



South Dakota Paralegal Association

REPORTER

Vol. 29 | No. 1

SDParalegals.com 

Spring 2018

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Delinquent
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the **FACTS** & *Legal*
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President's Message

Jessica Huyck, ACP

Executive Committee

PRESIDENT

Jessica Huyck, ACP

Jessica.Huyck@SDState.Edu

1ST VICE PRESIDENT

Jennifer Frederick, CP

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NALA LIAISON

Melissa Wipf, ACP

MWipf@LynnJackson.com

I want to start off by taking this opportunity to thank the Executive Committee, the various committee chairs and members, and the SDPA membership as a whole for your support and dedication while I have served as President. It has been an honor to represent SDPA over the last year!

SDPA's Annual Seminar is right around the corner, and I hope you will join us at the Ramkota Hotel in Sioux Falls on Friday, June 22, 2018, for this great event. If you are not able to attend the seminar, I hope you will consider joining us via webinar.

Please take the time before the Annual Seminar to complete the committee preference form found herein for the upcoming year. Remember, it is only with the help of our amazing volunteers that our organization continues to flourish. I highly encourage everyone to become involved with SDPA and put your special talents to work within the organization.

If you have any feedback, questions, or concerns, please do not hesitate to contact me. Thanks so much for a great year!



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

Notice is hereby given that the annual meeting of the South Dakota Paralegal Association, Inc. will be held on **Friday, June 22, 2018, commencing at 11:15 a.m. CST at the Ramkota Hotel & Event Center, 3200 W. Maple Street, Sioux Falls, South Dakota.** The annual meeting will be held in conjunction with the SDPA Annual Seminar, to be given on June 22, 2018.

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

The slate of officers for the 2018-2019 term is as follows:

Jennifer Frederick, CP -- President
Vicki Blake, CP -- 1st Vice President
Jackie Schad, ACP -- 2nd Vice President
Victoria Swenson, CP -- Secretary
Bonnie Woolam, CP -- Treasurer
Courtney Vanden Berg, CP -- NALA Liaison

Dated this 4th day of May, 2018.

Jessica Huyck, ACP
SDPA President



Continuing LEGAL EDUCATION

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

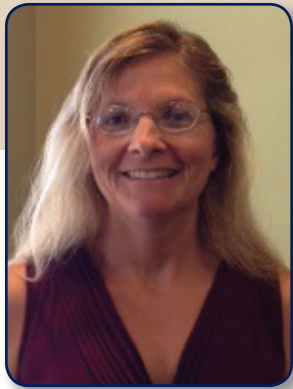
Click Here: [Self-Study Courses](#) [On-Demand Webinars](#)



Follow-Up

Last quarter's issue focused on Administrative Law, and included an article by Autumn Nelson, CP, entitled "Responding to an EEOC Charge of Discrimination." Part II is now available online at Goosman Law Firm's newest blog, "Paralegal Review."

Click [here](#) to read the follow-up article.



NALA Liaison's Report

Melissa Wipf, ACP

The National Association of Legal Assistants, our certifying board, approved a new structure for the Certified Paralegal examination effective January 2018. NALA also modified some policies and procedures based on best practices in credentialing programs, and they can be accessed [here](#). The Certifying Board works diligently to connect the Certified Paralegal exam directly to the day-to-day duties and responsibilities of paralegals in the workplace.

The online registration form for the paralegal exam can be accessed [online](#) if you are interested. Exam fees for first-time candidates are \$250 for NALA members and \$275 for non-members. As a reminder, SDPA does offer a scholarship each year to be paid to one of our members for passing the exam. Please refer to the NALA website for information regarding obtaining the Advanced Certified Paralegal designation, the areas of law covered, and the fees.

This year's NALA Conference will be in St. Louis, Missouri, from July 11-13, 2018. Information regarding the educational seminars and social events can be found on NALA's [website](#). Registration is still open; it's not too late to decide to participate in this educational event.

I want to thank you for allowing me the opportunity to serve as your NALA Liaison this past year. I have enjoyed working with and getting to know the members of the SDPA Executive Committee.

Area Luncheons

Brookings

The Brookings area paralegals meet every other month. Meeting times and locations are announced via email. For more information, please contact Jessica Huyck at Jessica.Huyck@SDstate.edu.

Volunteer Opportunities!

Aberdeen • Pierre • Rapid City • Sioux Falls

We need volunteers to coordinate area luncheons in Aberdeen, Pierre, Rapid City, and Sioux Falls. If you are interested or would like more information, please contact Jessica Huyck at Jessica.Huyck@SDstate.edu.

Newsletter Submissions

The SDPA Reporter is a quarterly publication. Submissions should be sent to: ReporterSubmissions@gmail.com by:

Jan. 31 Winter July 31 Summer
Apr. 30 Spring Oct. 31 Fall

Advertising

The following rates are per issue and include tax:

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

Inquiries: Jessi Stucke, CP
JStucke@rwsh.com

Calendar

May

- 30* **Issues Relating to Cybersecurity** 2pm
Incidents and Data Breaches
- 31* **Personal Injury Damages** 10am

June

- 20 **State Bar Convention ~ Ramkota Hotel, Sioux Falls**
Legal Potpourri:
• **Recent Changes to Attorney Conduct** 1-2pm
• **Attorney Discipline Rules**
• **How to Get Involved with** 2:45-3:45pm
Legal Services
- 21 **Early Bird:**
• **Ag Law Update** 6:40am
• **Family Law: Tax Reform & Alimony** 6:50am
• **Breach Notification Law** 7:00am
• **Legislative Update** 7:10am
• **Supreme Court Update** 7:20am
- Business Law:**
• **The Rules of Engagement** 8:15am
• **and Disengagement**
• **What Title Companies Want** 9am
• **Attorneys to Know**
• **The SOS on the POA: Don't Get Bit** 10am
• **by the Wolf in Sheep's Clothing**
• **2017 Tax Act Update** 10:45am
- General Litigation:**
• **What I Learned as a Judge that** 8am
• **I Wished I Knew as a Lawyer**
• **Finding & Solving Lien and** 9am
• **Subrogation Issues / Medicare Set Asides**
• **Conversation Matters** 10am
• **Unused Discovery Tools** 11:30am

Representing Mentally-Ill Clients in

Criminal Proceedings:

- **Improving Criminal Justice Responses** 1pm
• **Representation Overview, Tips** 1:05pm
• **and Best Practices**
• **Forensic Evaluations** 2pm
• **Client Interaction Panel** 3:30pm
• **Competency Restoration** 4pm

Red Mass 5:30pm
Cathedral of St. Joseph, Sioux Falls

SDPA Social TBD

- 22 **SDPA Annual Meeting & Seminar** 7:30am-5pm

July

- 1-31 **CP Exam Part 2: Skills Testing Window**

September

- 6* **Franchise & Distribution Law** 1pm
10* **Organization: The Silent Weapon** 11am
of an Effective Paralegal

*NALA Webinars, Central Time

Evictions: Steps to Remove a Delinquent Tenant

Valerie Winegar, CP

HAVE you ever received a phone call from a property manager and been asked to evict a tenant? How do you go about evicting someone? Keep reading and you will find out the steps for evictions.

Conflicts

After you receive the initial phone call from the property manager, run a conflict check on all parties, including the property management company and all tenants. Ask the property manager for a copy of the tenant's lease, their lease application, and the tenant ledger. Review the lease to determine all the tenants who have signed the lease. NOTE: If there is a co-signer or guarantor, run conflict checks on these individuals as well, as they will be named defendants in the lawsuit.

Notice to Quit

If there are no conflicts, you will be able to proceed with the eviction process. Ask the property manager if a 3-Day Notice to Quit has been served on all tenants (including co-signers and guarantors). If the tenants have not been served, a 3-Day Notice to Quit will need to be prepared and served on each. (See p. 16). If the tenants have been served, ask the property manager for copies of the Affidavits of Service. If the tenants have not vacated the premise on the fourth day after service of the 3-Day Notice to Quit, you can prepare the Summons and Complaint and file the lawsuit.

If you do not have a process server in your area, you can use the local Sheriff, who will provide you with a Sheriff's Return of Service once the tenant has been served.

Summons & Complaint

After you have received evidence of service, you can proceed with preparing the Summons and Complaint. You will need to determine all parties to the lawsuit. Beside the management company, if there is an apartment complex involved, that entity must also be named as a plaintiff. All tenants (over the age of 18), any co-signers, and

any guarantors will need to be listed as defendants. (See pp. 17-18).

Once the Summons and Complaint have been filed with the clerk's office, you will need to serve all defendants with a copy of these documents. Again, if you do not have a local process server, the Sheriff's department can serve the documents. Make sure you request separate Affidavits of Service for each defendant.

E-file the Affidavits of Service upon receipt from the process server or Sheriff's department. Tenants have four business days from date of service to answer the Complaint. Make sure you calendar that deadline.

