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Membership Renewal
 Due January 1, 2023

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Happy Holidays!

President's Message

Autumn Nelson, ACP



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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.

Wow! What a whirlwind this year has been! As we head into the holiday season of 2022 and looking forward to what the New Year has in store, I have started reflecting on what goals I was able to tackle in 2022 and begin planning for 2023. Where I am today would not have been possible without all of you. I have been a paralegal for almost eight years (13 years in the legal profession), and the support from each of you that I see daily in this field is truly an inspiration. Through the SDPA I received non-judgmental support and help when I first started out as a paralegal, attended seminars that have provided a plethora of knowledge that I use most days at work, utilized the certification study group to prepare for (and pass!) the NALA certification exam, attended two national NALA conferences as SDPA's NALA Liaison and then as President, and studied for and received my advanced certification in Trial Practice. Going all the way back to 2016, one of my long-term goals was to be President of the SDPA, and here we are! None of this would have been possible without all of our members, so Thank You all again!

My main goal for the rest of my Presidency is to try new things to get more involved in the communities, get the word out about the ins and outs of our profession, and increase our membership. If anyone has a career fair or anything similar in their community they would like to set up a booth at I would be happy to come and attend with you. I believe we can get the word out about our profession to a larger audience and am open to any suggestions on events.

Our Semi-Annual Seminar took place on October 21st in Brookings, and it was once again a great lineup of speakers who provided relevant and interesting topics. Reminder that anyone needing CLE credit, or anyone just generally looking for more information on a specific topic, can check in with our Librarian to check out videos and materials from previous seminars and luncheons. Click here for the current Library Catalog.

As a couple final reminders as we head into a new year:

- Membership renewals are due by January 1, 2022. The renewal form is included in this newsletter for those who prefer to pay with a check. Otherwise, we encourage you to renew online at www.SDParalegals.com/Store.
- If you are interested in joining a committee, please fill out and return the Committee Preference Form included in this newsletter to me by December 1st with committees to be appointed by January 1st.
- If your attorney/firm is interested in hosting a luncheon speaker, please reach out to the Luncheon Committee.
- The [apparel store](#) is live.
- If you have any questions for the membership, please forward those to me and I can send out on the Listserv.

And for anything else you might need help with or if you just want to brainstorm something, please do not hesitate to reach out! With that, I wish you all a wonderful holiday season and a Happy New Year!



NALA Liaison's Report

Sarah Havlin, ACP

As of October 2022, there are 63 Certified Paralegals and of those, 26 are Advanced Certified Paralegals throughout South Dakota. Some items to note:

- **Recertification Late Fee:** Effective January 1, 2023, a \$25 late fee and [appeal form](#) will be required if the Recertification Affidavit is received after the certification expiration date. The earliest you may recertify is the first day of your recertification month.
- **CP Exam:** For those interested in testing for the CP Exam, please note that the Knowledge Exam is administered year-round. Once the Knowledge Exam has been passed, the examinee will receive authorization to take the Skills Exam. The Skills Exam is administered in February, April, July, and October.
- **PSI Testing Center Fee:** Effective September 1, 2022, a fee will be required for examinees to be authorized to schedule their exams. More information on the fees and exams can be found [here](#).
- **CLE Credit Opportunities:** In addition to the SDPA seminars, there are many opportunities through NALA to receive CLE credits to maintain the certification. NALA regularly offers live webinars through its website. Moreover, NALA offers members CLE credit for reading select articles in its *Facts & Findings* magazine. Up to two CLE hours are available per year, with a maximum of five hours per a 5-year certification period. You may also complete an ACP course to earn up to 20 hours of CLE.

As a reminder, NALA's 2023 Conference & Expo will be held in Boston, Massachusetts, July 12-14 at The Westin Copley Place, and I encourage each of you to attend a conference in the future.

CALENDAR

Dec
7

*Securing Lenders and
Investors in RE Financings
12:00 p.m. - 1:00 p.m. CT

Jan
19

+Law for Lunch - Tax Update
12:30 p.m. - 1:30 p.m.

Feb
1

*Excel Your Career. Excel Tips
and Tricks for Paralegals
12:00 p.m. - 1:00 p.m. CT

*NALA webinars: CST/CDT
Course info available
+ SD State Bar CLEs

Thank you SDPA!

"I want to thank SDPA for awarding me the scholarship for my ACP course. Continuing my legal education through the ACP course was a personal goal of mine. Being awarded the scholarship was the icing on the cake to completing the course."

Vicki Blake, ACP
Advanced Certified Paralegal
Past State President – SD Paralegal Association

DID YOU KNOW?

ABA Opinion on the Ethics of Copying Clients on Emails

Link to a new ABA opinion about copying clients on emails:

<https://www.abajournal.com/news/article/reply-all-in-electronic-communications-can-imply-consent>

It's not uncommon for attorneys (especially in transactional matters) to copy clients on emails to opposing counsel. This opinion states that by doing so, the attorneys are giving implied consent for opposing counsel to 'reply all' (including to the clients) without violating Rule 4.2. There's also a risk that the clients might inadvertently "reply all" to the chain and potentially disclose a privileged response. The opinion states that the best practice is to forward emails to the client after sending them to opposing counsel instead of copying them on the emails to avoid this scenario.

SD Supreme Court Rule 22-09 re Court-Approved Parenting Education

I compiled information pertaining to Supreme Court Rule 22-09 regarding court-approved parenting education in the hopes that it is more user-friendly than the current information on the UJS website – there's even QR Codes!

- Amanda Anderson

Amanda Anderson's parenting education information is located at the end of this issue starting on page 20.

I also found out that you can call the number of the company who does the classes and get a certificate. We had a client who did the class but didn't save a certificate when completed. I called there and gave her some basic information and she was able to email me the certificate of completion. The contact person there is Michelle Muncy and her email address is michelle@onlineparentingprograms.com and her phone number is 866-504-2883. The company is Able 2 Adjust, Inc. from California.

- Vicki Blake

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.

**" ONE PERSON CAN MAKE A
DIFFERENCE, AND EVERYONE
SHOULD TRY. "**

-John F. Kennedy



PUTTING THE AUDIENCE FIRST: *The Writing Tactic of Restatement*

By Kirsten K. Davis | Originally printed in the *Appellate Advocacy Blog* on Thursday, August 4, 2022—reprinted with permission from the author.

In May, I wrote the post, [Putting the Audience First: A Perspective on Legal Writing](#). In that post, I encouraged readers to adopt a perspective on legal writing that always—always—has at its core the goal of meeting the needs of the actual, imagined, and implied audiences of the document. (If you haven't yet read that post, I think it's worth your time to read it before reading this one.) In that post, I promised that June's post would be about the tactics of an audience-first perspective. Well, June turned out to be terribly unkind to my family; we had a family member with a serious, hospital-stay-causing (but temporary) illness. So, with apologies, here's the post I promised for June.

Audience-First Perspective, Effective Writing Choices

In May I wrote that a good legal writer *imagines* the audience and writes for that audience, anticipating needs and meeting them. An even better legal writer recognizes that documents also *imply* an audience; that is, how the document is written suggests an audience for that document. As such, the work of the writer is not just to anticipate the needs of an audience but to also create needs the writer *wants* the audience to have and then use the document to *satisfy* those needs. Ultimately, writers that meet audience needs are more likely to influence those audiences. Accordingly, I suggested that the legal writer's prime directive is this:

In a deliberate way and in every writing choice, put the audience first.

This directive to put the audience first should lead the writer to identify and deploy *writing tactics*—the tools in the writer's toolbox—that best satisfy audience needs. One tactic that cuts across different types of documents and purposes for writing is the rhetorical tool of *restatement*.

