Student Involvement Offers a Comprehensive Law School Education

Estebo Gives Second $1 Million Gift
Dear Friends,

This issue of the *South Dakotan Lawyer* features the law school’s primary constituency: students. Our students continue to exceed expectations and it is my informed belief that USD Law has the highest percentage of students involved in competitive co-curricular activities of any law school in the country. As usual, students represented the school at Moot Court Tournaments, Trial Competitions, ADR Tournaments and a Transactional Meet (this year there are two transactional teams). Students have received best advocate awards in Moot Court Tournaments and in Trial Competitions.

Moreover, Law Review’s Rural Practice Symposia brought ABA and bar representatives of other states (including Maine and Alaska) to the law school.

Of course, there are changes and challenges. The first change, as reported in the last magazine, is that Associate Dean Tom Sorensen retired about a year ago, and his spot was ultimately taken by Associate Dean Tiffany Graham. John Glover, a professor and true friend of the law school from Black Hills State, served as associate dean in the interim. Second, Professor Pasqualucci has announced her retirement at the end of the school year, and the Faculty Search Committee is carefully screening candidates for her position as of this writing. Third, Assistant Dean Angela Ericson has decided to enter private practice after 10 very productive years at the law school. In line with the adage, “when life gives you lemons, make lemonade,” Angela’s decision forces the law school to reassess the organization of the Dean’s Suite. There will likely be a reassignment of functions and the job description for her position (and possibly others) will change.

Fourth, and here’s one of the challenges: most schools and states in the region saw a significant drop in bar exam pass rates in July. Our 75 percent in-state pass rate was our lowest since the 70 percent pass rate in 2004. (The in-state pass rates in 2012 and 2013 were 84 percent and 95 percent, respectively.) In nine of the past 16 years our in-state pass rate was 90 percent or above. Further, the exam is changing in February which will complicate comparisons between exams. For example, Civil Procedure will now be on the multiple choice portion of the exam.

Many school’s rates were lower on their in-state exams than our pass rate in South Dakota (and a large number of schools are trying to figure out cause and effect). We can at least say our in-state pass rate was higher than the pass rate for those who went to law school elsewhere (which is somewhat unusual in the bar exam world). Make no mistake, however, we are disappointed and are analyzing various correlations and possible “causes.” North Dakota has done (as have others) a great number of correlations and can find no differences between their classes of 2014 and 2013 or changes in programs or faculty that would account for a marked decrease in scores. On the other hand, the five Georgia law schools anomalously continued to pass Georgia’s bar at nearly a 90 percent rate. We’ll keep looking. Regardless of the low pass rate, Interim Associate Dean Glover started a fundamental study skills program in spring 2014, which Dean Graham and Professor McKey have continued and expanded this year. A version of the program will be a required first year course starting next year. Finally, for context, between 50 and 60 USD Law graduates are first time test takers in any given year (February plus July) and based on eye-witness reports, about 30 people typically went to law school outside the state sit for the exam.

Fifth, and far more pleasant than the last paragraph, the “Onward Campaign” for capital projects and endowments is in full swing. Please see the donor acknowledgements inside this issue. Thanks to all of you who contributed your time, talent and treasure to the law school this year. I simply must, however, individually recognize Orrin Estebo for his second $1 million dollar gift to the law school (which is also the second million dollar gift in our history). The first gift was (and is) for more common space at the law school; the second is for scholarships. Much more is needed but Orrin, among others, has given us wonderful momentum. Please consider giving to the capital campaign and the annual fund for excellence if possible. We rely on your generosity.

I am proud of this law school and its graduates, students, faculty and staff. Now is the time to come home to the law school; its students and faculty will amaze you. And remember to call the library to receive your free Hein-on-line password that Law Library Director Jackson negotiated to provide our graduates (and buys from funds given to the annual fund for excellence). (Hein-on-line is the data base used in the Dakota Disc annotations and contains an enormous amount of full-text source material.)

Stay well.

Sincerely,

Tom Geu
Dean and Professor of Law
Adjunct Graduate Professor, Beacom School of Business
Faculty Affiliate, Department of Biology
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Associate Dean of Academic Affairs

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Alternative Dispute Resolution Board Showcases Talent

By Holly Behrens

The Alternative Dispute Resolution Board provides students of the USD School of Law an opportunity to acquire legal counseling, negotiation, communication and interpersonal skills though participation in competitions across the region and nation.

This year, the Alternative Dispute Resolution Board has worked with members to prepare for competitions all across the country. The board recently sent two competitors to Thomas Jefferson School of Law in San Diego, Calif., where Brooke Goodale and Ryan Sutton participated in a National Sports Law Negotiation Competition. The competition centered on negotiations between a baseball equipment supplier and a team about the safety of the product. Goodale and Sutton competed extremely well, placing 17th out of 36 teams, and competed against prominent schools like the University of Maryland, George Mason and the University of Oklahoma. However, the individual skills of the team ranked much higher, earning the team the sixth position.

Two teams were also sent to Los Angeles, Calif. to compete at the annual Entertainment Law Negotiation Competition at Southwestern Law School. The teams of Sara Boyum Hento, Tony Teesdale, Holly Behrens and Stuart Hughes argued about negotiations between an actor’s union and a union of producers and included issues such as initial compensation, secured interests and a buyer’s assumption agreement. The teams learned a lot and placed 14th and 23rd out of 32 teams.

In addition to competition preparation, the board looks forward to introducing 1L students to negotiation tactics and styles through its 1L Intraschool Negotiation Competition. During this competition, new students will compete in teams of two against classmates. This event provides the board and local legal professionals the chance to provide students feedback and encouragement in building negotiation skills.

The board is also focused on initiating student contact with the principles of client counseling and will hold an event to help students practice those skills on Jan. 31, 2015. If you would like to contribute to this endeavor by participating as a competition judge, please contact a member of the board.

Trial Teams Show Success Around the U.S.

USD School of Law trial teams kicked off fall 2014 competitions by attending invitational tournaments around the country. As of the end of November, 34 USD School of Law 3L students competed in cities such as San Francisco, New York City, Washington, D.C., Chicago, Atlanta, Sacramento, Calif., and Buffalo-Niagara, N.Y. Twelve trial teams entered into 11 national trial competitions, including nine highly selective invitation-only national tournaments.

In addition to qualifying for the knockout rounds in several elite national invitational trial competitions, highlights include a fifth place finish in professionalism at the ABA’s invitational National Ethics Trial Competition, the second time in the last three years that USD has finished in the Top 5 in professionalism, and Swapna Kilani being named Best Defense Advocate at the national invitational Capitol City Challenge, the second time in the last five years that a USD student has earned this prestigious honor.
In November, the SBA awarded South Dakota Attorney General Marty Jackley the Law School Service Award. The Student Bar Association Volunteer Service Award recognizes an individual who has given time to the student organization and the law school. Jackley was chosen for his selfless involvement with the School of Law. In 2013, Jackley was the featured speaker in the hooding ceremony for the Class of 2013. He also has spoken many times in Professor Baron’s classes. Additionally, Jackley has provided law students and law graduates internship and employment opportunities, both for the South Dakota Attorney General’s Office and the U.S. Attorney’s Office. He makes numerous trips to Vermillion, never at the law school’s expense. •

In September, the University of South Dakota Student Bar Association hosted an alcohol panel to inform students about alcohol issues surrounding the legal profession. The panel included Professor McKey, Deb Thorstenson and Dick Casey. Professor McKey gave helpful insight to students about how to attend social events and abstain from drinking if they choose. Thorstenson, director of counseling at Northern State University, has done extensive work in the area of prevention and is well-known throughout the state for bringing awareness to substance abuse issues. Thorstenson provided students information about drinking in moderation, chemical health, low-risk drinking guidelines, stress management, social drinking and warning signs. Casey provided students information regarding the efforts that the South Dakota Bar is taking to provide attorneys with resources and help to deal with substance abuse problems.
Cutler Receives 2014 Distinguished Alumnus Award at Ninth Annual Wine Review

By Elizabeth Chrisp and Melissa Knight

Since 2006, the South Dakota Law Review has selected a former editor to receive the Distinguished Alumnus Award in recognition of his or her contributions to the Review, notable personal and professional accomplishments and involvement and contributions to the legal profession in South Dakota.

The Review presented Richard Cutler with the 2014 Distinguished Alumnus Award on Oct. 16 during the Ninth Annual Wine Review in Sioux Falls, S.D. Elizabeth Chrisp, editor-in-chief, and Melissa Knight, managing editor, presented the award to Cutler at Chef Dominique’s in downtown Sioux Falls. Those in attendance included members from the university, the State Bar and local community.

Congratulatory remarks came from Dean of the School of Law Thomas Geu, President of the University of South Dakota James W. Abbott, Senior Federal District Judge Lawrence Piersol and fellow partner at Cutler & Donahoe Jayna Voss. The remarks commended Cutler for his commitment, mentorship and service to clients.

Dean Geu said, “Cutler deserves recognition as a community leader, philanthropist, entrepreneur and lawyer. As a business lawyer many of his contributions as a lawyer are not public. Nonetheless he has been elected by his lawyer peers across the country as a member of the prestigious American College of Real Estate Lawyers. South Dakota’s Law School is proud that he is a graduate.”

Judge Piersol reflected on the days of Volume 10 of the Review with Cutler and said, “The law school and the law review were in different times in the 1960s.” Specifically, Judge Piersol shared a story and stated, “Rich was the editor of Dick Saber’s article on the dispute over the South Dakota High School Athletic Association which refused to allow parochial school students to participate in extracurricular activities with the public schools. The South Dakota Supreme Court let it be known that they were miffed that the Review was planning on publishing an article on the trial court’s opinion before the South Dakota Supreme Court had ruled on the appeal. We published anyway. How times have changed. Now, no one would consider objecting to publishing an article on a trial court opinion that was on appeal.”