Motion for Default Judgment & Order to Vacate










Prepare a Motion for Default Judgment and Order to Vacate, an Affidavit in Support of Motion for Default Judgment and Order to Vacate, a proposed Default Judgment and Order to Vacate, and a Certificate of Service. (See pp. 19-21).

On the fifth business day from the date of service, check with the property manager to see if he or she had any communication with the tenant(s).

If there has been no communication, file the Motion, Affidavit, and Certificate of Service with the Clerk's office, and mail copies to the defendant(s). Email copies of these documents, along with the proposed Default Judgment and Order, to the Judge for his or her review and signature. Ask the Judge to forward the signed Order to the Clerk's office for filing.

If the property manager did have communication with the tenant, that constitutes an Answer and a hearing is required. Request an eviction hearing through the Court Administrator's office, and ask for the name of the Magistrate Judge assigned. Prepare a Notice of Hearing. Provide a copy of these documents to the property manager. Ask him or her to attend the hearing and to bring the tenant's file with them.

Eviction Checklist

-  Notice to Quit
-  Affidavit of Service
-  Summons & Complaint
-  Affidavit of Service
-  Motion for Default Judgment & Order to Vacate
-  Affidavit in Support
-  Notice of Hearing
-  Exhibits
-  Special Execution
-  Application to Tax Costs, Disbursements, and Attorneys' Fees
-  Affidavit in Support
-  Notice of Entry

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Prepare the following documents as exhibits for the hearing:

- A: Lease Agreement
- B: Tenant Ledger
- C: Notice to Quit
- D: Affidavit of Service of Notice to Quit
- E: Affidavit of Service of Summons and Complaint

Special Execution

After you receive notification of the signed and filed Default Judgment and Order to Vacate, prepare a Special Execution. (See p. 22). Take the Special Execution, along with a copy of the signed Default Judgment and Order to Vacate, to the Clerk's office. This Special Execution gives the Sheriff the authority to remove the tenant(s) from the premises if they have not vacated the premises by the time specified on the signed Default Judgment and Order to Vacate. There will be a \$5.00 fee in order for the Clerk to execute the Special Execution.

Once the Special Execution has been signed by the Clerk, take the signed document to the Sheriff's office. Provide a copy of the signed Default Judgment and Order to Vacate to the property manager and ask him or her to coordinate the removal of the tenant(s) with the Sheriff.

Application to Tax Costs, Disbursements, and Attorneys' Fees

Prepare the application, along with an Affidavit of Costs, Disbursements, and Attorneys' Fees. File these documents with the Clerk and mail copies to the tenant(s).

Ten days after mailing the Application and Affidavit to the tenant(s), contact the Clerk's office and ask for the costs to be added to the Default Judgment and Order to Vacate. Once the costs have been added, the Clerk will file the completed Order. At that time, you can prepare and file a Notice of Entry of Default Judgment and Order to Vacate, and mail a copy to the tenant(s).

This completes the eviction process. If you have any questions, feel free to give Valerie a call at (605) 332-5999.

DID YOU KNOW ? SD SUPREME COURT UNIFIED JUDICIAL SYSTEM

CLICK: Calendar

This calendar provides a line-up of which appeals are being heard each month, whether oral or non-oral.

CLICK: Live Audio Sessions

Appeals set for oral argument are broadcast live. The calendar above indicates which appeals have been designated for oral argument, as well as the date and time of hearing. Recordings are available on the calendar following the hearing.

CLICK: Opinions

2006 through May 2018.

CLICK: Rules Hearings

Notices of hearing on proposed amendments, audio recordings of the hearings, and summary letters for rules amended or not amended, from 2010 to February 13, 2018.

CLICK: Rules

Amendment orders from 2001 to February 13, 2018.

CLICK: Summary Dispositions

2010 through April 2018.

CLICK: Record Searches

This page contains instructions for obtaining records of both criminal and civil cases (from 1989 and 2003, respectively), unless confidential or sealed, as well as active/inactive money judgments (20 year retention / from April 19, 2004.)

CLICK: Public Access Record Search

Criminal and Protection Orders.

From the Newsletter

Committee...Your Reporter has new features!

The **Calendar** now includes upcoming CLEs from SDPA, NALA, and the State Bar.

Good for You seeks to recognize members of our association who are contributing to the development of our profession.

USDLaw List Serve: SD Supreme Court Opinions

Provides highlight summaries from Roger Baron, Professor Emeritus, University of South Dakota, School of Law. Take a moment to familiarize yourself with our Supreme Court's most recent precedents.

Grammar Check! is a quick lesson addressing common mistakes. Feel free to submit your questions!

We hope you enjoy these new and improved sections - there are more to come! Please submit events, grammar questions, and recognitions [here](#).



NALA offers many resources for our members. If you do not subscribe to their newsletter, **Facts & Findings**, you can still access several free articles [here](#).

GOOD FOR YOU

Karen Armstrong, PP, PLS

Karen will be speaking at the upcoming Bar Convention in Sioux Falls. She and Lee Schoenbeck will present "Finding and Solving Lien and Subrogation Issues in Personal Injury Cases."

This CLE is scheduled to begin at 9:00 a.m. Thursday, June 21, 2018 at the Ramkota Hotel & Convention Center.



Autumn Nelson, CP

Goosmann Law Firm recently launched an addition to their blog circuit, entitled "Paralegal Review."

Autumn debuted the blog on April 25, 2018, with "Responding to an EEOC Charge of Discrimination: Part II," which continues from her article in March's SDPA Reporter. You can read her post [here](#). Part I is available on our [website](#) (p. 6).

USDLaw List Serve: SD Supreme Court Opinions

4/26/18 Giesen v. Giesen, 2018 S.D. 36: The appeal in this divorce action is focused entirely on the manner in which the trial court considered and treated marital assets, with the husband taking the appeal. In particular, Husband asserted three issues on appeal, which the Court affirmed in a unanimous ruling:

- The valuation of his three business interests;
- The valuation of a bank account on a date other than the date of divorce; and
- The decision to recapture into the marital estate the value of home improvements made to a third party's rental property.

5/18/17 Petersen v. S.D. Bd. of Pardons and Paroles, 2018 S.D. 39: Inmate in SD's Women Prison incurred additional felony convictions while incarcerated in prison (forgery X 2, identity theft, grand theft). Inmate's initial eligibility date for parole had been set for presumptive release in May, 2014. As a result of convictions for conduct while incarcerated, the parole board set new date of October, 2037. Inmate did not appeal. Two years later inmate, through her attorney, requested parole board to review parole date. The board **"summarily denied the request by letter."** Notice of appeal was filed in circuit court, but the court held that the summary dismissal letter was not an appealable ruling under SD's Administrative Procedure Act. The SD Supreme Court unanimously affirmed, but also recognized that the ruling on this matter **"does not in and of itself bar other viable, original actions she may have concerning her parole and confinement."**

Justice Jensen filed a concurring opinion pointing out that the computation of a presumptive parole date for sentencing in connection with offenses committed while in prison, pursuant to SDCL 24-15A-20, is significantly different than the presumptive parole date for other offenses under SDCL 24-15A-32. This concurring opinion speaks directly to SD's circuit judges:

"Sentencing judges are well versed in the presumptive parole grids set forth in SDCL 24-15A-32, but judges may wish to consider SDCL 24-15A-20 when imposing a sentence on an inmate convicted of a crime that occurred while incarcerated in the penitentiary."

5/18/17 Zwart v. Penning, 2018 S.D. 40: Drainage dispute. Neighbors reached an agreement under which neighbors on higher ground would **"build and maintain an independent tile line that would run across [lower] property if the system became overloaded."** Lower ground neighbor subsequently became dissatisfied (due to a flooding event) and disconnected the system, thereby causing pooling of water on higher ground neighbor's property. Higher ground neighbors sued. The trial court **"held in the [higher ground neighbor's] favor, awarding damages and an easement enabling the [higher ground neighbor] to install an independent tile line underneath [lower ground neighbor's] property."**

The damage award was based upon the **"separate and distinct"** theories of promissory estoppel and trespass. The Court unanimously affirmed the result but reversed

the trial court's holding as predicated upon the theory of trespass, stating:

"[N]o trespass occurred because [lower ground neighbor] did not cause water to enter the [higher ground neighbor's] land. Rather, the water was already on the land and [lower ground neighbor] simply caused it to remain there."

Decisions are available [here](#).

USDLaw is a list serve designed to facilitate discussion of matters of interest to South Dakota lawyers, law students, judges and others as may be permitted by discretion of the moderator, and is made available through the University of South Dakota. Professor Roger Baron, Professor Emeritus, University of South Dakota School of Law, launched USDLaw in 1997 and continues to serve as operator and moderator. Any views expressed on pending legislation or any other public or private matter are his personal views which do not reflect the views of the University of South Dakota. If you would like to subscribe, email the moderator [here](#).