Restatement as a Tactic of Audience-First Writing

Restatement as a writing tactic is a way of calling attention to a concept, point, or idea by stating that information in a different form,

one that is often more convincing, clear, or both. Restatement is a powerful rhetorical tactic for satisfying the needs of audiences because restatement can

- Emphasize important ideas;
- Enable the audience to more easily remember important ideas;
- Clarify concepts that might be confusing to the audience; and
- Add a gloss on concepts or ideas that convey emotion or theme to the audience.

Signposts should accompany restatements. Good signposts for restated information include

- *In other words*
- *That is*
- *Stated another way.*

Each of these phrases put the audience on notice that what follows is the restatement of the same idea in a new way. (In general, it's almost always true that you should put your reader on notice of your next writing move. That's why transitions are so important to understandable writing.)

Examples of Restatement from Appellate Briefs

Here's an example of restatement in an amicus brief in *Axon Enterprise, Inc. v Federal Trade Commission*. The question in this case is whether the federal district courts have jurisdiction to hear constitutional challenges to the FTC's "structure, procedures, and existence." Pay particular attention to what happens in the second sentence below:

Thus, "if one part" of government "should, at any time, usurp more power than the constitution gives, or make an improper use of its constitutional power, one or both of the other parts may correct the abuse, or may check the usurpation." *Id.* at 707–08. Each branch, in other words, must ensure that the others stay in their constitutional lanes.

This excerpt is a good example for seeing how restatement can be an audience-centered rhetorical tool. The brief apparently uses restatement because the quoted language in the first sentence is somewhat complicated. This complication is in part because the quote is from 1791 and because the quote is addressing how the branches of government operate under the U.S. Constitution. In some situations,

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Continued from page 5

writers would want to avoid a quote like this and paraphrase the ideas within the quote. The paraphrase is a “shortcut” for getting to the essential meaning the writer wants to convey when the original language is complex.

So, why would a brief include a complicated quote? One explanation is that a writer might think a quote is persuasive because quote’s *author* is meaningful to the brief’s readers. That might explain the quote in this brief. Here, the quote is from James Wilson’s 1791 lectures on law at the College of Philadelphia. Wilson had participated in drafting the Constitution and had served as a United States Supreme Court Justice. His lectures addressed the U.S. Constitution and the way in which the federal government described within it operated. So, by including Wilson’s quote, the brief appeals to Wilson’s exact words as well as his ethos. The brief keeps the original ideas in Wilson’s mouth, so to speak. But by retaining the more complicated quote, the brief also creates a need in the audience to have clarity on what the quote means. In this brief, clarity is accomplished with a short, punchy sentence that conveys the key point in a more emphatic and more memorable way and puts a gloss on the quoted language’s meaning:

Each branch, in other words, must ensure that the others stay in their constitutional lanes.

By using the phrase “in other words,” the brief signals to the reader that the sentence is a restatement. Then the sentence restates Wilson’s quote in a more accessible way, by modifying a commonly used phrase, “stay in your lane,” to sum up what the quoted language directs the branches to do. This restatement reduces complexity and it gives a reader a way to more easily remember the overarching concept about the roles of the separate branches.

There’s also an emotional valence to the restatement—this is the gloss. The metaphor of staying in one’s lane gives a modern vibe to an old idea. Merriam-Webster says that “to stay in your own lane” “comes from football . . . where [it] is viewed as advice to worry about your own assignment and not take on the job of defending a different opponent, which can lead to blown coverages and chaos.” In addition, the phrase can mean to stick to your own area of expertise or to maintain your car in a particular lane of the highway.

Even if a reader doesn’t know these exact meanings, a reader is likely to *feel* the sense of orderliness and security that comes from staying in one’s own lane and getting the job done. This feeling, perhaps, is the feeling the brief is hoping for in its audience—that it is

good for each branch to ensure that the others stay within the confines of their own expertise. As such, the restatement provides less complex and more memorable language that has an emotional “feel.”

Beyond satisfying the need of court audiences to easily grasp the content of briefs, restatement can be effective for speaking to other brief audiences. Imagine the news headline that emphasizes the restatement: *Case asks whether branches must help others “stay in constitutional lanes.”* In other words, a simplified restatement could meet the needs of audiences to express a complicated legal idea in everyday language.

Here’s another example that presents a similar pattern of restatement. This one is from the of the Brief for Petitioner in *The Andy Warhol Foundation for the Visual Arts, Inc. v. Goldsmith*. Again, pay attention to the end of the paragraph.

Copyright ultimately rests on a “pragmatic,” utilitarian bargain: “[S]ociety confers monopoly exploitation benefits for a limited duration on authors and artists” to incentivize and promote “the intellectual and practical enrichment that results from such creative endeavors.” *Leval* 1109; see also *Google*, 141 S. Ct. at 1195 (noting that copyrights are granted “not as a special reward” to creators, but rather “to encourage the production of works that others might reproduce more cheaply”); *Harper & Row Publishers, Inc. v. Nation Enters.* 471 U.S. 539, 545 (1985) (copyright protection is “intended to increase and not to impede the harvest of knowledge”); *supra* at 4. In other words, copyright protection for creators serves the ultimate end of securing for the public a rich marketplace of ideas.

The *Warhol* case presents a question under copyright law’s fair use doctrine: whether Andy Warhol sufficiently “transformed” another person’s photographs when he used those photographs in his own artworks. In the paragraph above, The Warhol Foundation’s brief makes an argument that copyright is not so much about the protection of artists and authors but about giving society the benefits of its citizens’ creative work. The brief faces a bit of a challenge with this point; true, the precedents say that *society* is meant to benefit from copyright, but the precedents also say that *creators* are meant to benefit, too. In other words, the first two sentences of the paragraph point in two directions at once, which makes it less clear what point the reader is to take away from that information. But the brief does not allow that confusion to persist. By invoking the “marketplace of ideas” metaphor, the brief emphatically guides the audience to focus in one direction, on *society’s* benefit:

In other words, copyright protection for creators serves the ultimate end of securing for the public a rich marketplace of ideas.

Is there anything special about the “marketplace of ideas” as an element of restatement here? Generally speaking, the marketplace of ideas is a powerful metaphor in American culture. As Schultz and Hudson note, the phrase is “perhaps the most pervasive metaphor to justify broad protections for free speech” and was invoked most recognizably in Justice Holmes’ dissent in the First Amendment case of Abrams v. United States in 1911. A quick Google search shows that the metaphor also has broad, popular appeal as a shorthand for describing prevailing values about how ideas should circulate in public discourse. For better or worse, the marketplace of ideas evokes a set of commitments and emotions that influence how readers might think about Warhol’s use of another photographer’s work.

Because of the strong pull of the “marketplace of ideas” metaphor, this brief provides a useful example of how a restatement has potential to *create* a need for a brief’s audience. Here, I think, the use of the marketplace of ideas metaphor implies an audience that *needs* to see how arguments about fair use and copyright relate to the marketplace of ideas concept. In other words, the marketplace of ideas may not have been on the audience’s mind *until* the brief *suggested* to the audience that the marketplace of ideas is relevant here. The use of the metaphor in restatement cements that connection and sets up the opportunity for the brief to meet that implied audience’s needs.

The Recap

Restatement as a rhetorical tactic can help writers craft documents that are clearer and more understandable for audiences. Writers can direct readers to what ideas are most important and distill for audiences the essence and emotional valence of complicated concepts.

What do you think about restatement?



Kirsten Davis teaches at Stetson University College of Law and in the Tampa Bay region of Florida. She is the Director of the Institute for the Advancement of Legal Communication. The Institute's mission is to study legal communication issues and provide programming and training that improves legal communication skills. Among other things she did this summer, she presented a CLE on Modern Legal Writing at the South Dakota Bar Annual Conference. The views she expresses here are solely her own and not intended to be legal advice. You can reach Dr. Davis at kkdavis@law.stetson.edu.

