTE

More Litigation Techniques for Legal Assistants Beyond the Basics, Laurie P. Roselle; 1992 Practising Law Institute



BOOKS

- CLA Review Manual, Virginia Koerselman (1993)
- CLA Study Guide, Florida Legal Assistants, Inc. (1986)
- CP Exam Fundamentals, NALA (2019) (2)
- CP Review Manual (Fourth Ed.), V. Koerselman Newman (2014)
- Internet Strategies for the Paralegal in South Dakota, Todd D. Epp & Matthew McCaulley (2002)
- Introduction to the American Legal System, John M. Scheb and John M. Scheb II, (2002)
- Legal Research, Analysis and Writing: An Integrated Approach, Joanne Banker Hames & Yvonne Ekern (2000)
- Legal Research and Writing: Some Starting Points (Fifth Edition) William P. Statsky (1999)
- Legal Research and Writing Handbook: A Basic Approach for Paralegals (Third Edition), Andrea B Yelin & Hope Viner Samborn (2003)
- Legal Research and Writing Handbook: A Basic Approach for Paralegals and The Legal Research and Writing Workbook (Second Edition) Instructor's Manual, A. Yelin & H. Samborn (1999)
- NALA Manual for Legal Assistants (Second Edition), National Association of Legal Assistants Inc. (1992)
- Real Estate Law Review Manual, John Dunn, Karen Dunn, & V. Koerselman (1997)
- The Indispensable Paralegal, Your Guide to Getting It All Done, Candess Zona-Mendola (2019)
- The Study of Law: A Critical Thinking Approach, Katherine A. Currier & Thomas E. Eimermann (2005)
- 360 Degree Leader, John C. Maxwell (2005)
- 360 Degree Leader Workbook, J. Maxwell (2006)
- Trial Preparation from Start to Finish for South Dakota Paralegals, Clint Sargent, Steven S. Siegel & Bram Weidenaar (2003)
- Winning Attitude; Developing the Leaders Around You, Becoming a Person of Influence, J. Maxwell (1997)



DVDs

- 2022 – January CLE Leadership Luncheon/Webinar presented by Brian Stroh of John Maxwell Team
- 2021 Fall Seminar & Semi Annual Meeting (10/15/2021) 5 CLE hours ~ Kylie Riggins, Barbara Anderson Lewis, Rebecca Porter, and Cassie Wendt.
- 2021 Annual Seminar (6/18/21) 5 CLE hours ~ Lee Schoenbeck & Karen Armstrong, Thomas F. Simmons, Melissa Fiksdal, Heather Hansen, Colleen Zea, Mary H. Burd
- 2020 Fall Seminar (10/9/20) 6 CLE hours ~ Amber Eggert, eCourts and Odyssey open forum, Brad Schrieber, John Burke, Eric Schute, David Ganje
- 2019 Fall Seminar (10/11/19) 6.5 CLE hours ~ Eileen T. O'Grady, Raleigh Hansman and Stacy Dill, Bobbi L. Thury, Pete Zenner, Pamela Selke
- 2019 Annual Seminar (6/21/19) 6 CLE hours ~ Jennifer Frank, Stephen Wesolick, Open Forum, James Sword, George Grassby, Lonnie Braun
- 2018 Fall Seminar (10/5/18) 6 CLE hours ~ Hon. Patrick McCann, Ronald Frauensuh, Jr., Odyssey & Pacer filing, Emily Maurice, James Sword, Jim Roby
- 2018 SDPA Annual Seminar (6/22/18) 6 CLE hours ~ Lon Kouri, John Hughes, Open Forum, Mary Gaikowski, Thomas Welk, Kelli Peterson
- 2017 SDPA Fall Seminar (10/6/17) 7.25 CLE hours ~ Marshall Lovrien, Lee Schoenbeck, Christi Wiedeman & Jennifer Frederick, Zachary W. Peterson, Reed Rasmussen, Christopher Jung
- 2017 SDPA Annual Seminar (6/23/17) 6.75 CLE hours ~ Jennifer Frank, Donald P. Knudson, Tracey Zephier, Tifanie Petro, Brent Gromer
- 2016 SDPA Fall Seminar (10/14/16) 6 CLE hours ~ Thomas C. Barnett, Marty J. Jackley, Mike Cepak, PE, Shantel Krebs, Art Aplan
- 2016 SDPA Annual Seminar (6/24/16) 5.75 CLE hours ~ Thomas M. Keller, Eric R. Kerkvliet, Hon. Jon Sogn, Mary H. Burd, Emilee Gehling
- 2015 SDPA Fall Seminar (10/2/2015) 6.5 CLE hours ~ Erik Gilbertson, Lisa Maguire, Sheri Raymond, Sheila Anderson, Art Mabry & Sgt. Mike Walsh, Richard L. Travis

SDPA LIBRARY CATALOGUE, continued.