Professor Baron is a 1976 graduate of the University of Missouri at Columbia School of Law. He practiced law in Missouri for nine years before beginning his teaching career. He is licensed in Missouri, Texas and South Dakota. Professor Baron retired in May 2015, having taught 25 years at USD's School of Law. His Civil Procedure course consisted of the entire class of first-year law students for the duration of their 1st year – three hours in the Fall and three hours in the Spring, with a comprehensive final exam given at the conclusion of the Spring Semester. His upper-level elective courses in Insurance and Family Law consistently drew high enrollments. He received the John Wesley Jackson Outstanding Faculty Award in 1995, 2008, and 2012.

Prof. Baron's book, "Cases and Materials on Family Law for the South Dakota Lawyer" is widely utilized by South Dakota attorneys and has been authoritatively cited by the SD Supreme Court. He gained national exposure in 1993 when his article on the Federal Parental Kidnapping and Prevention Act (PKPA) was cited and quoted extensively by the Michigan Supreme Court in its "Baby Jessica" decision. During the latter part of his career, Prof. Baron emerged as a national expert on ERISA subrogation matters and has participated in three U.S. Supreme Court proceedings.

Prof. Baron has authored numerous law review articles which have been cited and quoted with approval by state supreme courts and appellate courts in Alabama, Arkansas, California, Michigan, Missouri, New Jersey, North Carolina, North Dakota, Puerto Rico, South Dakota, Texas, Washington, West Virginia, Wisconsin, and Wyoming. On the federal level, his articles have been cited and quoted in written opinions handed down by U.S. District Courts in Nebraska, Illinois, New Jersey, and Washington. Prof. Baron's most recent law review article, "Providing a Dynamic Classroom Experience," was recently published by the South Dakota Law Review in Volume 61, Issue 1, and he is the subject of the issue's dedication.

LEGAL CHRONOLOGIES

Organizing the Facts & Tracking the Evidence

Jennifer X. Frederick, CP

TO be honest, until the last few years, I'd never really heard of a legal chronology or formally prepared one.

A chronology is simply a timeline of events, listed in chronological order, which we've probably all created before, whether for work projects or for social or personal events.

A legal chronology then, is a timeline of legally significant events. Most of us have probably considered the timeline of certain events in our cases, but perhaps we haven't gone that extra step of actually organizing it into one document.

In this article, I'd like to discuss doing just that.

Legal chronologies can be very helpful in a variety of different cases, but they work best with complex factual issues. Think about it—we almost never get a case with issues that are logically presented, in chronological order. But, when you take the time to organize things chronologically, the facts begin to form a sort of pattern, and then you can begin to think about the issues logically. Many suspicions can be discarded based solely on an objective review of the facts, which do not always make themselves clear when they are presented in a disorganized manner.

When we first take on a new legal matter, our clients generally bring in all their paperwork, usually in a somewhat disheveled pile, and we are tasked with reviewing, perhaps indexing, and definitely organizing it. Here is your first opportunity to transfer the information you review to a legal chronology. Memos are well and good, especially if you've been asked to report back on something specific, but they are limited in use. A chronology is broader, so it can be used as both an overview of the file and to hone in on specific issues. As the case progresses, you'll receive discovery information, deposition testimony, and perhaps expert reports. These are additional opportunities to update your chronology.

The information you put into a legal chronology can vary depending on the case and the relevant issues, but a basic chronology should have the following:

Heading

This is pretty straight forward. We use the case heading, the client case code we assign to it, the title "Chronology," and in the upper right-hand corner a date. The date is updated every time a change is made to the chronology, which serves as a reminder to the author (or anyone who adds to the Chronology) when the last update was made, so, for example, you know at a glance if the most recent production was added.

Dates

We divide everything out by year, and then break it down by day/month. So, the year is in larger, bold font, so that you can easily scroll through the years, and the day/month is in a standard size font.

Event

This is usually just a one-sentence statement of the event. Sometimes, if it's a more complicated issue, or if there is conflicting evidence about an event and the date on which it occurred, we'll put a few bullet points under the event description to further explain.

References

This can be in the form of titles, Bates numbers, exhibit numbers, deposition pages, etc. The idea is to tie the information in the chronology with some form of evidence that can be used at trial. When you first review a file, there are usually no Bates numbers, so using the title and page number of a document may be all you can do until Bates numbers are assigned, then you can plug those in.

Okay, so now you have a format to work with. What goes in it? Well, that depends.

If you're working on an estate dispute, you'll want to include the dates all estate documents were originally signed and updated. You'll want the dates of the creation of joint accounts, change of beneficiaries, and significant transfers of money or assets. In addition, you'll want to include the dates of any significant moves, medical diagnoses or issues, and the date of death. The above are some standard events that can go into a chronology, but you would need to customize the information to fit the specific issues in your case.

If you are handling an insurance dispute, you would want to include the dates of the insurance policies, the date of loss, the date of any estimates or adjustments, the date of denials, and any other important dates specific to the case.

Commercial disputes can also benefit from use of a chronology. You would want to include the dates of the creation of business relationships, business dealings and documents, the events showing the performance of business obligations by the parties, when the relationship broke down and ended, and important events or documents leading up to litigation.

continued on page 9 >>

AUDIT

Chair: Tasha Altmann, CP

Tasha.Altmann@MREnergy.com

Member: Paula Newman

No report.

ETHICS

Chair: Sue Jensen, ACP

Sue@MerkleLaw.com

Members: Dixie Bader, CLA

Jackie Schad, ACP

No report.

EDUCATION

Co-Chairs: Courtney Vanden Berg, CP

Courtney@JanklowAbdallah.com

Autumn Nelson, CP

NelsonA@GoosmannLaw.com

Members: Sarah Havlin, CP

Christi Weideman, ACP

Jennifer Frederick, CP

The Education Committee has been working hard to prepare for the Annual Seminar and Conference in June. We have secured speakers for a solid agenda and are now focusing on securing sponsors. If you, your firm, or anyone you know would like to sponsor the June Seminar, please reach out to the Education Committee and we will send you the 2018 sponsor form. Registration will open soon, so make sure to watch your email as it will be sent out within the next couple weeks.

We would like to remind everyone that the Education Committee is always looking for more members to help grow our seminars, so if you have any interest in working with us to grow our program, please consider joining us this June at the seminar and completing the committee form. The Education Committee is continually working on putting together great seminars with topics/speakers people enjoy, want to know more about, or are just looking for a refresher. Therefore, if you have topics, ideas, speaker recommendations, or ways to improve our seminars that will help us grow them for both our members and non-members, do not hesitate to reach out today.

Please email Courtney or Autumn with any questions, concerns, or recommendations as they come to you. We look forward to seeing you at the Annual Meeting and Seminar on June 22, 2018, in Sioux Falls. This will be one you don't want to miss!

JOB BANK

Chair: Laura Stewart

LStewart@FullerAndWilliamson.com

Members: Kayne Larimer, ACP

Jackie Schad, ACP

Abbreviated job postings are on page 11. Complete postings are available [here](#). If you are an employer or know of an employer seeking paralegals and/or legal staff, please contact Laura.

LIBRARY

Chair: Clara Kiley, CP

PCKiley@msn.com

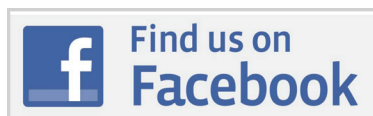
Happy Spring! The library has DVDs available from both 2017 seminars, as well as SDPA seminars from previous years. Soon after the June seminar, a DVD will be available to be checked out. Seminar DVDs may be checked out by members at a cost of \$35 plus postage and \$50 plus postage for nonmembers. No seminars DVDs have been checked out since my last report in February.

Books and other printed materials also may be checked out for the cost of postage to send the materials to the member.

The library has one copy of the CLA/CP Study Guide & Mock Examination, 2014, Fourth Edition. This has been checked out on a long term basis to lead a study group to prepare for the CLA/CP exam. I suggest that the association purchase another copy of the CLA/CP Study Guide & Mock Examination.

The library also has recordings of SDPA seminars from 1990 through 2004 that are on VHS, as well as two 2008 seminars on 8 mm tapes. I propose that the association consider disposing of these seminar recordings, as they are too old for anyone to use for re-certification purposes and few people still have the technology to utilize the recordings.

A complete list of seminar DVDs and other materials maintained in the SDPA library for the benefit of its members is available on the SDPA website. To check out materials, please email the librarian.