Happy New Year SDPA!



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 September 30, 2022, and find them to be without error.

CLE LUNCHEON

Chair: Jessi Stucke, ACP
Members: Vicki Blake, CP
Jennifer Frederick, CP
Jessica Huyck, ACP
Janet Miller, ACP
Cindy Smeins, ACP

We are working on a speaker for January. If there are topics you'd like us to try to cover, please let us know. Also, if you are interested in presenting or co-presenting, we'd love to hear your ideas. CLEs can be substantive or non-substantive. If your attorney has recently written an article or given a presentation, please let us know because that would be helpful in asking them to revisit the topic for our benefit.

EDUCATION

Chair: Rebekah M. Mattern
Members: Christal Schreiber
Amanda Anderson
Heidi Anderson
Rebecca Goeken
Stephanie Bentzen
Courtney Vanden Berg, CP

The SDPA's Semi-Annual Seminar and Conference was held on October 21, 2022, in Brookings. The Education Committee is happy to report that we had 37 attendees, which included 8 non-members.

The committee is eager to get started on the June seminar and has high expectations for a great, educational lineup. As a reminder, the Education Committee welcomes any recommendation on topics, speakers, and ways to improve our seminars. Please forward any questions or recommendations to the Committee Chair, Rebekah Mattern, at rmattern@lynnjackson.com.

We look forward to the coming year, meeting new members, and encourage all members to think about joining the Education Committee.

ETHICS

Chair: Jennifer Frederick, CP
Members: Dixie A. Bader, CP
Janet Miller, ACP
Vikki Kelner, ACP

Nothing to report at this time.

FINANCE

Chair: Clara Kiley, CP

The SDPA checking account currently has a balance of \$22,857.12 and the savings account has a current balance of \$22,358.55. These figures include the October seminar registration income and payment of the seminar expenses. There is currently \$4,321.13 left in the 2022 budget to finish out the year.

The 2023 proposed budget as approved at the semi-annual meeting has a conservative \$350 increase in the income and expenses.

LIBRARY

Chair: Courtney VandenBerg, CP

Nothing to report.

MEMBERSHIP

Co-Chair: Autumn Nelson, ACP
Co-Chair: Jessi Stucke, ACP

As of October 31, 2022, we have 93 members. 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 2023 and always welcome any suggestions from our members for activities they would like to see.

NEWSLETTER

Chair: Jessi Stucke, ACP
Members: Michelle Tyndall, ACP (Secretary)
Karen Armstrong, PP, PLS
Amanda Bain, CP
Jennifer Frederick, CP
Jessica Huyck, ACP

For all Committees that make report submissions to the Newsletter Committee, please include the names of your committee members in each report, so we can make sure to have the correct committee members listed in each issue. Submissions should be sent to

ReporterSubmissions@gmail.com.

The current issue is available on the website and previous issues are also available there going back through 2018. Our newsletters are also published on the NALA Affiliated Associations webpage. We are planning to upload older issues into the Member Portal on SDPA's new website. Please let us know if there are topics you'd like us to address in future issues!

NOMINATIONS & ELECTIONS

Chair: Cindy Smeins, ACP
Members: Dixie Bader, CP
Vicki Blake, ACP
Jessie Stucke, ACP

Nothing to report.

PROFESSIONAL DEVELOPMENT

Chair: Autumn Nelson, ACP
Members: Cindy Wooten,

Nothing to report.

PUBLIC RELATIONS

Chair: Vicki Blake, ACP
Members: Dixie Bader, CP
Jennifer Frederick, CP

We have reached out to the Children's Inn to participate in the gift wrap booth at the Empire Mall again this year. We don't have a schedule yet but will be looking for volunteers to help. If you are in the Sioux Falls area and would like to be included, please email me and I'll respond when we are assigned a date and time.

WEBSITE

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

Nothing to report at this time.

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
Members: Kayne Larimer, ACP
Ashly Luke
Jackie Schad, ACP
Christal Schreiber

Paralegal – Rapid City

The Beardsley, Jensen & Lee law firm is hiring a paralegal.

Legal Assistant/Paralegal – Rapid City

The Goodsell Oviatt Law Firm is hiring a legal assistant/paralegal.

Litigation Paralegal – Rapid City

The Bangs McCullen law firm is hiring a litigation paralegal.

Legal Assistant – Rapid City

The Thomas, Braun, Bernard & Burke law firm is hiring a legal assistant.

Legal Administrator – Rapid City

GUNDERSON PALMER NELSON & ASHMORE has an opening for a full-time legal administrator.

Paralegal/Legal Assistant – Rapid City

GUNDERSON PALMER NELSON & ASHMORE has an opening for a business/estate planning paralegal/legal assistant.

Deputy Clerk - Pierre

The US District Court is hiring a full-time deputy clerk.

There are currently 11 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

The US Attorney's Office for the District of South Dakota is hiring a legal assistant.

Public Works Legal Specialist – Sioux Falls

The City of Sioux Falls is hiring a Public Works Legal Specialist.

Transactional Paralegal – Sioux Falls

The Goosmann Law Firm is hiring a transactional paralegal.

Legal Assistant/Paralegal – Sioux Falls

The Strange, Farrell, Johnson & Brewers law firm is hiring a legal assistant/paralegal.

GOOD FOR YOU!

Contested Judgeship Results:

SECOND CIRCUIT JUDGE - POSITION C: Doug Barnett 63%

FOURTH CIRCUIT JUDGE - POSITION D: John H. Fitzgerald 36%

THIRD CIRCUIT JUDGE - POSITION E: Robert L. Spears 51%



By Karen Armstrong, PP, PLS

I ran out of space in my last article just writing about all the rules to turn singular nouns into plural nouns! This time, we will talk about possessives and plural possessives.

Let's start with several definitions:

Plural noun:

When there is more than one of a noun (remember—a noun is a person, place, thing, or idea), it is plural. Most nouns are made plural by adding an “s” to the end of the word, but there are exceptions. (See the previous article for at least 13 rules about how to turn a singular noun into a plural noun.)

01

Possessive noun:

A noun (either singular or plural) is possessive when it shows ownership of a particular object.

02

Plural possessive noun:

A plural noun with a possessive ending to show ownership.

03

Now we'll look at how to construct possessives and plural possessive nouns.

1. Singular Nouns Not Ending in “S”

To form the possessive of a singular noun that doesn't end with an “s,” you would add an apostrophe and an “s” to the noun:

- my brother's advice
- my sister's idea
- my pastor's benediction

2. Singular Nouns Ending in a Silent “S” Sound

To form the possessive of a singular noun that ends in a silent “s” sound, you need to add an apostrophe and an “s” to the noun:

- Illinois's toll roads
- De Moines's mayor
- Arkansas's political candidates

3. Singular Nouns that End in an “S” Sound

Note: There are varying opinions on this topic amongst the formal writing style guides, but this is the rule that I learned and still use.

The key to forming a possessive of a singular noun that ends in an “s” sound is to listen to the way you pronounce the word. If you form a new syllable when you pronounce the possessive, you need to add an apostrophe and an “s”:

- the witness's statement
- my boss's directions
- Elvis's last song

However, if adding that extra syllable to a singular noun ending in “s” would make the word sound awkward or hard to pronounce, add only the apostrophe:

- Moses' basket in the Nile
- New Orleans' jambalaya
- Socrates' writings

4. Plural Nouns that End in “S”

Since most English plurals end in “s,” to make a plural possessive, you would simply add an apostrophe after the “s.”