Cutler, of Cutler & Donahoe, LLP, is an accomplished lawyer with a long history of civic involvement in South Dakota. A native of South Dakota, Cutler earned his undergraduate degree from the University of South Dakota and graduated summa cum laude from the University of South Dakota School of Law in 1965. Notably, Cutler was a member of the editorial board of Volume 10 and published a comment in Volume 9.

After law school, Cutler began an active duty career in the Judge Advocate General’s Corps and quickly ascended the ranks, ultimately achieving the rank of major. The Army assigned Cutler to the United States Embassy in Bonn, Germany, where Cutler became fluent in German while negotiating with Germany as a liaison officer. After his military career, Cutler returned to South Dakota and joined Davenport, Evans, Hurwitz & Smith, P.C.

In 1997, Cutler established Cutler and Donahoe, LLP with his son, Kent Cutler, and Brian Donahoe. Throughout
his legal career, Cutler has remained active in the South Dakota Bar as well as many community organizations, including the American Bar Association, the State Bar of South Dakota, the Second Circuit Bar Association and the American College of Real Estate Lawyers. He served as chair of the real estate and probate section of the State Bar of South Dakota. Cutler also received an AV Preeminent peer rating from Martindale-Hubbell, was recognized in the 2011 edition of Chambers USA of America’s Leading Lawyers for Business, and has been recognized as a Great Plains Super Lawyer. Cutler was inducted into the South Dakota Hall of Fame in 2007.

In addition to his work in the legal field, Cutler actively contributes to the local community. His many civic contributions included serving as chair of the National Music Museum, co-chair of the University of South Dakota’s Campaign South Dakota (the first USD capital campaign), chair of the 1993 Sioux Falls United Way Campaign, chair of the USD Foundation, chair of the Board of Trustees of Dakota Wesleyan University and board member of the South Dakota Community Foundation. Cutler and his wife, Sharon, were the 2009 recipients of the prestigious Inman Award given by the USD Foundation.

Outside of his practice of law and civic involvement, Mr. Cutler has actively developed real estate throughout Sioux Falls and the Black Hills, has developed and managed a cable television company, and currently serves as president of Recreational Adventures Company, a parent company of 10 KOA campgrounds in nine states. KOA awarded Cutler with its first lifetime achievement award.

Congratulations to Cutler for all of his achievements. The Review is honored to recognize such a distinguished alumnus. •

Special thanks to our sponsors who made the Ninth Annual Wine Review possible.

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*Please mark your calendars for March 26 - 27, when the South Dakota Law Review will host its annual symposium, covering LGBTQ issues. We hope to see you there.*
Moot Court Brings Home Numerous Awards

By James Shanor

The Moot Court Board represented the University of South Dakota School of Law all over the country last year, attending tournaments from Seattle to New York City. The teams worked incredibly hard and garnered many team and individual recognitions.

The Moot Court Board also hosted the Sam Masten intramural competition for first-year students. Sam Masten provides an incredible opportunity to learn the skills associated with written and oral advocacy. Area attorneys, judges, professors and board members collectively judged each round of the competition, with the Supreme Court of South Dakota presiding over the final round. Anthony Sutton won the final round, with Austin Hoffman taking runner-up. Ashley Blake and Terra Fisher both won best brief awards.

This year, the Moot Court Board will represent the law school in competitions featuring constitutional and civil rights law, bankruptcy, criminal procedure, antitrust and environmental law. The Moot Court Board members appreciate the opportunity to compete on behalf of the law school and would like to thank everyone in the legal community that helps make moot court possible.

Team Recognitions
- Quarterfinals finish for David Sahli, Ryan Kurtz and Rachel Preheim at the 2013 New York City Bar Moot Court Competition in Minneapolis, Minn.
- Quarterfinals finish for Christopher Dabney, Nick Moser and James Shanor at the 2014 William E. McGee National Civil Rights Moot Court Competition in Minneapolis, Minn.
- Top 16 finish for Adam Shiffermiller, Morgan Peck and Sara Schroeder at the 2013 John Marshall School of Law, Privacy and Technology Moot Court Tournament in Chicago, Ill.

Individual Recognitions
- David Sahli, Best Oral Advocate at the 2013 New York City Bar Moot Court Competition
- Matthew Laidlaw, 5th Best Oral Advocate at the 2013 New York City Bar Moot Court Competition
- James Shanor, 6th Best Oral Advocate at the 2014 William E. McGee National Civil Rights Moot Court Competition
- Christopher Dabney, 8th Best Oral Advocate at the 2014 William E. McGee National Civil Rights Moot Court Competition
- Nick Moser, 10th Best Oral Advocate at the 16th Annual Pepperdine National Entertainment Law Moot Court Competition
Moot Court Team Advances in John Marshall Tournament

A team from the University of South Dakota School of Law won the award for the best respondent’s brief and advanced to the semifinal round of the 2014 John Marshall Law School International Competition in Information Technology and Privacy Law. Third-year students Becky Fey and Sara Schroeder and second-year student Austin Hoffman comprised the team. The competition was held Oct. 23-25 in Chicago, Ill.

In preliminary rounds, the USD team faced teams from the University of Kansas, New York Law School and Southern Methodist University. The USD team faced SMU again in the quarterfinals, advancing to compete in the semifinals against Chicago-Kent College of Law, the ultimate winner of the competition.

The John Marshall Competition places greater weight on competitors’ written briefs than do most moot court tournaments, making the experience more similar to real-life appellate practice. This year’s competition problem involved a dispute between a company and its former CEO over their respective rights in a folder labelled “personal” on the CEO’s workplace computer and in two social media accounts used by the CEO for business and personal purposes.

USD Law Visits Rosebud

By Tiffany C. Graham

In October, I joined Professor Frank Pommersheim’s Indian Law class when it visited the Rosebud Sioux Indian Reservation, home of the Rosebud Sioux Tribe (Sicangu Lakota Oyate), which is one of the nine federally-recognized tribes located in the state. Situated on almost 900,000 acres of land, the reservation highlighted one of the starkest juxtapositions of life in this setting: the markers of hardship were apparent, but they were surrounded by golden prairie grasses, narrow, winding rivers, hills, valleys and cottonwood trees. The beauty of the countryside notwithstanding, sightseeing was not the purpose of the trip: we were there to learn about the daily practice of sovereignty by observing and participating in the Rosebud judicial system.

When we arrived in Rosebud, we headed first for the courthouse, where we were welcomed by Chief Judge Sherman Marshall of the Rosebud Sioux Tribal Court, Associate Judge Anne Marie Michael, Judge Leroy Greaves and Bill Bossman, chief prosecutor for the tribe. They discussed the structure of the judiciary, the jurisdiction of the courts, the types of cases they each typically handled and some of the difficulties that many litigants faced, one of the most challenging of which was the lack of resources which led to frequent pro se representation in court.

The judges then sent us to the Rosebud Sioux Tribe Adult Correctional Facility – the new jail which, among other things, housed a space for holding arraignments. Not only did I have the pleasure of watching four of our students conduct arraignments before the magistrate, I tremendously enjoyed our tour of the facility. As we listened to our tour guide, tribal member Richard O’Rourke, it became clear that the jail was designed with an eye toward rehabilitating prisoners, which the tribe hoped to achieve in two primary ways: by honoring Lakota traditions in the construction of the building, and through implementing wellness programs that emphasized cultural and spiritual awareness.

The trip was educational for me as a newcomer to South Dakota, and I am delighted that I had the chance to see such critical exercises of tribal sovereignty.
The Arguments

The first case, Hutterville Hutterian Brethren, et al. v. Jeffrey Sveen, et al., highlighted various aspects of civil procedure. The first concept to catch the students’ attention was the issue of subject matter jurisdiction. The discussion introduced possible binding authority of a Department of Agriculture’s holding and the effects of res judicata. There were also issues on criminal claims of Racketeer Influence and Corrupt Organizations Act (RICO), conspiracy, breach of fiduciary duty, fraud and deceit. At the trial level, the defendants were granted a motion to dismiss on the basis of (1) a lack of subject matter jurisdiction, (2) where plaintiffs lacked standing, and (3) judicial immunity. Hutterville Hutterian Brethren appealed the dismissal. The issues set for determination by the Eighth Circuit quickly centered on how best to handle the religious matters and jurisdictional concerns.

Hot Stuff Foods v. Houston Casualty Company involved a dispute over interpretation of insurance coverage and the underlying circumstances involving classifications of unlisted ingredients as they relate to contamination and health risks. Houston Casualty Company filed an appeal of the judgment. Hot Stuff Foods filed a cross appeal and sought to be awarded attorney’s fees, which are permitted by South Dakota statute if the court finds the denial “vexatious” or “without reasonable cause.” This case involved contract issues, ambiguity and significance behind specific word choice.

The dispute between Quam Construction and the City of Redfield was essentially a contract interpretation issue. The plaintiff sought arbitration after their mediation attempt proved fruitless. Each side had a different view about whether arbitration was merely permissive or mandatory, and looked to the court to make the final determination. Finding it permissive, the district court refused to compel arbitration. Quam Construction appealed, stressing that later language described the arbitrator’s decision as a “condition precedent to any right of legal action,” therefore supporting their push for arbitration.

Oral arguments were heard by a three-judge panel - Chief Judge William Riley, Judge James Loken and Judge Jane Kelly. The Eighth Circuit is comprised of 11 judges. Judge Riley is the chief judge (and presiding judge over this session) and four judges, including Judge Loken, hold senior status.