NOMINATIONS & ELECTIONS

Chair: Cindy E. Schmit, ACP

PetersonLaw@MidcoNetwork.com

Member: Jaela Schultz, CP

The officers elected to take office following the SDPA Annual Meeting on June 22, 2018, are as follows:

President: Jennifer Frederick, CP
1st VP: Vicki Blake, CP
2nd VP: Jackie Schad, ACP
Secretary: Victoria A. Swenson, CP
Treasurer: Bonnie Woolam, CP
NALA Liaison: Courtney Vanden Berg, CP

MEMBERSHIP

Chair: Christi Weideman, ACP

CWeideman@rwwsh.com

Members: Vicki Blake, CP

Janet Miller, CP

I am pleased to report that we have currently 103 SDPA Members. We had some challenges with members getting renewed by the January 31 deadline but are hopeful the process will be smoother next year under the new rules.

Please remember to update any change in your address, employment, phone, and/or email address so that we may provide you with timely notices of our newsletter, emails for area luncheons, seminars, and SDPA news. If you have any changes, please email or call me at 225.6310.

NEWSLETTER

Chair: Jessi Stucke, CP

JStucke@rwwsh.com

Members: Karen Armstrong, PP, PLS

Jennifer Frederick, CP

Nicole Mayer-McMillen, CP

Autumn Nelson, CP

Rebekah Nelson

Our committee held a brainstorming session last month to share ideas for future content in SDPA Reporter. We are excited to phase in these new features in upcoming issues. As always, if you have suggestions, requests, or would like to contribute materials, please send me an email - thank you in advance!

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PROFESSIONAL DEVELOPMENT

Co-Chairs: Cindy E. Schmit, ACP

PetersonLaw@MidcoNetwork.com

Chris Lillo, ACP

Chris.Lillo@WoodsFuller.com

Members: Vicki Blake, CP
Janet Miller, CP

SDPA has three scholarships:

- Student Scholarship, \$500;
 - CP Reimbursement Scholarship, \$250; and
 - APC Course Reimbursement Scholarship (2).
- Click [here](#) for applications and information.

The Professional Development Committee has been in contact with National American University regarding their paralegal program and the student scholarship. NAU is a non-PSI testing center for the CP Exam. If you are interested in taking the exam, additional information is available on NALA's website at nala.org.

PUBLIC RELATIONS

Chair: Diane Kerr, CP

Diane@RedstoneLawFirm.com

Members: Dixie A. Bader, CLA
Vicki Swenson, CP

SDPA held its annual "Cookies for Clerks" event again on Valentine's Day. Cookies were delivered to the Lincoln County Clerk, Minnehaha County Court Administration, and Minnehaha County Clerk of Court's offices. The Ribstein & Hogan Law Firm also delivered treats to the Brookings County Clerk of Courts, Register of Deeds, State's Attorney, and Sheriff's offices.

SDPA also donated 44 pounds of food and \$65 to the Feeding South Dakota Food Bank.

WEBSITE

Chair: Jessica Huyck, ACP

Jessica.Huyck@SDstate.edu

Members: Jaela Schultz, CP
Jessi Stucke, CP

We have continued to keep the website current with job listings and events as they are brought to our attention. If you have anything you would like included on the website, please contact our committee!

<< [continued from page 7](#)

In a criminal case, everything is based upon a timeline of events: the crime, and the actions of the victim, suspect, and witnesses. Here you might even add more detail by including what time certain events took place on a particular day. The victim, suspect, and witnesses would each have significant events to add to a chronology, as well as the results of any expert reports that contain facts relevant to the crime.

These are just a few ideas on what kinds of information to add to your chronology and a sample of cases you could use it in.

Chronologies, like everything else, can get bogged down with too much stuff and become inefficient, so it's important that you keep it updated when new information is obtained. If your client said something happened on a certain date, but after discovery, you find out it didn't happen or it happened on a different date—update the chronology. It's also important to remove facts no longer relevant to your case. New cases usually have developing legal issues, so put all the potentially relevant facts in the chronology. But, as soon as a legal theory is abandoned—update the chronology by removing all facts that relate to it.

Even the effort of keeping a chronology updated is beneficial because it serves as a silent reminder of the facts, which can help us identify inconsistent information quicker.

So, is it really worth all that work?

Yes! As paralegals, we work on several cases at a time, and there is no possible way to memorize all the information we review. Making several memos to the file isn't really efficient. But, having a summary of all the important events in one document can be a real time saver. When you review new production and something doesn't seem to fit with your memory of an event, you can pull up the Chronology and verify the date and the document you obtained the information from right away, rather than trying to remember to do it when you have time to dig through the records. It's much easier to see conflicting facts when you have them at your fingertips. And, when things do conflict, it's more evident what discovery needs to be done to figure it out.

As you can tell, after working with chronologies for a few years, I am a big fan because it gives me a place to put all the information I otherwise would have on notepads, sticky notes, or memos that I sometimes lose track of. There is even software for legal chronologies that tracks each author's entries and allows you to search the chronology by date, event, author, and to create mini-chronologies by entering a set of parameters specific to the information you want to see. I haven't grown to that level yet, but who knows, I might get there. For now, I hope some of the information I've shared on chronologies will be a benefit to you and another handy tool for use in your cases - a sample is included on page [23](#).

GRAMMAR CHECK!

Possessive Pronouns v. Contractions

Karen Armstrong, PP, PLS

ARE you befuddled when you must choose between a possessive pronoun and a contraction containing an apostrophe? It can be especially challenging when they are both pronounced the same way. (Here is your vocabulary lesson for the day: these words are called “homophones,” which means they have the same pronunciation, but differ in meaning.) Figuring out which word to use is often troublesome, but here is a little test you can use to determine which word is the proper word to use in your sentence.

Some of the most common (and confusing) examples are:

Possessive Pronoun	Contraction
<i>its</i>	it's (it is <u>OR</u> it has)
<i>their</i>	they're (they are)
<i>theirs</i>	there's (there is <u>OR</u> there has)
<i>your</i>	you're (you are)
<i>whose</i>	who's (who is <u>OR</u> who has)

A **contraction** is a word that takes the place of two other words. If letters are missing from a word, an apostrophe is used in place of the missing letters.

A **possessive pronoun** is a pronoun that shows ownership or possession. Their meaning is already possessive, so they don't contain an apostrophe (its, your, their). They do not need an apostrophe to show ownership (unlike nouns, which do need an apostrophe to show ownership (girl's dress, students' classes)).

The best way to figure out which word is the correct word for your sentence is to use a simple substitution test. If you can substitute *it is* or *it has*, *they are*, *there is* or *there has*, *you are*, or *who is* or *who has*, and it makes sense, use the contraction. If the substitution doesn't make sense, use the possessive form. Here is a little quiz for you:

- The mother cat was cleaning [**it's** or **its**] baby kittens.
(“Cleaning **it is** kittens” does not make sense, so use the possessive pronoun **its**.)
- [**It's** or **Its**] time to take the kittens to see the vet.
(“**It is** time to take the kittens” makes sense, so you would use the contraction **It's**.)

- [**They're** or **Their**] little paws are so cute!
(“**They are** little paws” doesn't make sense, so you would use the possessive pronoun **Their**.)
- [**They're** or **Their** or **There**] going to hate getting shots!
(“**They are** going to hate” makes sense, so you would use the contraction.)
Surprise! I gave you three options here, which are misused frequently. “**There**” is an adverb that means “in or at that place.” Example: “**They're** wrong — they left **their** books over **there**.”
- [**Theirs** or **There's**] is very old and sick; that's why they want a new kitten.
(“**There is** is very old” doesn't make sense, so you would use the possessive pronoun **Theirs**.)
- [**Theirs** or **There's**] a very good chance they will want two kittens.
(“**There is** a very good chance” makes sense, so you would use the contraction **There's**.)
- [**You're** or **Your**] sister said she may want to get a kitten.
(“**You are** sister said” does not make sense, so you would use the possessive pronoun **Your**.)
- [**Your** or **You're**] thinking you may want a kitten, I heard.
(“**You are** thinking” makes sense, so you would use the contraction **You're**.)
- [**Who's** or **Whose**] cat is in the garage?
(“**Who has** cat” doesn't make sense, so you would use the possessive pronoun **Whose**.)
- [**Who's** or **Whose**] had the most experience with raising cats?
(“**Who has** had” makes sense, so you would use the contraction **Who's**.)



Remember to use this simple substitution test and you'll always make the right choice!

Job Bank

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

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

LStewart@FullerAndWilliamson.com

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

LEGAL SECRETARY / PARALEGAL

Nooney & Solay - Rapid City

Litigation support. Filing legal correspondence, documents, and appeals; typing/drafting; and calendaring. Must be proficient in Word and Excel, strong typing/transcription skills, excellent organizational skills. Prior legal experience preferred, but not required. Competitive compensation DOE, benefit package included.