- singers' auditions (the auditions of more than one singer)
- sisters' yearly retreats (the annual retreats of more than one sister)
- friends' notes (notes belonging to more than one friend)

5. Irregular Plural Nouns Not Ending in “S”

If you read the last article, you would know that there are lots of irregular plurals in the English language. Of course, there are exceptions, but for most irregular plural nouns not ending in “s,” you would add an apostrophe and an “s” to make it a plural possessive:

- men's quartet (a singing group made up of four men)
- people's beliefs (the beliefs of more than one person)
- women's issues (issues involving more than one woman)

6. Irregular Plural Nouns Ending in “S”

If you have an irregular plural noun ending with an “s,” you would usually add an apostrophe after the “s” to make it possessive:

- wolves' den (a den belonging to more than one wolf)
- thieves' getaway car (an escape car belonging to more than one thief)
- knives' blades (the blades belonging to more than one knife)

7. Proper Nouns

A proper noun is a noun that designates a specific person, place, or thing instead of a general one. Proper nouns are always capitalized. Examples of proper nouns are names of cities, countries, streets, people, companies, organizations, films, songs, books, etc. To make a proper noun plural, **you never use an apostrophe to make a proper noun plural**. Apostrophes are used to indicate possession. (And also to indicate a contraction—where you have removed a letter or letters from a word or words—but that’s another lesson for another day.)

To make a proper noun plural, you almost always just add an “s.” The exceptions are when a proper noun ends in S, X, CH, SH, or Z. In those cases, you add an “es.” We went over those rules in the last article. Here are some examples of making proper nouns plural:

- the Johnsons
- the Armstrongs
- the Sanchezes
- the Bushes
- the Trumps

If you have a proper noun that needs to be both plural and possessive, in most instances you would first follow the rule to make it plural by adding an “s” or an “es,” and then add an apostrophe:

- the Johnsons’ driveway
- the Armstrongs’ mailbox
- the Sanchezes’ restaurants
- the Bushes’ mansions
- the Trumps’ businesses

8. Compound and Hyphenated Nouns

A compound noun consists of two or more words that join together to make a new noun, such as “bodyguard,” “bookshelf,” or “businesswoman.”

To make a plural possessive out of a compound noun, you would pluralize the last component in the word (such as “guard,” “shelf,” and “woman” in the examples above), and then add an apostrophe or an apostrophe and an “s” if necessary:

- bodyguards’ weapons
- bookshelves’ contents
- businesswomen’s strategies

9. Hyphenated Nouns

Sometimes this gets a little tricky, because the correct way to make a plural possessive out of these nouns doesn’t always seem like the right way. Maybe that’s because we have been hearing people say them wrong so many times.

A hyphenated noun is a noun consisting of two or more words which are hyphenated and function together as a single noun, such as “daughter-in-law” or “runner-up.”

To make a plural out of hyphenated noun, you would **pluralize the key word** (such as **daughter** or **runner**) in the examples above.

Here is the rule you need to remember: the principal word takes the plural.

To create possessives from these plural hyphenated nouns, you need to usually add an apostrophe and an “s” to the end of the plural noun (even though you already added an “s” to the principal word—which sometimes seems awkward):

- daughters-in-law’s belongings (items belonging to more than one daughter-in-law)
- runners-up’s ribbons (ribbons belonging to more than one runner)

10. Multiple Nouns. Same Ownership

Another issue that comes up is when you have two or more nouns that are acting together, and you need to create a possessive. Do you add an apostrophe and an “s” to both names or just one? The correct plural possessive form—if they own the same item—requires that you add an apostrophe and an “s” to only the last noun.

- Peter, Paul, and Mary’s relationship (the relationship among the three in the group)
- Mom and Dad’s camper (the camper belonging to both Mom and Dad)
- Simon and Garfunkel’s concert (the concert given by both singers)

11. Multiple Nouns. Multiple Ownership

When you are dealing with two or more nouns, but they have different or separate ownership, each noun will need to have an apostrophe and an “s” added to the end of it. The objects will need to be plural.

- Jan’s and Dean’s guitars (they each own separate guitars)
- Eric’s and Kelso’s teachers (they’re in different grades with different teachers)

I’m sure I could find many more rules to follow concerning the construction of plurals, possessives, and plural possessives, but this is a good start on the basics to get you going on the right path.

Perfect Potato Soup

By Jessica Huyck, ACP

Is there anything cozier than a pot of soup simmering on your stove while the chilly South Dakota wind howls at your window? Now that you’re hungry for soup, check out this easy and delicious creamy potato soup recipe that can be made in just one pot. A favorite comfort food in our home!

Instructions:

1. Place bacon in a large Dutch Oven or soup pot over medium heat and cook until bacon is crisp and browned.
2. Remove bacon from pot and set aside, leaving the fat in the pot.
3. Add butter, garlic powder, and chopped onions and cook over medium heat until onions are tender (3-5 minutes).
4. Sprinkle the flour over the ingredients in the pot and stir until smooth (use whisk if needed).
5. Add diced potatoes to pot, along with chicken broth, milk, heavy cream, salt, pepper, and ancho chili powder. Stir well.
6. Bring to a boil and cook until potatoes are tender when pierced with a fork (about 10-12 minutes).
7. Reduce heat to simmer. Use a potato masher to blend the soup until it has reached your desired consistency. (I like to mash about half of the potatoes in the pot.)
8. Chop the reserved bacon and add it to the pot, along with the sour cream. Stir well.
9. Allow soup to simmer for about 15 minutes before serving.
10. Top with additional sour cream, chives, shredded cheese, or bacon if desired. At our home, we also love to add freshly baked bread on the side. Enjoy!!

Yield: Approximately 6 servings



Ingredients:

- 6 large Gold Potatoes (peeled and diced into pieces no larger than 1 inch)
- 6-8 strips (uncooked) Bacon
- 3 tablespoons Butter (I use salted, but unsalted also works)
- 1 medium Yellow Onion (chopped)
- 1 teaspoon Garlic Powder
- 1/3 cup All-Purpose Flour
- 4 cups Chicken Broth
- 2 cups Milk
- 2/3 cup Heavy Cream
- 1-2 teaspoons Salt (add more as needed)
- 1 teaspoon ground Black Pepper
- 1/2 teaspoon Ancho Chili Powder
- 2/3 cup Sour Cream
- Optional Toppings: Shredded Cheese, Chives, additional Sour Cream and Bacon

RECENT OPINIONS: *South Dakota Supreme Court*

STATE v. KROUSE 2022 S.D. 54

Second-degree arson conviction upheld

Adjudicated by bench trial, Defendant was convicted of second-degree arson of her home. The facts of this case would provide an interesting narrative for Dateline, assuming Dateline were interested in non-death scenarios. Home was valued at over \$1 million; Defendant (home owner) was divorced and receiving alimony of \$21,000 monthly. The criminal investigation for the fire originated from the fire insurer's investigation and by referral from the fire insurer's investigators to law enforcement authorities. The SD Supreme Court affirmed. This decision is unanimous (5-0), with opinion authored by Justice DeVaney.

DAVIES v. GPHC, LLC 2022 S.D. 55

Landlord not liable for dog bite

This is a dog bite case filed by tenant against his landlord after tenant was bitten by dog named Tequila. Tequila was owned by another tenant. Plaintiff brought *general negligence* and *negligence per se* claims against the landlord. Trial court granted summary judgment for the landlord on both claims because Plaintiff could not show the landlord had actual knowledge of dangerous propensities and that the relevant statute (SDCL 40-34-13) for the *negligence per se* claim applied only to a "person owning or keeping" of Tequila. The landlord was not an owner or keeper. The SD Supreme Court affirmed in a unanimous (5-0) with opinion authored by Justice Salter.