The Honorable William Riley took his seat as chief judge in March 2010. He was nominated by President George W. Bush and received his commission into the Eighth Circuit in 2001. His judgeship includes the District of Nebraska where he has established significant connection with the Midwest. Riley was born in Lincoln, Neb., received his post-secondary education at the University of Nebraska, graduated from the University of Nebraska College of Law, entered private practice in Nebraska, and was an adjunct professor at Creighton University. Judge Riley previously heard argument at USD as the presiding judge of the panel in the 2011 special session.

The Honorable James Loken is on senior status with the Eighth Circuit. He was nominated by President George H.W. Bush and joined the court in 1990. He was Judge
Riley’s predecessor as Loken served as chief judge from 2003 to 2010. Loken was born in Wisconsin where he received his bachelor’s degree. Loken earned his law degree from Harvard Law School. He has had impressive clerkships with Judge Joseph Lumbard in the Second Circuit Court of Appeals and Justice Byron White in the Supreme Court of the United States. Loken was in private practice for several years in Minnesota and served two years as general counsel for President Nixon’s Committee on Consumer Interests and as staff assistant to the president. Judge Loken currently presides over the District of Minnesota.

The Honorable Jane Kelly is the newest member of the Eighth Circuit, receiving her nomination by President Barack Obama and accepting her commission in 2013. Her previous clerkships include the United States District Court for the District of South Dakota under Judge Donald Porter and with the Eighth Circuit under Judge David Hansen. Kelly was born in Indiana, attended Duke University and earned her law degree from Harvard Law School, graduating cum laude. She was a visiting instructor at the University of Illinois College of Law. Kelly spent nine years at the federal public defender’s office for the Northern District of Iowa.

Student Reviews
At the time the oral arguments were heard, the first year students were being introduced to specific legal terminology and concepts. Having successfully completed that first year, the second and third year students were better suited to comprehend the legal issues that were played out in practice. A sense of enthusiasm, mixed with anxiety, can overcome the student as he/she considers the poise of the attorneys and their abilities to argue before a judge.

Following the special session, law students completed a survey of their observations. More than 50 comments were completed by the students and shared with the judges. Ninety-four percent of the students surveyed believed the opportunity would “assist them in the study of law;” 96 percent of the students surveyed believed it would “assist them in the practice of law;” and 83 percent felt their “desire to study the law and/or become a lawyer has increased, or has been confirmed.” All three judges wrote of their appreciation and Chief Judge Riley expressed his “thanks to the students, faculty and staff at the University of South Dakota for making this experience both educational and enjoyable.”

How important are oral arguments?
The majority of cases filed do not find their way to oral arguments. The cases that do are those deemed to have a “fighting chance.” Oral arguments solidify an outcome that is supportive of the law following a lengthy journey through the legal process. Generally, oral arguments do not change a judge’s tentative decision – the brilliance of a lawyer at oral arguments rarely affects the final decision. All judges agreed that a well-written brief is more likely to affect the outcome than a well-prepared oral argument.

Designation of opinion authors
Immediately after oral arguments, the Eighth Circuit judges conference and determine which judge will write the opinion. The presiding judge makes the assignment, provided he or she shares the majority view. If the presiding judge is not in the majority, the senior judge will determine who will write the opinion.

Writing briefs, with an understanding of the judges’ perspective
The length of a federal appellate brief is not discretionary. The brief is limited to 50 pages, double-spaced. While encouraging brevity, the judges indicated that thoroughly understanding all the documents prior to oral arguments was one of the more challenging aspects of their job. The brief should teach the judge quickly. Consistent with the curriculum, first year students are taught that the appellate brief should be brief, concise and persuasive.

Oral arguments
Some other final points were offered about oral arguments in general.
Be prepared. Preparation is more than simply knowing the strengths of your case. Attorneys must integrate a comprehensive understanding of their case’s strengths and the weaknesses. The judges will identify the gaps and they will expect a sound response to questions directed at those gaps. Attorneys must prepare to answer questions that they do not want to hear. Admittedly, an attorney may not have the answer to the question, but there is a best answer, so find it beforehand.

Be organized. Be organized in your thoughts so you are prepared to handle questions from the judges. Fundamental to organization is preparation. Attorneys should not avoid providing an answer to a question, which, if the attorney is properly prepared, will not occur. However, the court extends credibility to a lawyer who concedes something that needs to be corrected. •
More Than a Façade: Advancing Strategy While Maintaining Our Commitment to the Prospective Student Experience

By Nicholas M. McInerney, ’13 J.D., M.A.

The Office of Admissions is often seen as the face of a school, but that face must be more than a façade. Each day, we talk with prospective students on the phone, correspond by email, sit down with them in our offices and travel the state, region and country to meet them. The face we present must meet and exceed the expectations of prospective students. If we say we are personal, we must be personal. While we develop strategy and strive to meet our goals, we must also maintain our commitments to creating that unique USD Law experience. The Office of Admissions has been through an amazing transformation in the last year. While we have met and exceeded goals, created an ambassadors group and forged ahead with an aggressive recruiting strategy, we have not lost sight of keeping true to our philosophy of the personal relationship with each student.

Setting Goals, Achieving Goals

Our goals have been consistent over the years. We are seeking a class of approximately 75 students each year. We’ve often experienced large swings from 60 to more than 90 but with a reasonably regular overall student population. In recent years, with the consistently shrinking pool of applicants, we’ve found it increasingly difficult to fill a class and have fallen short of our goal. This is a result of fewer people taking the LSAT, fewer people applying to law school, and therefore a decrease in the number of applicants and matriculating students to USD Law. It’s a national trend and one that we have not escaped. In this last year, we had to find a strategy to tackle this decline in prospective students and increase enrollment in order to meet the commitments to South Dakota made in our mission statement.

The first thing we did this year was examine means to increase the applicant pool. We had seen a decline in applicants for five years prior. We leveraged our communication tools and, most importantly, increased our personal, one-on-one communications. At the closing of the recruiting cycle, we had increased the application pool by 8 percent over the previous year. This resulted in a break in the consistent decline for the last five years. This year’s goal is an increase in the applicant pool of at least 20 percent.

Additionally, we worked very hard contacting admitted students via mail, email and phone to promote USD Law. The result was a class of 75 on orientation day. This is exceptionally encouraging considering statistically we were on track for a class of 55.

Competition in law school admissions has become stiff. Schools work harder to reach out to students, and many schools have a large bank of scholarships to help convince students to attend their school. Each is promoting their strengths to attract students, and we are no different; our strengths are that we are personal, practical and affordable.

Ambassadors to Our Students

Our personal attention to students is a huge strength and one which we can say with conviction. We build an individual visit for each student including a one-on-one tour, class observation and meeting with students and faculty. Feedback has shown prospective students are often wowed by the experience. We hosted more than 100 prospective students at the law school in 2014, which doubled our number of visits from the previous year. This increase in visits has presented a dilemma. There is only so much time to dedicate to visits and
still be able to manage the overall admissions and recruiting workload. We could decrease our level of personal attention we provide visitors, or we could forge ahead and find a means to keep providing a one-on-one experience. The answer was the Law School Ambassadors.

The Ambassadors are a group of 10 upper level students who have volunteered to be a part of a group that assists the Office of Admissions as official representatives of the School of Law at events, making phone calls to prospective students and providing personalized, one-on-one tours for our visitors. This group of students truly shows the dedication our students have to their school. When the call for application for the Ambassadors went out, more than 20 applications came back. This was a much greater response than we expected but, in the end, we had to choose 10. Each student interviewed with Admissions, and each was well-qualified. They represent a wide cross-section of our student body, and each one is an asset to our office and to our school. Even those who interviewed but who were not selected were all impressive students. It just goes to show the level of commitment our students have to their school. Our students are truly an active, committed community.

In this inaugural year of the Ambassadors, they have already proven themselves an indispensable resource. They
have provided tours and travelled to local recruiting fairs allowing Admissions to augment its strategy. With many fairs occurring across the region, sometimes on the same day, they have allowed USD Law to be in more than one place at once and not miss out on opportunities to talk with prospective students.

Advancing Our Strategy

Admissions’ strategy has developed considerably in the last year. We previously attended a couple of law school fairs but mostly relied on regional visits to schools directly. We have shifted our strategy to a local/regional/national approach. We are still focusing local as we are, first and foremost, South Dakota’s law school. We have increased our communication with South Dakota’s public universities, especially with South Dakota State University, Northern State University and Dakota State University due to their proximity. We have also reached out more to Black Hills State and the School of Mines and will continue to develop those relationships. Augustana, Dakota Wesleyan, National American University, Mount Marty and University of Sioux Falls have also been traditional pipelines for USD Law students, and those relationships are also being strengthened with additional visits and communication with pre-law advisors.

Also looking at a regional strategy, we are developing relationships with Iowa, Nebraska and Minnesota schools. We’ve had many traditional relationships with schools within these states, but we have taken that a step further by adding schools we have previously not had the resources to reach out to and adding fairs rather than just one-on-one visits as fairs generate more student turn out. Thus, we have been able to contact and meet many more students than in previous years.

Lastly, our national strategy comes in with the Law School Admissions Council’s (LSAC) Law School Forums. LSAC hosts nine large law fairs each year, called forums, in major cities: Chicago, New York City, Boston, Atlanta, Houston, Los Angeles, San Francisco, Toronto, Miami and Washington, D.C. LSAC covers the lodging costs for these events and has recently been waiving the registration fees in order to promote attendance by law schools. This only requires us to get to the forums thus making them affordable for a school of our size. These forums attract hundreds of law students, sometimes well over 1,000. This allows us an opportunity to interact with students we’ve never been able to before because in many cases, they’ve never heard of our school. Our cost, small size and personal attention have been a draw for a number of students as we’ve been attending these events.