Cover letter and resume:
Attn: Sandi Olsen
Post Office Box 8030
Rapid City, SD 57709-8030
Sandi@NooneySolay.com

LEGAL ADMINISTRATIVE ASSISTANT - BUSINESS & FINANCE

Ballard Spahr - Sioux Falls

Preparing/managing steady load of legal documentation, organizing files, time entry, billing, travel logistics, and scheduling. Must be very organized, have superior technical skills, good communication skills, ability to demonstrate initiative and judgment, and work in fast-paced, team-oriented environment. Excellent time management skills and ability to prioritize efficiently and effectively. Technical proficiency in Microsoft Office and document management systems; time and billing experience, keen attention to details. Experience with FileSite and Elite 3E a plus. Two to five years' experience preferred. Excellent compensation package including comprehensive benefits and generous paid time-off program. Apply online [here](#).

LITIGATION PARALEGAL

Boyce Law Firm - Sioux Falls

Full-time paralegal for litigation practice with emphasis in medical malpractice and health law. Strong organizational, multi-tasking, and computer skills, able to maintain heavy workload. Excellent grammar, spelling punctuation, and attention to detail. Competitive compensation, benefits including generous 401K, profit sharing, health insurance, life insurance, professional dues, membership and paid attendance and expenses for continuing legal education.

Cover letter and resume:
Attn: Michele Benson
Post Office Box 5015
Sioux Falls, Sd 57117-5015
MLBenson@BoyceLaw.com

LEGAL ASSISTANT/PARALEGAL

**Christopherson, Anderson, Paulson & Fidler
Sioux Falls**

Focus on civil litigation and personal injury. Draft pleadings and motions, prepare and answer discovery requests, draft claimant demands, maintain client correspondence, trial preparation. Must have 3-5 years' experience in personal injury claims and working with insurance companies. Bachelor's or Associate's degree with paralegal certificate, ability to multi-task, operate in fast-paced environment, work well with a team, excellent oral and written communication skills, dependable to complete work in a timely, excellent, and thorough manner, ability to problem-solve, assertive and self-motivated, passion for serving others with excellence, high proficiency in Microsoft Office.

Cover letter and resume - Christopher L. Fidler:
Chris@CAPLaw.com

PARALEGAL

Clayborne, Loos & Sabers - Rapid City

Full-time paralegal or other experienced legal professional. Focus in business and litigation, including family and domestic relations. Great compensation package and benefits, including health insurance and retirement. Litigation experience including client communications, file organization, drafting pleadings and electronic filing. Dictation, transcription, and familiarity with Excel would be a plus; training available for the right candidate.

Cover letter and resume:
Attn: Donna Eixenberger
Post Office Box 9129
Rapid City, SD 57709-9129
DEixenberger@clsLawyers.net

PARALEGAL

Beardsley, Jensen & Lee - Rapid City

Full-time paralegal or legal assistant for busy civil litigation practice. Should possess strong organizational and computer skills, ability to multi-task and maintain heavy workload. Excellent grammar, spelling, punctuation, and attention to detail. Experience in drafting correspondence and pleadings, document management, knowledge of court rules, proficiency in e-filing, calendaring, and docketing. Compensation \$14-\$25/hour DOE, including full health, dental, vision, life, disability benefits, and profit sharing.

Cover letter and resume:
Attn: Tawnya Broyles
Post Office Box 9579
Rapid City, SD 57709-9579
TBroyles@BlackHillsLaw.com

PARALEGAL - ESTATE ADMIN

Thompson Law - Sioux Falls

Regular and frequent interactions with families following death of loved ones. Assists attorney in all aspects of administering trusts and estates. Inventory financial and real estate assets, file court documents, prepare and file deeds, prepare letters and documents, communicate with clients on progression of estate administration, research issues relating to trust assets and administration, assist in preparation of federal and state estate tax returns, serve as notary public. Extensive knowledge of Microsoft Office, strong organizational and time management skills, effective oral and written communication skills, diligent attention to details, priorities, deadlines and follow-through, ability to multi-task.

Cover letter and resume:
Joan@caThompsonLaw.com

BILLING SPECIALIST

Ballard Spahr - Sioux Falls or Minneapolis, MN

Responsible for all aspects of client bill preparation according to both client and attorney specifications, processing edits, printing and mailing invoices. Preparation and submission of electronic invoices, researching and resolving issues with same. Perform accounting support in cash receipts and accounts payable. Provide time and billing application support. Must be flexible to work overtime as needed during critical timeframes such as month-end and year-end. Strong computer skills, proficiency in Microsoft Office, basic understanding of Microsoft Access. Good organizational and analytical skills, able to multi-task, prioritize and handle deadlines. Must have high school diploma with basic understanding of accounting principles, and at least two years' legal or professional services billing experience. Apply online [here](#).

LEGAL SECRETARY

Barker Wilson - Rapid City

Part-time or full-time; legal experience preferred. Compensation DOE.

Cover letter and resume:
Attn: Michael A. Wilson
Post Office Box 1795
Rapid City, SD 57701-1795
MWilson@BarkerWilsonLaw.com



[CLICK HERE for COMPLETE INFORMATION](#)

MAY 2018
NALA will release new editions of the CP study materials to correspond with the new format launched this year.



Part 1

KNOWLEDGE Exam

Available year-round at PSI testing centers.
Contact your chosen testing center for availability.

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

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

- Candidates must wait at least 2 weeks after passing the Knowledge Exam to take the Skills Exam.

Part 2

SKILLS Exam

Candidates are eligible two weeks after passing the Knowledge Exam.

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

WRITING

- Grammar, Spelling & Punctuation
- Clarity of Expression

CRITICAL THINKING

- Reading Comprehension
- Analysis of Information
- Decision Making

Re-Testing

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



Self-Study / Web-Based

Online course module, detailed exercises and assessment

[CLICK HERE for COMPLETE INFORMATION](#)

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

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



NALA is in the process of converting courses to a new online course platform. The following focus areas available as of May 20, 2018:

- **BUSINESS ORGANIZATIONS:** Incorporated Entities
- **CALIFORNIA ADVANCED SPECIALIZATION IN DISCOVERY**
 - **CRIMINAL LITIGATION**
 - **DISCOVERY**
 - **E-DISCOVERY**
 - **FAMILY LAW:**
 - Adoption & Assisted Reproduction
 - Child Custody, Child Support, Visitation
 - Dissolution Case Management
 - Division of Property & Spousal Support
 - Adoption & Assisted Reproduction
 - **REAL ESTATE:**
 - Land Use
 - Principles
 - **TRIAL PRACTICE**

Returning Soon:

BUSINESS ORGANIZATIONS: Non-Corporate Entities

COMMERCIAL BANKRUPTCY

CONTRACTS MANAGEMENT

ESTATE PLANNING

PERSONAL INJURY

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

TRADEMARKS

Annual Meeting & Seminar: AGENDA / REGISTRATION

FRIDAY, JUNE 22, 2018
RAMKOTA HOTEL & EVENT CENTER
3200 W. MAPLE STREET
SIOUX FALLS, SD 57107

<i>Time</i>	<i>Agenda</i>	<i>Speakers</i>
7:30-8:00 AM	Registration & Breakfast	
8:00-9:00 AM	<i>Mediation – Drafting a Great Mediation Statement</i>	Lon Kouri, May & Johnson, PC
9:00-9:10 AM	Break	
9:10-10:10 AM	<i>Adoptions – Role of the Paralegal</i>	John Hughes, Hughes Law Office
10:10-10:15 AM	Break	
10:15-11:15 AM	<i>Technology Tips and Tricks – Improving Multi-Tasking</i>	Open Forum led by Jessi Stucke, CP
11:15 -12:15 PM	<i>SDPA Annual Meeting</i>	<i>SDPA Executive Committee</i>
12:15-1:15 PM	Lunch	
1:15-2:15 PM	<i>Estate Planning - Preparing Clients & Non-Standard issues</i>	Mandy Gaikowski, Estate Planning Solutions
2:15-2:25 PM	Break	
2:25-3:25 PM	<i>Ethics: Attorney - Client Privilege</i>	Thomas Welk, Boyce Law Firm, LLP
3:25-3:35 PM	Break	
3:35-4:35 PM	<i>Marsy's Law – Impact and Implementation</i>	Kelli Peterson, Minnehaha County State's Attorney's Office

REGISTRATION FORM

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

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

Webinar Fee Enclosed: _____ Member \$65 _____ Non-Member \$85 _____ Student \$30

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

Firm: _____ Email: _____

Address: _____

Telephone: _____ Thursday Social: ____ Yes ____ No ____ Maybe

Send registration form and payment to Jen Frederick, CP, P.O. Box 1325, Watertown, SD 57201, **by Friday, June 8, 2018**. Make checks payable to **SDPA**. To cancel your registration, please contact Jen Frederick at (605) 886-0010 or at jen@schoenbecklaw.com. Cancellations received on or before June 8, 2018, will receive a full refund. **Two room blocks are available:** 1) The Ramkota Hotel, 3200 W. Maple St., Sioux Falls, SD (605-336-0650), under the SD State Bar, \$109.99 per night for a room with 2 queen beds. The deadline to reserve your room is **Friday, June 8, 2018**. 2) The Dakotah Lodge, 3200 Russell St., Sioux Falls, SD (605-332-2000), under SDPA, \$127.40 per night for a room with 2 queen beds or 1 king bed. The deadline to reserve your room is **Wednesday, May 21, 2018**. **PLEASE NOTE** different deadlines for room blocks, and book early.