STATE v. LOESCHKE 2022 S.D. 56

Criminal conviction affirmed

Following jury trial, Defendant was sentenced to 15 years in prison, with 5 suspended, and with this sentence to run consecutively with a sentence imposed in a companion criminal case where Defendant was charged with witness tampering and violation of a "no contact" order. The facts and issues as developed at the trial level and as framed on appeal are set forth in the opening paragraph of the Court's opinion as follows:

[¶1.] Robert Loeschke was indicted and subsequently tried in August 2020 for six counts of assault against his girlfriend, Melissa Greenwalt, arising out of two separate incidents. He was charged with one count of aggravated assault and two counts of simple assault arising from a stab wound inflicted on Greenwalt on February 20, 2019. He was also charged with one count of aggravated assault and two counts of simple assault arising from an assault with fists on June 17, 2018, which left Greenwalt with a broken jaw. The jury convicted Loeschke on the assault counts arising from the February 20, 2019 stabbing

but acquitted him of the charges from the June 17, 2018 broken-jaw incident. Prior to trial, Loeschke had moved to sever the charges based on the dates of the offenses, but the court denied his motion. At trial, Loeschke objected on hearsay grounds to the admissibility of Greenwalt's statements contained in recorded phone conversations between Greenwalt and Loeschke while he was in jail. The circuit court overruled the objection and admitted the statements as context to aid the jury in understanding the conversation but gave the jury a limiting instruction. Loeschke appeals the circuit court's order denying his motion to sever and the admission of the challenged statements at trial.

The SD Supreme Court affirmed in a unanimous (5-0) ruling, with opinion authored by Justice Kern.

JOHNSON v. MARKVE 2022 S.D. 57

Competency challenge ailing spouse's execution of documents reinstated. The facts in this case are somewhat intricate.

H & W (Ken and Susan) met in their golden years and entered into a prenuptial agreement found on the internet. W was worth \$1 million and H was worth \$1.8 million. The agreement is not challenged in this litigation, but I found this fact interesting.

W became seriously ill, thereafter executing a quitclaim deed to W & H as joint tenants and she also executed a general Power of Attorney naming H as her agent. After W's death, W's brother (Gus) filed this action challenging W's competency at the time she executed the deed and created the trust. For a brief (and perhaps inadequate) "rest of the story," see the first and last paragraphs of the opinion reproduced here:

[¶1.] Acting as the personal representative of the Estate of Susan Markve, Gustav Johnson commenced this action against Kenneth Markve, alleging a variety of claims including undue influence, conversion, breach of fiduciary duty, statutory fraud, and common law fraud. The circuit court granted Kenneth Markve's motion for summary judgment after determining that there were no genuine disputes of material fact as to any of the claims. The Estate appeals, and we affirm in part and reverse in part.

* * *

[¶77.] Ken may well believe he has a strong case in his effort to resist the Estate's claims of incapacity, undue influence, conversion, and breach of fiduciary duty, and we express no opinion in this regard. Suffice it to say that Ken's evidence is not of such a character that it eliminates issues of material fact relating to the Estate's claims, particularly when we review the facts in the light most favorable to the Estate. Neither we, nor the circuit court, can weigh the strength of the parties'

evidence, the reasonableness of Ken's actions, or the credibility of any witness as matters of law. These questions must be submitted to a fact finder. We affirm in part, reverse in part, and remand for further proceedings.

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

U.S. BANK NATIONAL ASSOC. v. S.D. DEPT OF REVENUE 2022 S.D. 59

Tax litigation resolved against U.S. Bank

This is a tax case which is nicely summarized in the opening ¶ of the Court's opinion:

[¶1.] The South Dakota Department of Revenue (the Department) rejected U.S. Bank's method of calculating its federal income tax deduction from net income subject to South Dakota's bank franchise tax for tax years 2010, 2011, and 2012. As a result, the Department denied U.S. Bank's request for a refund for 2010 and 2011 and disallowed the entire deduction for 2012. The Department issued a certificate of assessment for additional tax and interest for 2012. U.S. Bank appealed the administrative decision to the circuit court, which affirmed the Department's decision. U.S. Bank now appeals to this Court. We affirm.

The Court's affirmance is a unanimous (5-0) decision with opinion authored by Justice Salter. Retired Judge Severson sat on this case, in lieu of Justice DeVaney. This case was orally argued over 1 ½ years ago on February 16, 2021.

MURPHEY v. PEARSON 2022 S.D. 62

Unmarried couple split up after 10+ years cohabitation. A child was born. This action was filed by Mother to determine custody and child support. Father counterclaimed, asserting an interest in the equity of the home which was titled Mother's name only. Father asserted an implied contract and unjust enrichment, based upon his financial contributions during cohabitation. Mother filed a Reply to the counterclaim by asserting that Father was paying rent. Mother also claimed that Father owed her back rent. Notably, Mother never actually filed a claim for back rent as part of her original complaint or in response to Father's counterclaim. (Mother's failure to assert such a claim in a pleading is detrimental to her interest on appeal.) The trial court resolved the issues and, in the process awarded Mother back rent of \$17,069.59 plus 10%. The trial court also made an award of back child support. The SD Supreme Court reversed the award of back rent in favor of Mother, but affirmed the denial of Father's claim based on implied contract and unjust enrichment. The Court also partially reversed an award of back child support in favor of Mother by lowering it \$1,064. The Court's decision is unanimous (5-0), with opinion authored by Justice DeVaney.

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.

United States v. Matthew Carter USCA 22-1823 – August 30, 2022 D.S.D. Southern Division

The appellant/defendant was convicted by jury of child porn and sentenced to 180 months. His attorney was granted leave to withdraw after filing an *Anders* brief, which was later supplemented by Defendant's *pro se* brief. The Clerk's summary is set forth below.

Criminal case - Sentencing. Anders case. Defendant's below-Guidelines-range sentence was not substantively unreasonable; the evidence was sufficient to support defendant's conviction for possessing child pornography; claim of ineffective assistance of counsel would not be considered on direct appeal.
<http://media.ca8.uscourts.gov/opndir/22/08/221823U.pdf>

United States v. Jason Baca USCA 22-1274 – September 6, 2022 D.S.D. Western Division

Criminal case - Criminal law. Anders case. Defendant's appeal waiver is valid, enforceable, and applicable to the sentencing issues raised in the appeal, and the appeal is dismissed.
<http://media.ca8.uscourts.gov/opndir/22/09/221274U.pdf>

Nicholas Hines v. Denny Kaemingk

USCA 22-1852 – September 6, 2022
D.S.D. Southern Division

Civil case - Civil rights. Preservice dismissal of some claims and entry of summary judgment on plaintiff's remaining claims affirmed without comment.
<http://media.ca8.uscourts.gov/opndir/22/09/221852U.pdf>

United States v. Alec Respects Nothing

USCA 22-1394 – September 12, 2022
D.S.D. Western Division

Criminal case - Criminal law. Anders case. Speedy trial claims rejected; the district court did not abuse its discretion in denying a motion to sever; nothing in the record shows the government vindictively sought a higher sentence because defendant exercised his right to a trial.
<http://media.ca8.uscourts.gov/opndir/22/09/221394U.pdf>

Flandreau Santee Sioux Tribe v. Michael Houdyshell USCA 20-3441 – October 4, 2022 D.S.D. Southern Division

Civil case - Indian law. For the court's prior opinion in the matter see [Flandreau Santee Sioux Tribe v. Haeder](#), 938 F.3d 941 (8th Cir. 2019). On remand, the district court again determined that a South Dakota excise tax on work performed by a nonmember contractor hired by the tribe in relation to a renovation of its casino and hotel on the Flandreau Indian Reservation was preempted by the Indian Gaming Regulatory Act (IGRA) and the Indian Trader Statutes. The district court erred in concluding that the excise tax was preempted through the IGRA under the balancing test set forth in [White Mountain Apache Tribe v. Bracker](#), 448 U.S. 136 (1980); applying the [Bracker](#) test, the extent of federal regulation and control of casino construction is minimal, the impact on tribal interests is minimal while the state has a significant interest in raising needed revenue, and the financial and self-governance impacts on the Tribe are not significant; the Indian Trader Statutes did not preempt the excise tax, either expressly or under the [Bracker](#) test. Reversed and remanded with directions to enter judgment for the State. Judge Kelly dissenting.
<http://media.ca8.uscourts.gov/opndir/22/10/203441P.pdf>