It can be daunting to develop a program in conditions like those in the current law school admissions world. The pool is shrinking. The competition is increasing. The pressure to produce is high. But USD Law is uniquely positioned to overcome such obstacles. Through careful strategic planning, personal recruitment, and a practical, successful, and affordable education, we are now experiencing more stable application rates and attendance. The Office of Admissions will continue to develop our strategy and maintain our commitment to a personalized experience and we believe we will weather this period of waning law school applicants. If any readers know of anyone interested in law school please let me know.”
For Orrin Estebo the message remains consistent: Education opens doors. Estebo has been quoted before as saying, “The more I learned, the more I was subjected to opportunities that worked out.” Now, this philosophy will work to the benefit of first year law students at the University of South Dakota’s School of Law.

This September, Estebo generously gave $1 million to the Law School to establish the Orrin S. Estebo Law Scholars Fund. Beginning in the spring semester of 2016, this transformational gift will be used to offer scholarships to all first year law students in their second semester of study.

By creating this endowment, Estebo’s generosity will live on in perpetuity, helping hundreds of students – many with very limited means – pursue their dreams of obtaining a legal education. “This gift is quite special,” said Tom Geu, dean of the USD School of Law. “Orrin’s goal is to help reduce the cost of education across the board, which is consistent with his belief that education opens doors for every individual.”

The nature of this gift offers insight into the philosophy of Estebo’s philanthropic generosity and highlights his focus on higher education. “Orrin thinks deeply about the message his philanthropy sends,” said Geu. “This gift reflects his belief that education should be made available to everyone, and everyone is a worthy individual, regardless of birth, status, bank account, or even need.”

This fund was set up with the express purpose of offering scholarship dollars to every first year student. This is a similar structure to the Orrin S. Estebo Chapter of the Redwood Area Dollars for Scholars program in Redwood Falls, Minn. That scholarship program, offering financial assistance to high school seniors pursuing higher education in any form, has flourished as a result of Estebo’s generosity, exceeding $1 million in endowed funds.

This is Estebo’s second gift of this size to the Law School in as many years. Last summer, Estebo gave $1 million in order to support construction and renovation of the Law School building, renovations that will help to facilitate a greater sense of community in the three decade old structure.

It is fitting that both of these gifts were given with the goal of enhancing the Law School community. Community is a concept that seems to be at the very heart of Estebo’s generosity. He takes particular pride in the community of Redwood Falls. Estebo has a private foundation there – the Orrin S. Estebo Foundation – whose mission is to support local education and economic development.

“Orrin is a special person for many reasons, among them his thoughtfulness and generosity,” said Geu. “The Law School is very fortunate to be the beneficiary of Orrin’s philanthropic leadership. These are historic gifts in the history of our institution and will help foster an inclusiveness that will continue to move the Law School forward.” •
Many Americans would be surprised to learn that low income taxpayers often have remarkably complicated tax situations and attract a disproportionate amount of attention from IRS auditors. The need for access to legal representation in conditions such as these is evident, but until 1998 a low income taxpayer who had a dispute with the IRS could find very little assistance for little or no charge. The absence of representation meant not only that taxpayers sustained adverse audit and litigation outcomes, but that many of the issues they faced were never resolved in the courts. As a result, entire areas of the tax law remained relatively free of judicial interpretation.

— Low Income Taxpayer Clinics February 2014 Program Report
According to the IRS, only 46 percent of United States taxpayers are aware they have rights before the IRS, and only 11 percent know what those rights are.

But clinics established by the IRS in the late 1990s hope to help heighten that awareness and assist taxpayers in asserting them.

The University of South Dakota School of Law is planning to help make tax assistance more accessible by providing a Low Income Taxpayer Clinic (LITC) in Vermillion, with the help of Allen Madison, assistant professor of law. Madison is a Fellow of the American College of Tax Counsel with teaching interests in federal taxation and business law.

The law school has received a grant from the IRS to support the LITC program. The IRS awards matching grants to qualifying organizations to operate clinics that represent low income taxpayers in disputes with the IRS. LITCs are charged with advocating for individual taxpayers, with identifying systemic issues, and providing services to low income taxpayers for free or for a nominal fee.

Currently, there is no LITC anywhere in South Dakota as there is in almost every other state—the closest are held in Des Moines, Minneapolis and Omaha. “The IRS is anxious for someone in South Dakota to begin an LITC and so the Law School applied for a $100,000 grant,” Madison explained. “An important use of those funds will be to conduct a search for and pay the salary of a clinic director. Another important use will be making contact with referral sources to find potential clients.”

The IRS Taxpayer Advocate Service’s February 2014 program report explains that “By providing representation and advice to taxpayers, LITCs help ensure that taxpayers obtain fair results within the tax system and that tax administration becomes responsive to the needs of low income taxpayers as well as more affluent ones. By arming taxpayers with the knowledge of how to handle their tax responsibilities, LITCs also improve future compliance.”

“Anyone can end up out of compliance with their tax obligations,” Professor Madison explained. “The clinic expects to be able to advise any such taxpayer in South Dakota who is also a low income taxpayer as defined by the IRS.” According to the Department of Health and Human Services, whose standards the IRS follows, a person is considered a low income taxpayer if his or her income is at or below $29,175.

The clinic director will likely be hired to start in the summer of 2015, Madison predicted. The director will begin working in earnest on getting the clinic set up in order to be fully functional in the fall of 2015. At that time, USD’s School of Law will become the only Low Income Tax Clinic location in South Dakota, with USD law students serving as volunteers working at the proposed clinic, making their services available to taxpayers from all over South Dakota as well as taxpayers in other states in close proximity to Vermillion.

It’s a partnership that will benefit all parties involved: the work LITCs do helps ensure the fairness and integrity of the tax system, low income taxpayers get pro bono help, and
students get to immerse themselves in live-client opportunities. The clinic will give students the opportunity to gain practical experience in the tax field, but more importantly, practice real strategic planning, conduct legal research with an identifiable goal and outcome, and gain valuable client counseling skills.

Stated another way, for the students who get the opportunity to work in the LITC, the advantages are copious. First, students will gain experience in representing clients in a lawyer-like capacity, doing what lawyers do. Second, they will gain experience in dealing with a powerful enforcement agency and, thirdly, they will learn more about how the tax laws are enforced.

Perhaps most importantly, and true to the mission of the Law School, the tax clinic will help in fulfilling an integral part of the school’s mission: to provide experiential learning and to supplement, but in no way replace, analytical and substantive training.

Emily Lessin is a third-year law student from Rapid City, S.D., and Professor Madison’s research assistant. She was a site coordinator for the Volunteer Income Tax Assistance (VITA) program in her first year of law school; in her second, she was the lead site coordinator for VITA. Now, in her third year, Lessin is helping the transition to the next lead site coordinator.

Starting in January 2015, Lessin hopes to assist Madison in getting a Low Income Taxpayer Clinic up and running.

“Something that is instilled in law students is to empower those in the community through ensuring fair legal services are available and being involved in the community,” she said. “This program offers not only the opportunity to be involved in the local community but also to ensure that everyone is provided with fair legal services.”

Lessin explained that even though the curriculum at the School of Law is interwoven with experiential learning through various other opportunities, “the LITC will provide a much more comprehensive practical experience for students because students will be representing taxpayers.”

Jonathon Sanborn, also in his third year at the USD School of Law, agreed that the clinic will provide invaluable experience. “The LITC is a fantastic opportunity,” the Windham, Conn., native said. “It’s very difficult to get practical experience outside a clinic or summer position. Practical experience is irreplaceable; the exposure will solidify students’ career aspirations while transitioning them to think and act like lawyers. The addition of the LITC will increase the value of the law school experience.”

Madison said in the near future, experiences like these will likely be a priority for ABA accredited law schools. “Experiential learning is a great educational tool,” he said. “The LITC will provide an excellent experiential learning opportunity for our students.”

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**Allen Madison**, assistant professor of law, is a fellow of the American College of Tax Counsel. He has also served as chair of the Young Lawyers Forum Committee of the ABA’s Tax Section and received a Nolan Fellow award from the Tax Section.

Madison joined the University of South Dakota law faculty in 2012. Prior to academia, Professor Madison practiced law with a focus on taxation for 10 years. After clerking at the U.S. Tax Court, he represented large manufacturing clients for the tax group of Fenwick & West and later served in the IRS Office of Chief Counsel National Office. He also worked in-house at Dow Chemical as an attorney on tax matters. He has held teaching positions at Georgetown University, University of Wyoming, University of Idaho and in the Anglo-American Law Program at the University of Navarra in Pamplona, Spain.
Steven Ballard was a trendsetter in his 1998 USD School of Law class, choosing to break with the staid and follow his own lead, a trajectory he still follows today as founder of Compass Financial Partners, a wealth management company based in Dakota Dunes, S.D.

As a prestigious Everett Bogue Scholarship recipient, law review writer and trial team participant as well as a Sterling Honors graduate, Ballard had many firm offers. He credits his wife, Rena, herself a distinguished USD Law School alumna from the class of 1999, with giving sage career advice: “Why not think outside the box?”

Ballard used his intelligence, commitment to thoroughness and hard work to propel himself to the top of his profession. He holds many certifications, including Certified Financial Planner, which only 4 percent of all financial planner/advisers in the industry acquire. “Knowledge, wisdom and advice” are what Compass Financial Planners are about up front and foremost, not about selling clients a product.