Continuing legal education credit from NALA required to maintain the Certified Paralegal credential has been approved for this seminar for 6 hours of CLE credit, which includes 1 hour of ethics credit and 1 hour non-substantive credit.

SDPA Guidelines for Reimbursable Expenses

In support of the services provided by its members, SDPA will reimburse reasonable expenses incurred by its members during SDPA related business. SDPA assumes and encourages individuals to use their best judgment and be good stewards of SDPA's resources when traveling and spending money in support of SDPA related business.

In accordance with Article VIII of SDPA's Bylaws, "persons may be reimbursed for out-of-pocket expenses in connection with association-related activities, provided the expenses are covered by the budget approved by the membership or as approved by a majority vote of the Executive Committee." Those members seeking reimbursement must submit itemized receipts to the Treasurer, who shall promptly review and provide reimbursement as warranted. If the Treasurer is presented with reimbursement requests that fall outside the following guidelines, the request shall be presented to the Executive Committee, along with an explanation of the expense in question. The Executive Committee has the option of assigning a Special Committee to investigate any disputed expenses, and to make recommendations to the Executive Committee, along with their findings. The Executive Committee shall decide the matter by majority vote, and in compliance with SDPA's Bylaws, NALA's Bylaws, and Roberts Rules of Order, if applicable.

NALA Membership and NALA Conference & Expo Reimbursement

SDPA will reimburse the *NALA Liaison* and the *SDPA President* for:

- NALA membership fee for the year *for the NALA Liaison only*, so long as the fee is not covered by the employer. The membership must be obtained at least 4530 days prior to the NALA Conference & Expo, and ~~should be~~ obtained before registering for the NALA Conference & Expo, as ~~there is a~~ difference in rates for members and non-members of NALA.
- NALA Conference ~~& Expo~~ registration fee.
- NALA Conference ~~& Expo~~ expenses, which may include:
 - Mileage to the conference or airport if driving a privately owned vehicle, to be reimbursed at the rate set by the State Board of Finance for use of a privately owned vehicle (currently \$0.42/mile);
 - Airfare, including public transportation to and from the airport to the hotel;
 - Baggage fees;
 - Hotel expenses, not to exceed one (1) room each at the nightly rate advertised in the NALA Conference & Expo brochure and not to exceed three (3) nights, unless approved by the Executive Committee;
 - Meals (including alcoholic beverages), up to \$50/day, so long as the meals are not included with the conference registration fee; and
 - Promotional items for the NALA Affiliate's Table including the cost of shipping materials to and from the conference. Any expense for promotional items will be covered by the Public Relations Committee's budget.

Whenever possible, the Treasurer shall pay for expenses ahead of time using SDPA's debit card. All other expenses shall be submitted to the Treasurer with receipts accompanying the request for reimbursement. These guidelines may be modified in writing by the Executive Committee, upon a majority vote, and in compliance with SDPA's Bylaws, NALA's Bylaws, and Roberts Rules of Order, if applicable.

Committee Selections: 2018-2019

AUDIT

The Audit Committee shall be composed of at least two active members, one of whom is preferably a past Treasurer, whose purpose is to audit the Treasurer's books as of the close of the fiscal year prior to the annual meeting.

EDUCATION

This committee shall plan seminars and workshops and work with NALA, the State Bar, and other organizations, in the event of co-sponsorship of any programs. The committee shall be responsible for fulfilling the educational requirements under Article VI of [SDPA's] bylaws, and its Chairperson shall report such educational meetings to the NALA Liaison.

ETHICS

This committee shall investigate and report any violations of South Dakota Supreme Court Rule 97-25 or the Code of Ethics adopted by SDPA to the Executive Committee for appropriate action, including a member's censure, expulsion, or discipline.

FINANCE

This committee is chaired by the Treasurer and is responsible for preparing a budget for the ensuing fiscal year, to be submitted to the Executive Committee prior to presentation at the semi-annual meeting, and adopted by the membership at the semi-annual meeting.

JOB BANK

This committee shall maintain a listing of jobs available to legal assistants in South Dakota as provided by prospective employers.

LIBRARY

The librarian shall be responsible for maintaining a library of books, magazines, articles, publications, video and cassette tapes, NALA's Facts & Findings and Career Chronicles, SDPA newsletters, and other written materials related to the legal assistant profession. The librarian shall provide the materials or copies for a fee set by the Executive Committee.

MEMBERSHIP

This committee shall be charged with the responsibility of developing programs to encourage membership in the association. The Membership Chairperson is responsible for determining if the applicant meets the qualifying criteria for membership and for notifying the prospective applicant of their acceptance/rejection of membership. The Membership Chairperson is responsible for keeping a current membership roster in conjunction with the Treasurer.

NEWSLETTER

This committee shall publish and distribute the association's newsletter at least quarterly, or more often if directed by the Executive Committee.

NOMINATIONS & ELECTIONS

The President shall appoint a Nominations and Elections Committee consisting of a chairperson and three active members at least sixty (60) days prior to the annual meeting. The Nominations and Elections Committee shall present a slate of officers

to the membership thirty (30) days prior to election and perform such other duties as are required under [SDPA's] bylaws. No name shall be on the slate without the consent of the candidate.

PARLIAMENTARIAN

The Parliamentarian shall attend all meetings, as referenced in Section 1 and Section 2 of Article VI, and give opinions on parliamentary procedures upon request of the President. This officer shall be familiar with the association bylaws, NALA bylaws, shall receive all proposed bylaw amendments, and prepare standing rules and amendments to standing rules and bylaws upon request of the Executive Committee.

PROFESSIONAL DEVELOPMENT

This committee shall read and report current case law involving legal assistants of the NALA Professional Development Committee. In addition, the committee shall promote local professional involvement with the legal community.

PUBLIC RELATIONS

This committee shall develop programs to promote good relations with the legal community and the public, prepare promotional material for publication, and arrange for radio and television programs or in any other media that would benefit SDPA.

WEBSITE

This committee shall maintain the website for the association and also respond to any inquiries by members or nonmembers that are posed through the website.



South Dakota Paralegal Association, Inc.

Founded in 1989

2018-2019 COMMITTEE PREFERENCE FORM

Please mark your first, second, and third choices of which committee you would be interested in serving on for SDPA during 2017-2018. A summary of the duties of each committee is in the SDPA Bylaws.

<input type="checkbox"/> Audit	<input type="checkbox"/> Membership	<input type="checkbox"/> Public Relations	<input type="checkbox"/> I have no preference and am willing to serve on any committee.
<input type="checkbox"/> Education	<input type="checkbox"/> Newsletter	<input type="checkbox"/> Website	
<input type="checkbox"/> Ethics	<input type="checkbox"/> Nominations & Elections	<input type="checkbox"/> I prefer to remain on the same committee(s) for which I served in 2017-2018:	
<input type="checkbox"/> Finance	<input type="checkbox"/> Parliamentarian		
<input type="checkbox"/> Job Bank	<input type="checkbox"/> Professional Development		
<input type="checkbox"/> Library			

PLEASE FORWARD
BY **JUNE 15, 2018** TO:

Jennifer X. Frederick, CP
Schoenbeck Law, P.C.

Redlin Art Center
1200 Mickelson Drive, Suite 310
Watertown, SD 57201

Jen@SchoenbeckLaw.com

NAME: _____

EMAIL: _____

NOTICE TO QUIT AND VACATE

TO: Name
Address, Apt #
City, SD ZIP

NOTICE IS HEREBY GIVEN, that pursuant to SDCL §21-16, you are to quit and vacate the premises at address, apt #, City SD ZIP, *within three (3) days after your receipt of this Notice.*

Should you fail to vacate the premises within three (3) days, the landlord may, at its option, resort to any and all legal remedies provided by law, including eviction proceedings, judicial process to compel involuntary removal of you and your property from the premises, retention of a landlord's lien on personal property now located on the property, and any and all other remedies including recovery of costs and attorney's fees as provided by law.

This Notice specifically reserves and in no manner waives your remaining obligation to pay rent for the period you have occupied the premises, and any and all other remedies the landlord may have should you fail to return the premises in good and clean condition. You are hereby requested to remove yourself and your belongings as soon as possible, and in all events within three (3) days after your receipt of this Notice.

Dated this ____ day of Month, 2018.

PROPERTY MANAGEMENT ENTITY

By: Manager Name
Its: Manager

STATE OF SOUTH DAKOTA:

IN CIRCUIT COURT

SS
COUNTY OF MINNEHAHA:

SECOND JUDICIAL CIRCUIT

OWNER and PROPERTY MANAGEMENT CO.,

00 CIV. 18-0000

Plaintiffs,

vs.