Clayton Walker v. Cory Shafer USCA 22-1610 – October 4, 2022 D.S.D. Western Division

Civil case - Civil rights. Dismissal for failure to comply with the district court's

orders affirmed without comment; to the extent plaintiff appeals the adverse grant of summary judgment on his Ninth Amendment claim, the summary judgment order is affirmed.
<http://media.ca8.uscourts.gov/opndir/22/10/221610U.pdf>

United States v. Joseph Flying Horse

USCA: 22-2202 – October 12, 2022
D.S.D. Western Division

Criminal case - Criminal law. Anders case. No statutory or constitutional speedy trial rights violations.
<http://media.ca8.uscourts.gov/opndir/22/10/222202U.pdf>

United States v. Leonard Red Horse

USCA: 22-1427 – October 14, 2022
D.S.D. Northern Division

Criminal case – Sentencing. The sentence imposed upon the revocation of defendant's supervised release, an upward variance, was not substantively unreasonable.
<http://media.ca8.uscourts.gov/opndir/22/10/221427U.pdf>

United States v. Gabriel Roubideaux

USCA: 22-2131
D.S.D. Central Division

Criminal case - Sentencing. Anders case. The district court did not err in requiring defendant to pay restitution to the victim of his arson; the court properly applied Guidelines Sec. 2K1.4(a)(1)(B) in determining defendant's base offense level; the sentence imposed was substantively reasonable.
<http://media.ca8.uscourts.gov/opndir/22/10/222131U.pdf>

MINUTES

2022 Semi-Annual Meeting

October 21, 2022

CALL TO ORDER: The Semi-Annual Meeting of the South Dakota Paralegal Association was called to order by President Autumn Nelson, ACP on October 21, 2022, at Wilbert Square Event Center in Brookings, South Dakota. President Nelson welcomed those in attendance and those attending virtually via GoToMeeting. President Nelson then introduced the other members of the Executive Committee, which included Clara Kiley, CP (Treasurer) and Michelle Tyndall, ACP (Secretary). Cindy Wooten, ACP (Second Vice President) and Sarah Havlin, ACP (NALA Liaison) were in attendance virtually. Christal Schreiber (First Vice President) was not able to attend.

ROLL CALL: Roll call was taken by Michelle Tyndall, ACP, Secretary. There were 29 members present, with 16 of those attendees present via GoToMeeting. President Nelson declared there was a quorum present to proceed.

APPROVAL OF MINUTES OF JUNE 24, 2022, ANNUAL MEETING: Minutes were published in the September 2022 SDPA Reporter. A motion was made and seconded to waive reading of the minutes and approve the same. Motion carried.

TREASURER'S REPORT: Clara Kiley, CP presented the October 2022 Treasurer's Report, which was provided to the membership. The SDPA checking account currently has a balance of \$23,680.36 and the savings account has a current balance of \$22,358.55. These figures include the October seminar registration income, but expenses have not yet been paid related to today's seminar. There is currently \$5,467.95 left in the 2022 budget to cover today's seminar-related expenses and to finish out the year. The 2022 budget and the actual income and expenses for the year are detailed in the budget handouts. The 2023 proposed budget has a conservative \$350 increase in the income and expenses as shown in the handouts. Please bring up any suggestions, questions or concerns you have regarding the budget during the meeting.

A motion was made and seconded to approve the Treasurer's Report. The motion carried and the Treasurer's Report was approved.

NALA LIAISON'S REPORT: Michelle Tyndall, ACP read the NALA Liaison's Report by Sarah Havlin, ACP. There are currently 40 members of the SDPA who are also members of NALA. NALA is the nation's leading professional association for paralegals. Being a member of NALA has many benefits, especially for those who are certified, including:

1. An \$80 annual gift certificate, which can be used toward any continuing legal education program;

2. Discounted rates for NALA's Live webinars; and
3. An opportunity to earn extra CLE credits by reading the select articles in NALA's *Facts & Finding* magazine.

Certified and Advanced Certified Paralegals are required to obtain 50 hours of CLE, including five hours of legal ethics and not more than 10 hours of non-substantive credits, over a five-year period to maintain the

certification. Effective January 1, 2023, a \$25 late fee and Appeal form will be required if the Recertification Affidavit is received after your certification expiration date. For more information about NALA or the paralegal certification, please visit NALA.org or feel free to reach out to me. I'd be happy to answer any questions you may have. A motion was made and seconded to approve the report. The motion carried and the report was approved.

Thursday Night Social

October 20, 2022



Great turnout for the Thursday Night Social.

Be sure to join us for a fun night of catching up with old friends and making new ones. Networking is a huge benefit of SDPA.

Don't miss out!

OLD BUSINESS:

- President Autumn Nelson, ACP stated that the Professional Development Committee is currently vacant and volunteers are needed for this committee. If you are interested in serving on this committee, please indicate so on your Committee Preference Form, as it is important to get this committee filled.
- Vicki Blake, ACP has been appointed by President Nelson as the 2022-2023 Parliamentarian.
- Proposed Bylaw amendments to address various language updates were discussed. The proposed changes serve mainly to clear up language as to virtual attendance of seminars, committee roles, and some grammar clean ups. The proposed changes were presented to the membership in June 2022, and also provided in the materials for today's seminar and meeting. A motion was made and seconded to approve amending the Bylaws. There was no discussion and the motion carried. A motion was made and seconded to approve amending the Bylaws as proposed. A vote was conducted by a show of hands and by response for those attending virtually. The motion carried by unanimous vote. The Bylaws are amended as proposed.

COMMITTEE REPORTS:

Audit: Report read by President Autumn Nelson, ACP for Cindy Smeins, ACP and Vicki Blake, ACP. The Audit Committee has received and reviewed the credit card and bank statements from CorTrust Bank through September 30, 2022, and find them to be without error.

CLE Luncheons: Report read by President Autumn Nelson, ACP for Jessi Stucke, ACP, Chair. We are working on a speaker for January. If there are topics you'd like us to try to cover, please let us know. Also, if you are interested in presenting or co-presenting, we'd love to hear your ideas. CLEs can be substantive or non-substantive. If your attorney has recently written an article or given a presentation, please let us know because that would be helpful in asking them to revisit the topic for our benefit.

Education: Report presented by Rebekah Mattern. The Committee has worked hard over the last few months to make arrangements for the October seminar, which you are all attending today. Our October seminar was approved by NALA for five credits, including one legal ethics credit and four substantive credits. If you are interested in serving on the Education Committee,

please let the Committee Chair or one of the Executive Committee members know. As always, the Committee welcomes any recommendations on topics, speakers, and ways to improve the seminars. Please email any recommendations to Rebekah Mattern at rmattern@lynnjackson.com.

Ethics: Report presented by Jennifer Frederick, CP. There is nothing to report from the Ethics Committee.

Finance: Clara Kiley, CP, Treasurer, stated there is nothing to present other than the Treasurer's Report.

Job Bank: Report read by Michelle Tyndall, ACP for Laura Stewart, Chair. Currently, there are 8 positions available on the SDPA Job Bank. We have 2 in Sioux Falls and 6 in Rapid City. For specific details on these positions, please check out the SDPA website under the careers tab. The Job Bank changes frequently so please check the website for the latest updates and available positions throughout the state. If you are an employer or know of an employer seeking paralegals and/or legal staff, please contact us.