Tenacious commitment to create excellence in his business and for each of the clients he serves excites Ballard each work day. “Just as an attorney needs a client to trust them, this is just as true in the financial services industry,” he stated. “If you most enjoy building a rapport and spending one-on-one time with a client, this is the profession for you.”

Ballard believes that you are with your client in financial planning more than in any other field. “It is a blessing to be part of a family’s journey and assisting in making dreams a reality,” he said. One of his first clients, another USD graduate, is still a client and he has assisted them from the time their child was small to planning for his college education, and now to their impending retirement. One could feel the pride in his client’s son being able to financially afford, without being saddled with a load of debt, a post graduate physics degree from the University of Chicago.

The prospects for law grads to enter the financial services arena is “exponential” right now, Ballard says. The reality is that baby boomers are going to be retiring. “They need assistance about how to remove and move their money and the people in the financial services industry are retiring themselves,” Ballard explained. “The projected need for services is expanding while the people who can provide the service are retiring.” What a golden opportunity. •
# The Class of 2014

| Shane Andrews | Kyler Johnson |
| Trenton Arlnt | Suzie Jones Pranger |
| Brian Baczwaski | Nichole Kennedy |
| Beau Barrett | Abigail Kiernan |
| Molly Beck | Swapna Kilani |
| Megan Borchert | Ryan Kurtz |
| Adam Bradsky | Christen Leedom |
| Jon Christenson | Luke Lockett |
| John Christiansen | Nicholas Matney |
| William Conway | Meghan McCauley-Loof |
| Paul Coppock | Kassie McKie |
| Cory Cottam | Joe Messineo |
| Christopher Dabney | Teree Nesvold |
| Zachary Davelaar | Christopher Olson |
| Jennifer de Hueck | Kelsey Parker |
| Benjamin Deck | Morgan Peck |
| Drew DeGroot | Emily Pier |
| Casey Deibert | Ryan Pomerleau |
| Dean Fankhauser | Brendan Pons |
| Brianna Feerer-Huss | David Sahl |
| Koln Fink | Joshua Satterlee |
| John Flaten | Kristin Schiller |
| Zachary Flood | Christopher Schmidt |
| Kari Foss | Adam Shiffermiller |
| Aaron Fox | Emily Siess |
| Kevin Grant* | Michael Snyder |
| Harrison Hagg | Matthew Spolum |
| Mandy Hagseth | David Stoos |
| Brett Hall | Brendan Stratton |
| Christopher Halverson | Alex Summer |
| Erin Handke | Kelsea Sutton |
| Kyle Hanson | Emily Swanson |
| Jonathan Heber | Melissa Tidwell |
| Amy Hering | Stephanie Trask |
| Laura Hofer | Lee Trinrud |
| Ashley Hoffman | Cole Uecker |
| Edward Hruska | Wade Warmtjes |
| Katie Hruska | Scott Webb |
| Amy Janssen | Joseph Wiltse |
| Shekar Jayaraman | Nickolous Wingert |
| Amanda Jenson | Amanda Work |
| Justin Johnson | * not pictured |
The 2014 Hooding Ceremony was held Friday, May 2 in Slagle Hall’s Aalfs Auditorium.

Our Newest Alumni
On a fall morning Tiffany Graham’s large desk in her second floor office was heaped with neatly arranged stacks of documents, reflecting, it seemed, a person who is both very busy and highly organized. It was soon clear that all that paper represented an array of ambitious and important initiatives and projects.

As she answered questions Graham’s sentences were fluid and precise, long and descriptive. Her eyes twinkled as she articulated spacious stories about her childhood and the assignments and her wish list in her new work.

She clearly appreciates and fondly recalled her upbringing, including time spent at neighborhood Catholic schools near Cleveland, Ohio. “My parents were Protestant,” she explained, “but they chose to send me to two Catholic schools because of their academic strengths, as well as their attention to religious instruction.” There was a modest measure of satisfaction and a broad grin as she crisply recited the official name of the religious order that had been in charge of teaching her in those younger years: “The Sisters of St. Joseph, Third Order of St. Francis.” In that formative time, she said, she benefitted from the nuns and their strict style of schooling. It was an educational foundation, she emphasized, that capably prepared her for college and the rest of her life.

Indeed, Graham arrived at USD’s School of Law with an impressive background. She was a Harry S. Truman Scholar at Harvard, where she graduated magna cum laude. Then she traveled south to attend law school at the University of Virginia, in Charlottesville, and there she became a Dillard Fellow, assisting first-year law students, and she was also a member of the Virginia Law Review. After clerking at a district court in Washington, D.C., she ventured into the private sector, working for a law firm in Los Angeles, Calif.

Her experiences at the California law firm included drafting a petition for certiorari to the U.S. Supreme Court, working as a lead associate attorney on a variety of cases, taking and defending depositions, conducting trademark

The Attraction of Academia

By Peter Carrels

Administrator Profile Tiffany Graham
Associate Dean of Academic Affairs

‘I started thinking about the importance and influence of my own education while I was in law school, and that inspired me to start thinking about education as a career.’
research, issuing subpoenas, working on discovery tasks such as witness interviews and preparing briefs. By all accounts, she was well on her way to a satisfying, rewarding career as a hard-working, conventional lawyer in a major American metropolitan area.

But academia beckoned, and she shifted her career focus to work as an assistant professor at Villanova University School of Law, in Philadelphia, Penn. Graham’s younger brother lives in the City of Brotherly Love, and the move gave them a chance to spend time together. Another opportunity in education had her returning to the Los Angeles area for work at the University of LaVerne College of Law, where she performed several duties over a five year span, including professor of law and associate dean for Academic Affairs, the latter position similar to her new post at USD. While there, she was named a U.S. Fulbright Scholar but was unable to accept the award. Graham left California and began her duties at USD last June.

Academia runs in Graham’s family. Her mom had been the director of Multi-Cultural Student Affairs at Mount Union College in Alliance, Ohio, before taking the job as director of human resources at Bethune-Cookman University in Daytona Beach, Fla. “I started thinking about the importance and influence of my own education while I was in law school,” Graham remembered, “and that inspired me to start thinking about education as a career.”

Graham’s duties at USD are diverse and demanding. She provides academic advising and some student recruitment, works on class scheduling, and she also helps create new academic policies and programs. There are, she described, several projects in the works related to student groups and student affairs, as well as ideas to expand co-curricular activities, simulation opportunities and externships.

Providing students with additional hands-on learning and instilling elevated ideals and ethics are existing law school goals she intends to continue supporting and building.

“We want students to learn, but we also want them to contribute to the community,” she declared.

Tom Geu, dean of the law school, is excited about Graham joining the institution’s leadership team. “We wanted someone with experience, and we wanted someone from outside the school who brought a broad and different set of experiences with them,” he said. “Tiffany does just that. She contributes excellent ideas, a terrific intellect and many positives to the law school.”

Among Graham’s first noteworthy assignments, said Geu, is to design a new course teaching analytical and study skills. “This course will prepare our students to be better law students,” explained Geu, “which is a start on being the kind of life-long learner a lawyer needs to be.” The course is being offered as a voluntary activity this year, but next year it will be available as a “for-credit” class.

Geu also described the need to improve and formalize internal assessments of law school programs and courses. “Dean Graham is leading that effort,” he said.

Graham acknowledged the need to advance assessments, pointing out that new assessment standards have been adopted by the American Bar Association. “Assessment is evolving now, and options are dramatically varied,” she explained. “For example, we’re looking at more strategic ways to assess students and to track their progress. In particular, we would like to link student assessment with building skills.”

Geu would also like to see an expansion of experiential learning for students, especially “live client” work. Graham is working to make that happen. “We’re going to develop additional clinical opportunities for the students,” she said. “This will give our students more opportunities to gain practical knowledge and serve people who have real legal needs.”

Despite entering the law school relatively recently, and doing so as a so-called “outsider,” Graham is quickly making a mark. “She has already earned the respect and trust of her colleagues on a professional and a personal level,” said Dean Geu. “She has demonstrated good judgment, and is contributing as a creative, hard-working presence.” In addition to those attributes, Graham is, said Geu, “fun to work with.”

Raised in Cleveland, educated in Boston and Charlottesville, and with a work history in Philadelphia and Los Angeles seems an unlikely road map leading to Vermillion, S.D. But Graham views her set of experiences as an advantage. “My diverse experiences are an asset. I’ve seen a lot. I’ve met and dealt with many different people in many different circumstances. I can draw on my experiences to be a more effective teacher, administrator and mentor.”

Her cosmopolitan background hasn’t dampened her impressions of her new home town and the rural law school where she works. “I’m very comfortable here,” she smiled. “The community is charming, and it’s calm and friendly. And the law school is impressive. The faculty is engaged and talented. The students are bright and dedicated. I’m happy to be here. It’s a privilege to be here.” •

Tiffany Graham’s predecessor as associate dean was Tom Sorensen, who retired in December 2013 after 13 years with the USD School of Law. John Glover served as interim dean until July 2014. Glover was on loan to the law school from Black Hills State University.
To ensure the effective implementation of changes, the Law Library engaged in a strategic planning process in August through October 2012 and developed a strategic plan for the Law Library. The strategic plan addresses adjustments to both the facilities and services offered.

In 2012, one of the visible changes to the Law Library facility included replacement of the carpeting on the main floor of the Law Library. At the same time, the Law Library increased spacing of the shelving ranges to better accommodate our differently-abled patrons. While the volumes were off the shelves, the Law Library staff took the opportunity to deacquisition some of the less used and duplicative case reporting resources, making way for additional space for study tables. Because the case reporters are accessible via a number of electronic resources, the availability of court opinions was not significantly affected.