COMPLAINT

TENANT and TENANT,

Defendants.

Come now the Plaintiffs, Entity, and Entity (collectively, "Plaintiffs"), and for their Complaint against Defendants, Name and Name (collectively, "Defendants"), states and alleges:

1.

Entity is the owner/landlord and Entity is the property management company/agent of the leased premises located at Address, City, ST ZIP (the "Leased Premises"), pursuant to a Lease Agreement dated date between Plaintiffs, as landlord/agent, and Defendants, as tenants (the "Lease Agreement"). A true and correct copy of the Lease Agreement is attached hereto as Exhibit A and is incorporated by reference herein.

2.

Defendants have failed to pay rent, their rights to occupy the Leased Premises have been terminated and Defendants are occupying the Leased Premises against the will and rights of Plaintiffs.

3.

This Court has jurisdiction over this matter pursuant to SDCL §15-5-6 and §21-16-3.

4.

By a Three (3) Day Notice to Quit and Vacate, dated date, Defendants were notified that they were required to deliver possession of the Leased Premises to Plaintiffs. A true and correct copy of the Three (3) Day Notice to Quit and Vacate is attached hereto as Exhibit B and incorporated by reference herein.

5.

The Three (3) Day Notice to Quit and Vacate was served by Server/County Sheriff on date upon Defendants pursuant to SDCL §21-16-2. A true and correct copy of each Affidavit of Service is attached hereto as Exhibit C and incorporated by reference herein.

6.

Defendants have failed to vacate the Leased Premises. Plaintiffs therefore maintain this action under SDCL §21-16-1 (14).

7.

Defendants owe Plaintiffs the amounts due as follows:

- a. Delinquent rent payments, if any;
- b. Pro-rated rent until Defendant vacates the Leased Premises;
- c. Late fees, if any;
- d. Payments for utilities for which Defendant is responsible for pursuant to the Lease Agreement, if any;
- e. Other fees, if any;
- f. Damages and clean up costs in an amount to be determined at trial;
- g. Attorney's fees in an amount to be determined at trial; and
- h. Service fees and other costs in an amount to be determined at trial.

WHEREFORE, Plaintiffs respectfully requests the following relief:

1. A Judgment requiring Defendants to immediately vacate the Leased Premises and to deliver said possession to Plaintiffs;
2. A Judgment ordering the Clerk of this Court to issue a Writ of Execution directed to the Minnehaha County Sheriff requiring him to carry out this Court's Order to evict Defendants from the Leased Premises and to remove their property therefrom;
3. A Judgment in favor of Plaintiffs, against Defendants, awarding Plaintiffs their costs and disbursements herein, including court costs and attorney's fees and disbursements;
4. A Judgment in favor of Plaintiffs for past due rent, late fees, utilities, interest and other costs due and owing on the Leased Premises, plus daily interest accrual to the date of judgment, plus pro-rated rent until the date of eviction of Defendants; and
5. Such other and further relief as this Court may deem just and equitable.

Dated this ____ day of _____, 2018.

Attorney's Signature Block

STATE OF SOUTH DAKOTA: SS
COUNTY OF MINNEHAHA:

IN CIRCUIT COURT

SECOND JUDICIAL CIRCUIT

OWNER and PROPERTY
MANAGEMENT CO.,

00 CIV. 18-0000

Plaintiffs,

VS.

**MOTION FOR DEFAULT JUDGMENT
AND ORDER TO VACATE**

TENANT and TENANT,

Defendants.

Plaintiffs, by and through **their** attorneys of record, moves the Court for an Order directing entry of a Default Judgment and Order to Vacate in **their** favor in this action against Defendants, for the relief as contained in Plaintiffs' Complaint on file herein. This Motion is made on the grounds that Defendants **have** failed to answer Plaintiffs' Complaint and that the time allowed for answering has expired.

This Motion is based on the records and files in this case and on the Affidavit in Support of Motion for Default Judgment, filed herewith.

Dated this _____ day of _____, 2018.

Attorney's Signature Block

STATE OF SOUTH DAKOTA:
SS
COUNTY OF MINNEHAHA:

IN CIRCUIT COURT

SECOND JUDICIAL CIRCUIT

OWNER and PROPERTY MANAGEMENT CO.,)

Plaintiffs,)

vs.)

TENANT and TENANT,)

Defendants.)

00 CIV. 18-0000

**AFFIDAVIT IN SUPPORT OF
MOTION FOR DEFAULT JUDGMENT
AND ORDER TO VACATE**

STATE OF SOUTH DAKOTA)
:SS
COUNTY OF MINNEHAHA)

Attorney, being first duly sworn on oath, deposes and says:

1. I am one of the attorneys for the Plaintiffs.
2. I make this affidavit in support of the Motion for Default Judgment and Order to Vacate.
3. Defendants were served with a Notice to Quit & Vacate on Date, as shown by the Affidavit of Service attached as Exhibit C to the Complaint on file herein.
4. Defendants were served with the Summons and Complaint on Date, as shown by the Affidavit of Service attached hereto as Exhibit A and incorporated herein by reference.
5. More than five (5) days have elapsed since personal service of the Summons and Complaint and no answer or pleading has been received and Defendants are now wholly in default as they have failed to appear or otherwise answer.
6. Upon investigation, Defendants are not in the military service of the United States at the time of execution of this Affidavit, or for 367 days prior thereto. A true and correct copy of the results of the Department of Defense search is attached as Exhibit B and incorporated herein by reference.
7. Plaintiffs have incurred the following costs:

Delinquent Rent (Month(s) 2018)	\$Amount
Pro-rated Rent (Month 1 - Date, 2018)	\$Amount
Late Fees	\$Amount
Utilities	\$Amount
Attorneys' Fees	\$Amount
Service Fee (Notice to Quit)	\$Amount
Total	\$Amount

8. Plaintiffs requests that the Court grant a Default Judgment in favor of Plaintiffs and against Defendants, and award Plaintiffs the relief requested in their Complaint.

Dated this ____ day of _____, 2018.

Attorney

Subscribed and sworn to before me
this ____ day of _____, 2018.

My commission expires: _____

Notary Public/South Dakota

STATE OF SOUTH DAKOTA:
 COUNTY OF MINNEHAHA: SS

IN CIRCUIT COURT

SECOND JUDICIAL CIRCUIT

OWNER and PROPERTY MANAGEMENT
 CO.,

00 CIV. 18-0000

Plaintiffs,

vs.

TENANT and TENANT,

Defendants.

**DEFAULT JUDGMENT
 AND ORDER TO VACATE**

A Complaint having been filed with this Court and the Defendants having defaulted by failing to answer said Complaint, and the Court expressly determining that there is no just reason for delay in entry of Judgment, it is hereby

ORDERED, ADJUDGED AND DECREED that Plaintiffs are hereby awarded judgment against Defendants in the total amount of \$Amount, which represents the following:

Delinquent Rent (Month(s) 2018)	\$Amount
Pro-rated Rent (Month 1 – Date, 2017)	\$Amount
Late Fees	\$Amount
Utilities	\$Amount
Service Fee (Notice to Quit)	\$Amount
Total	\$Amount

ORDERED, ADJUDGED AND DECREED that Plaintiffs have judgment against Defendants for Plaintiffs' costs, disbursements, and attorneys' fees, to be taxed and inserted by the Clerk in the sum of \$_____;

ORDERED, ADJUDGED AND DECREED that Defendants and all others occupying the rental property located at Address, Apt #, City ST ZIP, South Dakota, (the "Leased Premises") shall vacate the Leased Premises and remove therefrom all of their property by Month ____, 2018, at 11:59 a.m. Central Standard Time; and it is further

ORDERED, ADJUDGED AND DECREED that this Court issue a Writ of Special Execution directed to the Sheriff of Minnehaha County requiring him to carry out this Court's Order to evict Defendants and all others from the Leased Premises and to remove their property therefrom if Defendants or any others do not vacate the Leased Premises by the date set forth above.

BY THE COURT:

Honorable Judge Name

STATE OF SOUTH DAKOTA:

IN CIRCUIT COURT

SS
COUNTY OF MINNEHAHA:

SECOND JUDICIAL CIRCUIT

OWNER and PROPERTY
MANAGEMENT CO.,

00 CIV. 18-0000

Plaintiffs,

vs.

SPECIAL EXECUTION

TENANT and TENANT,

Defendants.

THE STATE OF SOUTH DAKOTA TO THE MINNEHAHA COUNTY SHERIFF'S OFFICE,
GREETINGS:

WHEREAS, on the ____ day of ____, 2018, an Order to Vacate was rendered in the above-entitled action, against Defendants requiring that delivery of possession to Plaintiffs be made of the premises as of Date, at 11:59 a.m. CST, and Plaintiffs be placed in possession of the premises described as Address and Apt. #, City ST ZIP, and that a special execution be issued directing the Sheriff to effect the possession of said premises to Plaintiffs and further evict Defendants and any others therefrom.