- 2015 SDPA Annual Seminar (6/19/15) 5 CLE hours ~ Donald P. Knudsen; Don McCarty and Honorable Gregory Stoltenburg; Jennifer Albertson; Aaron T. Galloway; Shannon Fitzgerald and Dave Larson
- 2014 SDPA Fall Seminar (10/3/14) 5.5 CLE hours ~ Jeff Slocum; Ellie J. Bailey; Judy Zimelman; Jamie Damon; Colleen Zea
- 2014 SDPA Annual Seminar (6/20/14) 5.5 CLE hours ~ Kerry Lange and Mary Anne Meyer; Janie Boswell; Tom Karrow; Greg Brewers; Chad Ronshaugen
- 2013 SDPA Fall Seminar (11/15/13) 6 CLE hours ~ Adobe Acrobat Webinar; John Mairose; Gregg Peterman; Mark Doehn; Haven Stuck
- 2013 SDPA Annual Seminar (6/21/13) 6.25 CLE hours ~ Greg Sattizahn; Laura Graves and Sarah Gallagher; Jessica Fuller; Brianna Hoefert; Dr. Christi Hartline and Jae Csongradi
- 2012 SDPA Fall Seminar (10/12/12) 6.5 CLE hours ~ Kimberly Wells; Judge Patricia Riepel; Jennifer Ferris; Rebecca Wilson; Kimberly Rausch, Jennifer Selzler, and Cheri Fodness
- 2012 SDPA Annual Seminar (6/22/12) 6.25 CLE hours ~ Paul Thorstenson, CPA; Terri Williams; Dr. John Quinn; Vicki Voisin, ACP; G Verne Goodsell
- 2011 SDPA Fall Seminar (10/14/11) 6 CLE hours ~ Tara Adamski; David S. Barari; Denise Reck RN, LNCC, MSCC; David Larson
- 2011 SDPA Annual Seminar (6/24/11) 6.25 CLE hours ~ Steven W. Sanford; Jon Sogn; Delane Smith; Mrg Simon; Michael J. Butler
- 2010 SDPA Annual Seminar (6/18/10) Mark Bassingthwaighte; Frances Becker; Malcom Chapman; Laurence Zastrow
- 2009 SDPA Fall Seminar (10/9/09) 6 CLE hours ~ Pat Meyers; Greg Peterson
- 2009 SDPA Annual Seminar (6/19/09) Judith Grunewaldt; Brad Booth; Karen Anderson-Miller, CP; Richard Russman & Christi Wiedeman; Rachel Alexander

PERIODICALS

Facts & Findings: The Journal for Legal Assistants

- March/April 2012 (Intellectual Property)
- January/February 2012 (2011 Career Chronicle)
- November/December 2011 (Employment Law)
- September/October 2011 (Potpourri)
- May/June 2011 (Technology & Vendors)
- March/April 2011 (Criminal Law)
- January/February 2011 (Motivation & Inspiration)
- November/December 2010 (Employment Law)
- September/October 2010 (Potpourri)
- July/August 2010 (Litigation)
- March/April 2010 (Real Estate)
- November 2009 (Corporate/Intellectual Property)
- August 2009 (Bankruptcy/Creditors' Rights)
- May 2009 (Family Law)
- February 2009 (Environmental Law)
- January 2009 (2008 Career Chronicle)
- November 2008 (Litigation)
- August 2008 (Native Americans Law/Immigration)
- February 2008 (Technology)
- January 2008 (2007 Career Chronicle)
- November 2007 (Real Estate)
- August 2007 (Government & Administrative)
- May 2007 (Corporate & IP)
- November 2006 (Employment)
- August 2006 (Litigation)
- January 2004 (2003 Career Chronicle)
- January 2002 (2001 Career Chronicle)

Legal Assistant Today – September/October 2006





SEMINAR MATERIAL FOLDERS

(Seminar materials 2019 through present are now included on the DVD with the seminar recordings)

- 2015 SDPA Annual Seminar (6/19/15)
- 2014 SDPA Semiannual Seminar (10/3/14)
- 2014 SDPA Annual Meeting & Seminar (6/20/14)
- 2013 SDPA Semiannual Seminar (11/15/13)
- 2013 SDPA Annual Seminar & Meeting (6/21/13)
- 2012 Fall Seminar (10/12/12)
- 2012 Annual Meeting & Spring Seminar (6/22/12)
- 2011 Fall Seminar (10/14/11)
- 2011 Annual Meeting & Spring Seminar (6/24/11)
- 2010 Fall Seminar (10/15/10)
- 2010 Annual Meeting & Spring Seminar (6/18/10)
- 2009 Fall Seminar (10/9/09)
- 2009 Annual Meeting & Spring Seminar (6/19/09)
- 2008 Fall Seminar (10/10/08)
- 2008 Annual Meeting & Spring Seminar (6/20/08)
- 2006 Fall Seminar (10/20/06)
- 2004 Fall Seminar (10/15/04)
- 2004 Annual Meeting & Spring Seminar (6/18/04)
- 2002 Fall Seminar (10/18/02)
- 2002 Annual Meeting & Spring Seminar (6/21/02)
- 2001 Fall Seminar (10/26/01)

Updated August 28, 2021

South Dakota
Unified Judicial System

INTRODUCTORY MESSAGE
January 12, 2022

Dear Fellow Citizens of South Dakota:
It is an honor and my pleasure to present to you the State of the South Dakota Judiciary address for 2022.

Throughout my first year as Chief Justice of the South Dakota Supreme Court, I have developed an even greater appreciation for the judges and court staff who carry out our mission to faithfully apply the rule of law and ensure justice for all. UJS judges and staff work hard. They give their best effort. They are innovative. They care about getting the work done right for the people they are serving.

I am grateful to work alongside the men and women of the UJS as we accomplish the important work of providing a fair and impartial forum for the resolution of the disputes of every nature that come before the courts daily in South Dakota.

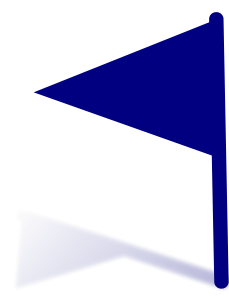


Steven R. Jensen
Chief Justice



Steven R. Jensen
Chief Justice

2022
State of the
Judiciary Message



You can read the complete State of the Judiciary Message at this link:
https://uj.s.sd.gov/Supreme_Court/Messages.aspx