If you have recently visited the University of South Dakota Law Library you can’t help but notice the changes to the physical layout. The changes to the appearance of the Law Library give a hint to other changes that have occurred and those that are planned for the future. The changes are, in part, a result of feedback gathered from the students, faculty and staff of USD Law and also feedback received from the American Bar Association during the accreditation process in 2012/2013 and in previous accreditation visits.

The movement of the shelving hints at the changes to collection and service philosophies occurring in the Law Library. Like other libraries, the USD Law Library has begun to transition, when fiscally possible, its collection from print to a more robust digital collection. One of the advantages of digital collections is that such collections are accessible remotely to patrons who have the proper authentication credentials via a proxy server. In early 2013, after extensive coordination with the USD Information Technology Department, a USD Law proxy service was established. In 2014, law alumni access to select resources via the proxy server was also established. Another advantage of electronic collections is the speed and efficiency with which resources can be updated. As the Law Library stops updating some of the print resources, we have undertaken a project to visually indicate that the materials are no longer current. Additionally,
to help users quickly access the updated electronic version of the resources, we have placed QR codes, machine-readable codes consisting of an array of black and white squares, used in this case to provide linking information which can be read by the camera on a smartphone.

Following the lead of the university administration, the service philosophies of the Law Library are changing to be more inclusive for a diverse patron population. The Law Library staff developed a diversity and inclusiveness plan as well as an outreach plan to ensure the staff is meeting the needs of our diverse users. The Law Library plans have served as an example for the Law School’s planning efforts. The Law Library’s collection development plan has also been adapted to emphasize topics of interest to diverse patron groups.
For instance, the Law Library has increased emphasis on its collection in Native American law, and the Law Library staff is collecting resources related to federal Indian, tribal and indigenous peoples law into one collection to be located on the main level of the Law Library. Further, Professor Frank Pommersheim has graciously provided access to more than 100 tribal appellate court decisions that he has authored over the last 25 years. These opinions have been digitized and were made available via a Law Library prepared LibGuide in September 2014.

Another noticeable physical change is the permanent faculty publications display. This display contains print copies of faculty scholarship and represents our renewed emphasis on services to the faculty and marketing of the collection. In addition to the print display, the Law Library staff established and maintains an electronic repository of faculty works and plans to facilitate in-library access to the electronic repository by providing a digital display which also allows patrons to link to the repository via the wireless network.

In addition to supporting faculty scholarship, the Law Library staff has also begun providing other services to the faculty. A faculty liaison program was implemented to facilitate reference and collection requests from faculty members. Faculty liaisons may also train and provide research services for the graduate assistants supporting faculty members. Law Librarians have provided topic-specific legal research instruction in several substantive classes including Elder Law, Tribal Law and Criminal Procedure courses. Often the instruction is accompanied by the development of LibGuides and research guides to allow the students to subsequently refer to resources discussed during the instruction. Further, Law Librarians provide support for undergraduate courses taught both by Law School faculty and adjunct professors in other departments.

In addition to the permanent faculty display, there are numerous temporary displays that visitors to the Law Library may view. The displays highlight not only the print resources available on a specific topic, but also materials accessible via electronic databases. The topics of display include events of diverse student organizations and current events. The displays also serve as the subject of blog posts on the Prairie Law Blog, the blog of the Law Library. The blog is aimed at making the students, faculty and the public aware of events in the Law School and Law Library as well as legal news from South Dakota and surrounding states, national legal news and international legal developments.

Also prominent on the main level of the Law Library is the South Dakota Collection, which includes secondary and primary authority such as statutes, session laws and the South Dakota Law Review and State Bar of South Dakota newsletter. Because we anticipate that the primary focus of USD alumni will be South Dakota Law, the Law Library staff has worked to make this collection readily available.

Increased emphasis on services for alumni is a high priority and an identified goal of the Law Library’s strategic plan. In October 2013, the Law Library offered a continuing education program on free and low cost legal research sources during the Dakota Days celebration. We hope to offer such programs on a regular basis in the future. Some of the information shared during the program was included in a LibGuide, an electronically available research guide through which the staff can provide not only narrative but also links, files and images. The Law Library staff has prepared LibGuides on other topics as well to assist alumni, law students, and the public in researching subjects including administrative law, criminal law and tribal law.

Further efforts have been made to extend to USD Law alumni access to resources. In 2014, the Law Library amended its HeinOnline subscription to extend access to the Law Journal Library for alumni. The extension of these resources allows remote access to electronic law reviews and journals and facilitated the withdrawal many print titles and the consolidation of the law review and journal collection into one area to clear additional space for the new Legal Technology Learning Center. The future plans of the library are to work within fiscal constraints to make e-books available to alumni not practicing near Vermillion via the LexisNexis Digital Library. The Law Library has also gained approval from the South Dakota Supreme Court to digitize historical briefs for cases filed prior to 1997. Because scanning and the redaction of select information from the briefs is a time intensive process, the Law Library anticipates that the first group of briefs will be available without cost via the South Dakota Digital Library in early 2015. When the new USD website goes live in 2015, links to the electronic resources available to alumni will be prominently included on redesigned Web pages developed by the Law Library staff. Also included on the new website will be information on how you can support expansion of services by contributing to the Law Library through the USD Foundation.

Perhaps the most recognizable physical change to the Law Library has been the addition of the Legal Technology Learning Center on the main level of the Law Library and the addition of new chairs and study tables with lighting, power and data functions on the upper and main level. The change to the ABA Model Rules of Professional Responsibility regarding technology competence along with the realities of client expectations regarding the use of technology in the provision
of legal services has made it clear that law students need legal technology instruction. The Legal Technology Learning Center will provide space and technology for this instruction. The Law Library will include technology instruction in the Advanced Legal Research Course, which was offered by the Law Library for the first time in spring 2014, along with other courses that are being developed.

A one-time special appropriation from the South Dakota Legislature made acquisition of the Legal Technology Learning Center tables with large monitors, laptops, iPads and other technology available. When not being used for formal classes, the technology is available for individual and group student use.

Even given the good start on the library’s physical plant, the most significant changes in the Law Library are in the area of staff. In late July 2012, the hiring of a law librarian holding a J.D. and Master of Library and Information Studies (MLIS) degree with practice, teaching and law library administration experience as the director of the Law Library was a significant step.

Retirements of long-term employees in late 2012 and 2013 have also provided the opportunity to restructure the Law Library staff to better provide services. In August 2014, Sarah Kammer, the new head of Public, Faculty, and Student Services, joined the Law Library staff. Kammer has earned both a J.D. and an MLIS degree. Additionally, she is a member of the Patent Bar, has practice experience, and has developed substantial knowledge in the area of integrated library systems and technology. During the spring 2015 semester, it is hoped the Law Library management team will be expanded to include a head of Administrative, Instructional and Technical Services. It is anticipated that this position will assist the Law Library director in carrying out not only the administration of Law Library operations, but will also help to develop the outcome based assessment of legal research and other library instruction mandated by the recently adopted American Bar Association accreditation standards. The Law Library also recently posted an opening for a collection development, systems and metadata (CSM) librarian. The CSM librarian will hold a Master in Library Science degree, will have experience with automated library systems, and will be responsible to serve as the liaison with the South Dakota Library Network. With this additional staff and the assistance of student workers, it is anticipated that the hours of the library may be extended.

While development of new policies, transformation of the collection and physical features of the Law Library, and expansion of services are all part of the changes occurring at the Law Library, the Law School recognizes that the most valuable resource of the Law Library is our staff. Only through the focused efforts of qualified staff members can the Law Library provide and expand the services available to our patrons.
Our amazing faculty are busy each year with scholarship, service and teaching our outstanding and enthusiastic student body. Here are the most recent updates from our faculty from the last year. Full biographies can be read at www.usd.edu/law.

In their first years at USD Law

Tiffany Graham
Associate Dean of Academic Affairs
Classes: Race and the Law, Law and Sexuality
Updates: Dean Graham is primarily focusing on two major projects: (1) increasing student opportunities for gaining practical experience, and (2) working with the faculty to enhance the assessment of student learning across the curriculum. Providing multiple, real-world avenues for acquiring practical skills will allow students to connect theory with practice, and the law school is planning to facilitate this process through the introduction of live-client clinics, the enlargement of the externship program and the expansion of opportunities to do pro bono work. Moreover, refining the current assessment model will not only ensure that students receive additional course-related feedback, but it will also provide the institution with the necessary data for measuring levels of student success. Beyond her administrative tasks, Dean Graham is also teaching a course on Race and the Law this spring, and anticipates teaching a Law and Sexuality course in spring 2016. Finally, she is continuing to work on her scholarship, which has recently focused on shifts in equal protection and substantive due process doctrine stemming from advances in the movement for LGBT equality.

Wendy Hess
Assistant Professor and Director of Fundamental Legal Skills & Legal Writing
Classes: Fundamental Legal Skills I & II, Client Interviewing & Counseling
Updates: Professor Hess was recently published in the fall issue of the South Dakota Law Review with an article entitled “Kids Can Change: Reforming South Dakota’s Juvenile Transfer Law to Rehabilitate Children and Protect Public Safety.” She also coordinated a panel discussion in October 2014, as part of Youth Justice Awareness Month. The event was called “Juveniles Charged as Adults,” and featured experts from the law school, main university and the community. She joined the board of the East River Legal Services this last year and advises three student organizations: Law Students for Reproductive Justice, the Criminal Justice Education Project, and the Domestic Violence, Sexual Violence, and Stalking Project.