Librarian: Report presented by Courtney Vanden Berg, CP. The library has received three (3) new requests for past seminars, as individuals work to complete their CLE requirements for NALA. To date, the library has received twenty (23) requests for material. If you or someone you know is in need of CLE credits please keep in mind we have the library catalog available online at <https://www.sdparalegals.com/news-resources>, and material can be checked out through the website store. 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 \$45.00 or \$60.00 for nonmembers (pricing includes 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 (2) 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. 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:

Report presented by President Autumn Nelson, ACP. As of October 19, 2022, we have 93 members. 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 2023 and always welcome any suggestions from our members for activities they would like to see.

Newsletter: Report read by Clara Kiley, CP for Jessi Stucke, ACP. The deadline for submissions for the December issue is Monday, October 31. Submissions should be sent to ReporterSubmissions@gmail.com. The current issue is available on the website and previous issues are also available there going back through 2018. Our newsletters are also published on the NALA Affiliated Associations webpage. We are planning to upload older issues into the Member Portal on SDPA's new website. Please let us know if there are topics you'd like us to address in future issues!

Nominations & Elections: Report read by Clara Kiley, CP for Cindy Smeins, ACP. The Nominations and Elections Committee has recommended the following slate of officers for the 2023-2024 term:

- Christal Schreiber – President
- Cindy Wooten, ACP – 1st Vice President
- Sara Shelbourn – 2nd Vice President
- Michelle Tyndall, ACP – Secretary
- Jennifer Pravecek, ACP – Treasurer

- Rebecca Goeken – NALA Liaison

Professional Development: No report given.

Public Relations: Report read by Jennifer Frederick, CP for Vicki Blake, ACP. As chair of the Public Relations Committee, I have nothing to report at this time. I would like to ask our members again if anyone knows of any PR opportunities that I can search out, please let me know.

Website: Report presented by Jessica Huyck, ACP. The Website Committee has recently been busy working with the Job Bank Committee to clean up the job postings on the website. We have also been managing registrations and payments for SDPA that come in through the website. If you have any information to include on the website, particularly news or events relevant to SDPA, please be sure to contact our committee so we can add the information for you.

A motion was made and seconded to approve all Committee Reports. The motion carried and all Committee Reports were approved.

NEW BUSINESS:

- The SDPA Swag Store is now live at <https://sdparalegal.byqqp.com/>. The store carries various apparel and accessories. President Nelson thanked Jessi Stucke for her efforts in getting the store up and running and choosing items.
- Proposal and approval of 2023 Budget. There was discussion about money received from sponsors for seminars. Any money received goes to the Education Committee for their use. It was also noted by Secretary Clara Kiley that it was anticipated to receive \$300.00 for library material rental, when we actually received over \$1,100.00. This indicates these materials are being utilized well. A motion was made and seconded to approve the 2023 Proposed Budget. The motion carried and the budget was approved.
- Election of Officers for 2023-2024 Executive Committee. There were no nominations from the floor or via GoToMeeting. A motion was made and seconded to forgo a paper ballot and conduct a voice vote to approve the slate of officers for the 2023-2024 term as follows:
 - Christal Schreiber - President
 - Cindy Wooten, ACP - 1st Vice President
 - Sara Shelbourn – 2nd Vice President
 - Michelle Tyndall, ACP – Secretary
 - Jennifer Pravecek, ACP – Treasurer
 - Rebecca Goeken – NALA Liaison

The motion carried and the slate of officers was elected. Congratulations to the new officers.

ACKNOWLEDGEMENTS: President Autumn Nelson, ACP, noted the following:

- Vicki Blake, ACP was selected to receive the ACP reimbursement scholarship for her ACP qualification in Family Law. Congratulations to Vicki.
- Thank you to the Education Committee members Amanda Anderson, Rebecca Goeken, Stephanie Bentzen, Courtney Vanden Berg, Heidi Anderson, Rebekah Mattern (Chair) and Christal Schreiber (EC Liaison) for their time and commitment in organizing another outstanding seminar for our members.
- Membership renewal forms will be sent out by the end of November and will also be available on the website. Dues must be paid by January 31, 2023 to avoid late fees.
- President Nelson would like to have Committee Preference Forms returned to her by December 1, 2022. She would like to send out committee assignments by January 1, 2023.

ANNOUNCEMENTS: Education Committee Chair Rebekah Mattern encouraged attendees to fill out the seminar evaluation forms. Education Committee members are available to sign the attendance sheets for CLE credit. Webinar attendees will receive theirs by email.



SOUTH DAKOTA PARALEGAL ASSOCIATION, INC.
(f/k/a South Dakota Legal Assistants Association, Inc.)
Founded in 1989

MEMBERSHIP DUES RENEWAL FORM
January 1, 2023 to December 31, 2023

Name: _____ Designation, if any: ____ (CLA, CLAS, CP, ACP, RP, PP, PLS)

Employer: _____

Supervising Attorney(s): _____

Office Address: _____ City: _____ Zip: _____

Office Phone: _____ Facsimile: _____

E-mail Address: _____

Home Address: _____ City: _____ Zip: _____

Home Phone: _____ Cell Phone: _____

Preferred Mailing Address: _____ Office _____ Home

ANNUAL FEES:

Please check membership classification: _____ Active (\$85.00)
_____ Student (\$40.00)
_____ Associate (\$55.00)
_____ Sustaining (\$85.00)
_____ Honorary Inactive

Due Date: January 1, 2023

Date Delinquent: February 1, 2023

\$10 late fee applies to all dues received on or after February 1st.

Forward completed form **via e-mail only** to: Autumn Nelson, nelsona@goosmannlaw.com

Forward check payable to **SDPA** to:

Clara Kiley, CP

SDPA Treasurer

11158 Valley 1 Road,

Belle Fourche, SD 57717



South Dakota Paralegal Association, Inc.

Founded in 1989

2023 Committee Preference Form

Please mark your first, second, and third choices.

- | | | | |
|--|-------------------------------------|--|---|
| <input type="checkbox"/> Audit | <input type="checkbox"/> Job Bank | <input type="checkbox"/> Nominations
& Elections | <input type="checkbox"/> Public Relations |
| <input type="checkbox"/> CLE Luncheon* | <input type="checkbox"/> Library | <input type="checkbox"/> Professional
Development | <input type="checkbox"/> Website |
| <input type="checkbox"/> Education | <input type="checkbox"/> Membership | | <input type="checkbox"/> <i>no preference</i> |
| <input type="checkbox"/> Ethics | <input type="checkbox"/> Newsletter | | <input type="checkbox"/> <i>same as 2022</i> |

*This committee is made up of one member from each of the other committees (except the Education Committee). Mark this committee if you are interested in being the designee from one of your other committee choices.

NAME: _____ EMAIL: _____

PLEASE EMAIL OR MAIL by Thursday, December 1, 2022:

Autumn Nelson, ACP, NelsonA@GoosmannLaw.com

Goosmann Law Office, 2101 W. 69th Street, Suite 200, Sioux Falls, SD 57108

Committee Descriptions:

- Audit. Shall be comprised 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.
- CLE Luncheons. Shall organize lunches and speakers and seek CLE credit through NALA for statewide presentations by one-hour webinar.
- Education. Shall plan seminars and workshops and work with NALA, the State Bar and other organizations, in the event of co-sponsorship of any programs. Responsible for fulfilling the educational requirements under Article VI of the Bylaws and its chairperson shall report such educational meetings to the NALA Liaison.
- Ethics. 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.
- Job Bank. Shall maintain a listing of jobs available in South Dakota as provided by prospective employers.
- Membership. Shall be charged with the responsibility of developing programs to encourage membership in the association. The 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 chairperson is responsible for keeping a current membership roster in conjunction with the Treasurer.
- Newsletter. Shall publish and distribute SDPA's newsletter at least quarterly, or more often if directed by the Executive Committee.
- Nominations & Elections. 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.
- Professional Development. 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.
- Public Relations. 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.
- Website. Shall maintain the website for the association and also respond to any inquiries by members or non-members that are posed through the website.