NOW, THEREFORE, you, the Sheriff, are hereby commanded and directed to execute said Judgment by placing Plaintiffs in immediate possession of said premises as of Date, at 12:00 p.m. CST, and to evict Defendants and any others therefrom, and to require Defendants and any others to remove all personal property, and to make the due return of this execution with a report of what has been done, endorsed thereon within the statutory period as made and provided in such case.

WITNESS, the Clerk of said Court, the seal of this Court and the hand of the Court at ____ in Minnehaha County, South Dakota, this ____ day of ____, 2018.

BY THE COURT:

Clerk

4/11/18

SUSIE BUSINESSLADY
AND BUSINESSLADY CARPETS
vs.
GUY WORKALOT
AND WORKALOT CARPETS, INC.
#1111-18

CHRONOLOGY

2011

- 1/3 Guy's son starts carpet business in Brookings. (Sec. St. records, pg.5)
- 6/1 Guy's son incorporates Workalot Carpets, Inc., and lists Guy as a registered agent. (Sec. St. records, pg.10)

2014

- 1/9 Susie hires Guy as manager of her Sioux Falls location. (PL 2)
- 2/1 Guy signs non-compete agreement—2 year period. (PL 4-8)
- Non-compete restricts Guy from starting a carpet business within 100-mile radius.
- 7/25 Business P&L shows negative income of \$15,000. (PL 20)
- 8/1 Guy buys new boat. (DEF 48)
- 9/30 Business P&L shows negative income of \$12,000. (PL 31)
- 10/15 Guy takes family on 10-day cruise. (DEF 71)

2016

- 4/30 Business P&L shows negative income of \$5,000. (PL 62)
- 9/30 Business P&L shows negative income of \$7,000. (PL 70)
- 11/1 Guy buys Corvette. (DEF 76)
- 12/1 Guy sends Susie letter of resignation. (PL 88)

2017

- 7/5 Guy joins son's carpet business and opens location in Vermillion. (PL 115)

WORDFIND

~ Back to the Basics ~

E	K	P	F	C	R	D	N	T	L	E	U	G	V	K	C	H	E	J	D	M	I	P	B	Q	F
H	M	B	I	Q	L	G	S	F	A	R	O	T	C	I	L	E	D	I	R	A	P	R	L	O	U
O	A	T	G	B	H	U	P	B	O	K	V	M	X	H	R	I	N	H	G	K	C	S	N	H	T
L	X	D	Y	N	Y	M	E	W	J	Q	F	I	D	S	O	F	O	R	U	M	W	Y	Z	V	E
C	R	V	Z	F	X	L	K	Y	C	Y	N	H	P	X	E	L	U	N	X	N	T	F	J	M	K
N	J	E	W	S	D	P	A	R	B	U	L	E	P	R	K	C	Y	E	U	B	O	I	A	P	Y
X	Y	U	P	G	A	K	I	W	R	G	K	V	I	R	T	G	I	V	H	Q	L	G	R	V	S
I	K	D	M	T	B	D	S	Z	S	Q	F	O	H	L	O	Q	F	M	Y	H	K	Z	N	X	D
Q	P	W	I	R	C	U	A	N	E	U	R	J	S	U	D	C	O	D	I	P	C	S	E	Y	N
P	G	R	T	E	J	Y	X	Y	P	C	L	W	N	A	H	R	E	Q	U	I	T	Y	U	O	I
Y	X	P	I	M	F	Q	V	G	O	T	C	S	E	Q	N	C	V	D	X	G	M	W	T	H	Q
Q	B	S	G	V	Z	B	T	U	X	M	I	H	Z	E	X	J	W	E	U	B	U	L	F	R	C
K	V	J	A	O	A	W	R	E	G	B	Z	D	I	G	V	Y	A	T	O	R	I	D	H	P	V
E	T	H	T	Q	K	T	H	Y	K	N	H	J	T	S	Z	G	Z	I	Q	P	A	S	J	A	N
P	W	D	E	U	S	I	E	C	W	F	A	P	I	H	B	Q	L	F	U	C	R	L	V	K	J
F	O	M	Z	C	T	J	O	L	L	Z	T	W	C	O	M	K	R	E	M	O	V	A	L	M	X
X	N	G	Z	S	A	W	F	Y	A	X	J	G	F	C	J	P	U	B	N	H	W	T	L	A	G
C	W	I	V	E	R	N	N	Z	G	W	D	U	O	X	M	H	Y	F	J	C	S	P	D	V	W
T	A	Z	P	O	L	U	X	B	Y	O	S	N	Y	L	A	S	N	V	A	O	U	Q	K	B	S
R	N	J	M	B	Z	M	I	Q	R	U	M	Z	T	E	Z	Q	G	Z	J	X	B	F	H	N	E
B	Y	S	F	X	H	G	O	D	A	V	F	A	I	Y	B	Z	L	D	Y	R	S	S	A	U	Q
Z	L	V	D	W	T	A	V	S	M	W	R	I	S	U	P	J	A	V	E	M	T	O	T	I	L
J	X	O	Q	C	N	P	R	E	O	G	C	Z	R	S	C	W	F	I	N	B	A	K	R	D	P
T	P	R	E	P	O	N	D	E	R	A	N	C	E	O	F	E	V	I	D	E	N	C	E	B	Q
D	W	U	K	S	V	F	T	C	T	U	J	T	V	B	H	S	T	D	O	W	T	H	M	O	F
Z	G	H	B	O	A	X	B	M	I	Q	A	F	I	K	R	Q	A	P	L	G	I	S	C	Q	A
M	U	L	R	L	V	L	E	J	Z	R	H	W	D	O	M	U	N	K	R	F	V	E	I	Y	T
B	Y	J	C	P	I	Z	K	D	E	P	V	G	E	L	I	S	P	E	N	D	E	N	S	J	M
Q	E	N	D	V	O	C	G	W	Y	B	L	S	I	R	K	B	I	J	X	Y	L	B	W	R	D
X	K	L	M	S	J	I	L	H	N	X	K	A	Q	D	Y	T	M	O	C	S	A	P	L	V	I
K	T	A	W	G	Q	B	U	A	F	M	C	O	W	Z	F	P	L	A	U	Q	W	M	T	A	X
F	J	I	L	Z	E	R	P	D	W	A	L	L	A	R	U	T	A	N	D	T	I	G	F	W	S
I	H	Z	X	C	Y	O	A	W	Z	S	U	E	N	M	B	S	E	V	R	J	A	O	C	U	L

1. The location or type of court.
2. Unchanging rules of conduct discovered only by the rational intelligence of humankind.
3. A remedy that provides an order to perform or not perform an act.
4. The laws the deal with relationships between people.
5. Establishes methods of enforcing substantive laws.
6. Laws that regulate, define, and establish legal rights and obligations.
7. The transfer of another matter from a state court to a federal court.
8. Parties domiciled in different states.
9. Specialized courts with limited jurisdiction.
10. The relationship between persons and their government.
11. To reduce debt by means of regular periodic payments, including amounts applicable to both principal and interest.
12. Regulations, ordinances, rules, or laws adopted by a corporation or association for the regulation of its own actions and the rights and duties of its members among themselves.
13. A warning notice that title to property is subject in litigation and anyone who would buy the property gets it with legal "strings attached."
14. To render less painful or severe.
15. Equal fault or equal guilt.
16. Greater weight of evidence or evidence that is more credible and convincing to the mind. That which best accords with reason and probability.

Definitions adapted from NALA Manual for Paralegals and Legal Assistants, 6th Ed.

Answer Key: SDParalegals.com/Newsletter.html

Recipe

Lemon Ice Cream

Serves: 6

Prep Time: 20 min.

Oven Temp: N/A

Ingredients:

- 9 tbsp lemon juice, freshly squeezed
- 2 tsp lemon zest, finely grated
- 1 c. sugar
- 1 c. whole milk
- 1 c. heavy cream
- $\frac{1}{8}$ tsp salt

Optional:
Top with fresh fruit!

Freezer Life:
One week.

Instructions:

1. Combine lemon juice, lemon zest, and sugar.
2. Gradually stir in milk, heavy cream, and salt.
3. Pour into an 8-inch glass baking dish, cover, and freeze until firm.
Remove half, run through food processor until nearly smooth.
Repeat for the second half.
4. Pour into a plastic bowl, with lid.
Cover with plastic wrap and seal with lid.

Now that summer is on its way, here is a refreshing homemade lemon ice cream you can make by hand!

From the Kitchen of: *Autumn Nelson*



NEWS

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- ParalegalToday.com
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- NALS "Docket" Blog
- ABAJournal.com