Darla Jackson
Director of the McKusick Law Library
Classes: Legal Research Foundations, Advanced Legal Research
Updates: Jackson just completed managing and overseeing a variety of upgrades to the McKusick Law Library during the summer of 2014. She has developed and teaches a course titled Legal Research Foundations. She has a forthcoming article in Law Library Journal entitled “Thinking About Technology … Cybersecurity: Breaches And Heartbleed To BYOD – Are Bankers, Ice Cream Lovers, Celebrities, Home Builders And CIOs the Only Ones Who Should Be Concerned?” In addition, she writes a regular column for a law library association publication.

Sean Kammer
Assistant Professor
Classes: Environmental Law, Natural Resources Law, Energy Law, Water Law, and Advanced Writing in Natural Resource Law
Allen Madison
Assistant Professor
Updates: Professor Madison recently co-drafted a grant application to start a tax clinic at USD Law. He has led the project which is featured in this issue of the South Dakotan Lawyer. Additionally, his article, entitled “The Futility of Tax Protester Arguments,” recently appeared in the Thomas Jefferson Law Review. Another article about whether gratuitous services are subject to income tax will appear in the Memphis Law Review soon.

Michael McKey
Visiting Lecturer
Classes: Fundamental Legal Skills I & II, Business Organizations
Updates: McKey is in his third year, second full-time, with the law school. In addition to teaching FLS and Business Organizations, McKey assists in coaching both Moot Court and Trial Competition Teams. In the last year, McKey traveled with students to competitions in Los Angeles, San Francisco, Seattle, Chicago, Iowa City, Buffalo and Washington D.C. representing USD law. This year he is coaching two transnational law meet teams.

Tom Simmons
Assistant Professor
Classes: Trusts and Wills, Estate Planning, Elder Law, Business Organizations, and Property

Five or more years
Tom Horton
Associate Professor of Law and Johnson, Heidepriem & Abdallah Trial Advocacy Fellow
Classes: Trial Techniques, Antitrust Law, Comparative Antitrust and Competition Law (China), “The History and Philosophy of America’s Antitrust Laws (Undergraduate Honors Course)
Updates: Professor Horton has published 11 scholarly law review/journal articles and three book chapters, including the ABA’s chapter on “South Dakota’s Antitrust Laws.” In 2014, he completed articles for The European Competition Law Review and The Antitrust Bulletin. He also delivered papers at the New York University School of Law; the University of Nebraska School of Law; and the American Antitrust Association’s annual meeting in Washington, D.C. In 2014, his 2011 Loyola Chicago Law Journal antitrust article was translated into Spanish, and included in a book of seven articles for Latin American Competition authorities titled “Libre Competencia y la Sociedad Buena: Perspectivos Actuales en el Derecho de la Competencia.” As part of his teaching duties, Professor Horton directs the USD School of Law trial teams. In 2014, 34 USD 3Ls competed on 12 teams in 11 national tournaments, including nine elite invitation-only tournaments. For the second time in five years, a USD student received the “Best Defense Advocate Award” at the highly competitive Capitol City Challenge Invitational Tournament in Washington, D.C. During the summer of 2014, Professor Horton additionally
taught Comparative Antitrust and Competition Law to USD and Chinese students at the Shanghai International Studies University in Shanghai, China. Professor Horton also teaches a USD undergraduate honors course on “The History and Philosophy of America’s Antitrust Laws.” Professor Horton’s paper about this course has been republished in a 2014 book, Teaching Legal History: Comparative Perspectives.

### 10 or More Years

**Patrick Garry**

**Professor**

**Classes:** Administrative Law, Media and Communications Law, Advanced Torts, and Employment Law

**Updates:** Professor Garry has a J.D. and Ph.D. in legal and constitutional history. He teaches in the areas of administrative law, media and communications law, advanced torts, and employment law. He has published more than 100 articles, which have appeared in such journals as *Wake Forest Law Review, Florida Law Review, Alabama Law Review, SMU Law Review, Utah Law Review, University of Kentucky Law Review,* and *Arizona State Law Journal.* He has also been an invited contributor to *The Oxford Companion to the Supreme Court, the Encyclopedia of the First Amendment, the First Amendment Law Handbook,* the *Cato Supreme Court Review, The Encyclopedia of the Supreme Court of the United States,* *The Encyclopedia of the Fourth Amendment,* and *the Oxford Companion to U.S. History.* This past year he published a book on the South Dakota Constitution.

### 20 or more years

**Roger Baron**

**Professor**

**Classes:** Civil Procedure I & II, Family Law, and Insurance

**Updates:** Professor Baron has begun writing a weekly legal column for newspapers in South Dakota. He has expanded this to a co-authorship with his daughter, Sarah. The first column was published August 2014. Additionally, he gave a three hour presentation to South Dakota judges on the topic of Uniform Child Custody Jurisdiction And Enforcement Act and related issues in October 2014. Professor Baron has also begun work with a group to enact Tania’s Law which would allow no fault divorce in South Dakota.

**Barry Vickrey**

**Dean & Professor Emeritus**

**Classes:** Legal Profession, Property, and Mediation

**Updates:** Since retiring as dean of the USD School of Law in 2011, Professor Vickrey continued as full-time faculty until his retirement in spring 2014. Though retired, he continues to teach Legal Profession, Property, and Mediation as well as coordinate South Dakota Drafting & Legal Practice. He also serves as faculty advisor for the Moot Court Board.

### 15 or more years

**Jo Pasqualucci**

**Professor**

**Classes:** Secured Transactions, Commercial Law, Public International Law, International Human Rights Law, and International Business Transactions

**Updates:** Professor Pasqualucci will retire at the end of this academic year. The second edition of her book entitled *The Practice and Procedure of the Inter-American Court of Human Rights* was published by Cambridge University Press in 2013, and she has published three book chapters on topics of international law in the last year. She continues to serve as chair of the Admissions Committee.

### 25 or more years

**Tom Geu**

**Dean and Professor**

**Updates:** Dean Geu became interim dean in July 2011 and permanent dean of the USD School of Law in July 2013. He is currently a South Dakota Commissioner for the Uniform Law Conference where he serves on the Model Tribal Probate Code Drafting Committee and is active in the Deans’ Committee of the American Association of Law Schools. He is the immediate past chair of the South Dakota Chapter of the American Bar Foundation and a member of the regional selection committee of American Law Institute. Last year
he facilitated a small group session at a deans’ conference on relationships between law schools and the greater university of which they are a part. He recently chaired the search committee for the new dean for the Beacom School of Business at USD.

### 30 or more years

**David Day**

**Professor**

**Classes:** Constitutional Law, First Amendment Rights, Constitutional Law: Selected Issues, Constitutional Rights

**Updates:** Professor Day (with his co-authors) recently completed the Sixth Edition (2014) of his constitutional law casebook, *Cases and Materials on Constitutional Law*, for Lexis/Nexis. Professor Day also completed the 2014 supplement to the casebook. The casebook has been used at law schools across the country. Professor Day donates his royalties from the casebook sales (to USD students) for a scholarship at the Law School Foundation; a number of former students have also contributed to the Radigan Scholarship. Day’s most recent publications include an article for a recent *Law Review Symposium* issue, the Law Review’s 2012 Symposium on Government Speech. He is pleased to serve on the selection committee for the Andrew and Elizabeth Bogue Scholarship. Professor Day has advised more students in recent years about clerkship and legal placement opportunities. Despite the “difficult circumstances” in the legal field, USD Law students seem to be finding placement opportunities, both in South Dakota and otherwise.

**Frank Pommersheim**

**Professor**

**Classes:** Criminal Law & Procedure, Indian Law, Federal Jurisdiction, Rights of Indigenous Peoples, Tribal Courts

**Updates:** Professor Pommersheim has “gone digital!” The McKusick Law Library has published his online “LibGuide” entitled Tribal Justice: 25 Years as a Tribal Appellate Justice. The guide features an introduction to the project, an autobiographical narrative, a model of tribal court jurisprudence and some reflections on the art of tribal court judging. Also contained are 125 appellate decisions authored by Justice Pommersheim as well as a link to the “Selected Works of Frank Pommersheim,” which includes all his Indian law scholarship, selected poetry and assorted prose. The LibGuide can be found on the McKusick Law Library’s page. Pommersheim’s forthcoming poetry chapbook is entitled *Local Memory and Karma* (*The Buddha Correspondence Volume 2*).

### 34 years

**Chris Hutton**

**Professor**

**Classes:** Criminal Law & Procedure, Evidence, Advanced Criminal Procedure

**Updates:** Professor Chris Hutton completed work on South Dakota Evidence, 2d edition (with John Larson), a treatise addressing the South Dakota Rules of Evidence and case law interpreting them. The treatise is current on cases to the end of 2012. She prepared a follow-up article with the 2013 cases, “South Dakota Evidence: Comments on a ‘Giant Step’, 59 S.D. L. Rev. 343 (2014).” She also has been active as chair of the State Bar Evidence Committee, which has prepared draft rules to submit to the South Dakota Supreme Court to align the language of the state rules with the federal version. Professor Hutton has engaged in a number of other service activities recently, including serving on the Governor’s Criminal Justice Initiative, Chief Justice’s Committee on Judicial Elections, Chief Justice’s Committee on Legal Services for the Poor, chair of the Law School’s Faculty Recruiting Committee, and faculty advisor for Women in Law. She received the inaugural Cutler & Donahoe Award for Excellence in Legal Education in 2014.