Supreme Court Rule 22-09 Court-Approved Parenting Education

Effective September 1, 2022, Supreme Court Rule 22-09 requires that the parties to any action involving issues of child custody or parenting time are required to complete a court-approved course to educate the parents on the impact these proceedings can have on the involved children. The full text of the rule can be found here:



https://ujs.sd.gov/uploads/sc/rules/SCRULE_RSRC_20220228163902.pdf

Important Things to Know About the Implementation of this Rule

What proceedings does this apply to?

The rule applies to any action initiated after September 1, 2022, which involves the issues of child custody or parenting time. However, the rule does not apply to a protection order proceeding or termination of parental rights proceeding.

When must the course be completed?

The course must be completed within 60 days following service of the summons and complaint, petition or motion for any action involving child custody or parenting time initiated after September 1, 2022.

Who has to complete the course?

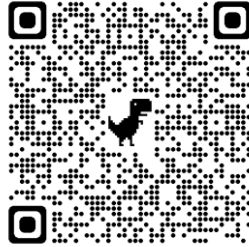
Each party to a proceeding involving child custody or parenting time unless it is excused by the court for “good cause.”

What is “good cause” to waive the parenting course requirement?

“Good cause” includes but is not limited to a default by one of the parties or a showing that the parties have previously participated in a court-approved course or its equivalent within the past 5 years. If good cause is found, the court may order that the information be provided to the parties in an alternative format.

How does a party seek a waiver of the parenting course requirement?

A request to waive the requirement must be approved by the court. Those seeking a waiver should complete an “Affidavit on Court-Approved Parenting Course,” available on the UJS website, and serve that on the other parties to the action.



<https://uj.s.sd.gov/uploads/forms/parenting/UJS%20364%20-%20Affidavit%20on%20Court-Approved%20Parenting%20Course.pdf>

What happens if the class is not completed?

A final decree shall not be granted or a final order shall not be entered until both parties have complied with this requirement.

Who arranges the course for the parent?

Each party is responsible for making arrangements for their participation in the course.

Where do I find a court-approved course?

The UJS website has a list of approved parenting classes here:



https://uj.s.sd.gov/Parenting_Education/Default.aspx

If a provider is not on this list, they are not court-approved. From the UJS Homepage, there is an icon on the bottom that links to “Parenting Classes.”



Who pays for the course?

Each party is responsible for the payment of their course.

What if someone cannot afford the course?

Many of the courses offer reduced or discounted prices to those with limited means. Contact the providers directly to ask them their policy. Neither the clerk of courts nor the court can waive this fee.

What happens after the course is completed?

Upon completion, the participant will be provided a certificate of completion. That certificate should be provided to the clerk of courts in the county where the court case is pending. Each party is responsible for filing the certificate with the court.

What if one party does not complete the course?

A good cause waiver may be sought from the court as a result of the default by the other party using the “Affidavit on Court-Approved Parenting Course” available on the UJS website, listed above, and serve that on the other parties to the action.

Approved Programs

Online

OnlineParentingPrograms.com by Able 2 Adjust, Inc.

To Register:

English:

<https://sd.onlineparentingprograms.com/>

Spanish:

<https://sd.onlineparentingprograms.com/es>



Customer Support:

Phone: (866) 504-2883

Email: support@onlineparentingprograms.com

Classes/Prices:

Co-Parenting/Divorce Class: \$34.99

Sliding Scale:

Yes, discounts available – contact provider

Class Schedule:

Online classes available 24/7 and will take a minimum of 4 hours to complete.

Spanish classes offer? En Español?

Yes. Si.

Material for all sessions is available in Spanish. El material de todas las sesiones está disponible en español.

Certificate of Completion:

At the end of the class, parents will receive a Certificate of Completion to file with the Court.

In-Person or Remote Courses

Growing Up Together

To Register:

<https://growinguptogether.org/>

(605) 280-1968



Customer Support:

Dawn Tassler (605) 280-1968

Classes/Prices:

\$20.00 per person

No one will be denied service due to inability to pay. There are no requirements to meet to have the fee waived.

Class Schedule:

3rd Tuesday of each month at 10:00 am and at 6:00 pm virtually

Language:

English

Other languages may be accommodated on a case-by-case basis

Location:

Pierre, South Dakota

Certificate of Completion:

Certificate will be provided after class is completed

CrossRoads of Parenting and Divorce

To Register:

<https://events.eventzilla.net/e/crossroads-of-parenting--divorce-2139090296>



Customer Support:

Shanna Moke (605) 370-4871

Melanie Vanderpol-Bailey (605) 680-5066

Classes/Prices:

\$100.00

No waivers or sliding fee available at this time

Class Schedule:

Every 2-3 months depending on class size

Language:

English only

Location:

Sioux Falls, South Dakota

Certificate of Completion:

Certificate will be provided after class is completed

SMILE Program

To Register:

<https://www.cssrapidcity.com/>



Customer Support:

(605) 348-6086

Classes/Prices:

\$20.00 for the course

Class Schedule:

One evening a week from 6:00 p.m. – 8:30 p.m.

Language:

English only

Location:

Rapid City, South Dakota

Certificate of Completion:

Certificate provided upon completion of class

Children 1st

To Register:

<https://www.children1st.net/>



Customer Support:

(712) 898-7186

Office hours: Monday, Wednesday, Friday 12:00 p.m. – 4:00 p.m.

Classes/Prices:

\$55.00

Reduced to \$25.00 if food stamp approved. Must provide copy of the food stamp approval letter, current and with registrant's name on it.

Class Schedule:

Available on the website

Language:

English

Spanish starting in October 2022

Location:

Sergeant Bluff, Iowa

Certificate of Completion:

Upon completion, the certificate will be mailed the next business day via United States Postal Service

Other Information:

ALL 2022 Classes will be presented live on ZOOM. Students will be required to register and pay in advance. Times and dates are as published on the website.

Students may not be in a restaurant or bar for the class. Students may not be in a car or in bed during the class. Students must have childcare for their children during the class.

Students must be live on the call at all times during the class. ***Anyone that leaves the meeting for any reason will be excused and have to retake, reregister, and pay another fee. This also applies to unruly students. Classes of five (5) students or less are subject to rescheduling. Students will be notified 24 hours in advance of any cancellation.

Young Children in Divorce and Separation: Children Beyond Dispute

To Register:

Call: (605) 271-6979

Email: kcournoyer@recoursesolutions.net

Customer Support:

Call: (605) 271-6979

Email: kcournoyer@recoursesolutions.net

<https://childrenbeyonddispute.com/parentsycids/>



Classes/Prices:

Classes are \$20 per parent for a 90-minute program

Parents that are currently receiving assistance through state aid programs are eligible for a sliding fee/waiver of class fees.

Class Schedule:

Individual in-person appointments are scheduled as allowed

Virtual appointments will be viewed at the parent's own pace and a discussion session will be scheduled individually with this provider (either virtually or in-person)

Groups are scheduled as membership reaches 6

Language:

English

Location:

Sioux Falls, South Dakota

Certificate of Completion:

Following class and discussion period a certificate will be provided to parents

Questions:

Are these approved by South Dakota courts? Yes

What age are the focus of parenting classes? YCIDS focuses mostly on ages 0-4 due to their vulnerability to impact of separation dynamics and importance of development and attachment needs of this age group.

Can this be done virtually? Yes, if appropriate for the family situation.