**Jon Van Patten**

**Professor**

**Classes:** Torts, Discovery Practice, Debtor & Creditor Rights, and Negotiation and Settlement

**Updates:** Professor Van Patten has taken up the career path of becoming a bit of a master chef. He has hosted a number of dinners as fundraisers for the law school’s Public Interest Network. These dinners have raised money for PIN scholarships for USD Law Students. He has agreed to five dinners this year. He describes the dinners as a sort of “Inns of Court” mentoring opportunity where the discussion
revolves around law, the law school and practice. He also hosted a barbeque for Women in Law this year and last year attended by more than 100 people and assisted the Harrisburg School District fundraiser by roasting a whole hog. Lastly, he has an article appearing in the forthcoming *South Dakota Law Review* entitled “On Editing” and also provided a two hour writing seminar on editing for the Law Review at the beginning of the year.

**37 years**

**Charles Thatcher**

**Professor**

**Classes:** Contracts I & II, Conflicts of Law, and Remedies

**Updates:** Professor Charles M. Thatcher is approaching his 40th year as a law professor; he is the senior member of the USD School of Law faculty in terms of time served. He recently completed a law review article entitled “What Is ‘Eet’? A Proposal to Add a Series of Referent-Inclusive Third Person Singular Pronouns and Possessive Adjectives to the English Language for Use in Legal Drafting,” *59 South Dakota Law Review* 79 (2014). He is currently working on an article that will speculate whether application of the traditional conflicts rule known as lex loci contractus might ever produce a result that exceeds constitutional limitations on choice of law.

**1940s**

**Grace (Steinberg) Day ’49**

L.L.B., Saint Joseph, Mo., retired from a distinguished legal career that spanned more than 63 years. Day, a proven leader and mentor, gained a reputation for being a bulldog with unflappable determination. She was one of the first women to develop a private practice in St. Joseph, Mo., after her graduation from the University of South Dakota School of Law. By 1972, Day became the first woman elected president of the local bar association. She frequently represented indigent clients in her practice which focused on domestic law.

**1950s**

**David Crary ’55** L.L.B., Mesa, Ariz., formerly of the Crary Huff Law Firm, has applied to reinstate his law license to join the Goosmann Law Firm as an attorney. Dave is the last descendant of the Crary attorneys, going all the way back to Sam Crary, who started practicing law in Iowa in 1900, followed by his father, David Crary, uncle Bob Crary, and older brother, Bruce Crary. He practiced law at his family law firm in Sioux City from 1955-2005. He has spent his career as a trial attorney, and is looking forward to getting back into the courtroom.

**1960s**

**Donald Bormann ’66**

Emmetsburg, Iowa, retired as district associate judge of the Third Judicial District. Bormann was appointed to the bench in July 2000. He served as a clerk to Axel J. Beck, Federal Judge; worked as a legal aid on the Rosebud Indian Reservation in Mission, S.D.; and was in general private practice in Emmetsburg for 32 years. Judge Bormann is a member of the American Bar Association, the Iowa State Bar Association and the Palo Alto County Bar Association.

**1970s**

**Philip Hogen ’70**

Black Hawk, S.D., now practices at Hogen Adams PLLC.

**Thomas Fritz ’71**

Rapid City, S.D., of Lynn, Jackson, Shultz & Lebrun, P.C., was formally inducted into the Litigation Counsel of America at the LCA’s 2013 Fall Conference & Celebration of Fellows Gala held in pro-bono hours to represent low income clients in more than 150 mortgage foreclosure actions.
White Sulphur Springs, W.Va. Fritz has been with Lynn, Jackson, Shultz and Lebrun, P.C. since 1972 and is past president of the State Bar of South Dakota, past governor of the ABA Board of Governors, past president of the Western States Bar Conference and the past president of the Jack Rabbit Bar Conference. He is also a member of the American College of Trial Lawyers, the International Academy of Trial Lawyers, ABOTA, The International Society of Barristers, South Dakota Defense Lawyers and South Dakota Trial Lawyers Association. Tom is an AV-rated practitioner who is recognized in Best Lawyers, Great Plains Super Lawyers, Outstanding Lawyers in America, Who's Who in American Law, Chambers USA and the Litigation Counsel of America.

John Theeler ’71, Mitchell, S.D., is among nine individuals who will be inducted into the South Dakota Sports Hall of Fame when the Hall opens its doors April 12 in Sioux Falls. Theeler was just the sixth men’s basketball player all-time to earn all-North Central Honors during three straight seasons, from 1966-68. Theeler, who transferred to USD from the University of Minnesota, held 12 school records and two NCC marks when he left, finishing with a then-school record 21.5 points per game (1,573 points).

David Ganje ’76, Albany, N.Y., taught a course at the South Dakota Real Estate Commission’s fall real estate broker’s course. The course subject was natural resource law and environmental law in modern real estate transactions, including a review of South Dakota mineral rights, oil and gas leases, water rights, storage tanks and groundwater contamination. The program discussed environmental compliance and liability concerns for brokers and their clients.

James McMahon ’77, Canton, S.D., has returned to the practice Murphy, Goldammer & Prendergast as partner of the firm.

Reed Rasmussen ’79, Aberdeen, S.D., has become a Fellow of the American College of Trial Lawyers, one of the premier legal associations in America. Rasmussen is a partner in the firm of Siegel, Barnett & Schutz, which has offices in Aberdeen and Sioux Falls. He has been practicing in Aberdeen for 27 years.

1980s

John Stewart ’82, Carmel, Ind., was named chief financial officer for Indigo BioSystems, Inc. in Indianapolis, Ind. Indigo’s ASCENT software automates the analysis of the output from mass spectrometers.

Shawn (Jensen) Pahlke ’85, Rapid City, S.D., Seventh Circuit Magistrate Judge, was presented with the University of South Dakota Women in Law 2014 Attorney of the Year award. Pahlke was a founding member of Women in Law and served as a prosecutor for the Pennington County State’s Attorney before moving into the Pennington County Public Defender’s Office, where she was the first female director of the Public Defender’s Office. She began her work as a magistrate judge for the Seventh Circuit in 1995, only the second woman to serve in this capacity. Pahlke serves on the Unified Judicial System Training Committee and also writes ethics opinions for the Unified Judicial System.

Richard Sommers ’84, Aberdeen, S.D., was appointed state circuit judge for the area covering northeastern and north-central South Dakota, filling a vacancy created by the retirement of Circuit Judge Jack Von Wald. The 5th Judicial Circuit includes Brown, Campbell, Day, Edmunds, Faulk, Marshall, McPherson, Roberts, Spink and Walworth counties. In addition to working in civil and criminal law, Sommers specializes in water law.
and serves as city attorney for several municipalities. Sommers practiced in Britton and Brookings before working two years as Brown County’s chief deputy state’s attorney. He joined an Aberdeen law firm in 1989 and is now a partner in the firm.

**Kathleen (Felker) Trandahl ’85, Winner, S.D.,** was presented with the University of South Dakota Women in Law 2014 Attorney of the Year award. Trandahl was a founding member of Women and Law and practiced law in Winner, S.D., until she was appointed to the Circuit Court bench by Gov. Walter Dale Miller in 1994. She is the senior circuit court judge in the Sixth Circuit and is active in many civic organizations in her community and led the effort to establish drug courts in South Dakota.

**1990s**

**Barbara Everist ’90 J.D., Sioux Falls, S.D.,** served as campaign treasurer for Mike Rounds’ 2014 run for the United States Senate. Everist served in the South Dakota legislature from 1993-2002, was assistant majority leader and majority leader in the state senate, and was a candidate for the United States House of Representatives in 2004. She continues her dedication to public service today by volunteering her time to many worthwhile causes. She and her husband, Tom, live in Sioux Falls.

**Amy (Mitchell) Becker ’91, Minneapolis, Minn.,** was promoted to vice president, general counsel and secretary of Donaldson Company, effective Aug. 1. Prior to joining Donaldson, Becker was an attorney for Dorsey and Whitney, LLP and was a project manager and corporate counsel for Harmon Ltd.

**Bram Weidenaar ’94, Sioux Falls, S.D.,** has joined the firm Alvine & King as an associate attorney specializing in workers’ compensation.

**Matthew Brown ’99 J.D., Custer, S.D.,** was appointed magistrate judge for the Seventh Judicial Circuit. Brown’s jurisdiction will be Pennington, Custer and Fall River Counties. Brown and his wife, Dr. Joy Falkenburg, (a 2000 USD Sanford School of Medicine alumna) and family ranches in southwest Fall River County. They have three children: Nancy Briley, Ryken Joy and Lincoln Ellsworth.

**2000s**

**Patrick Burns ’00, Minneapolis, Minn.,** was named partner at Lockridge Grindal Nauen. Burns was a partner at Lindquist & Vennum and serves on the American Arbitration Association’s national panel of mediators and arbitrators. He is an adjunct professor of law at the University of South Dakota and served in the U.S. Army JAG Corps.

**Jacquelyn Johnson ’02, Merrill, Iowa,** has joined Vonnahme Law, PC. She primarily practices in family law and personal injury. A Sioux City native, she currently lives in Hinton, Iowa, with her family.

**Sarah (Gloden) Carlson ’04, Omaha, Neb.,** has been named director of development for the University of Nebraska Medical Center (UNMC) College of Nursing. Carlson has held academic and administrative positions at the University of South Dakota and the University of Nebraska-Lincoln, and served as director of academic affairs and vice president/campus director for Apollo Group.

**Kerri Cook-Huber ’06, Yankton, S.D.,** has announced her new practice, KCH LAW.

**James Perkett ’06, Park Rapids, Minn.,** has opened his own office. After working at Rogers law offices in Bemidji and then for Twin Cities-based Kroll Ontrack, he found his way back to the Park Rapids area. He lives with his wife, Angie, and daughter, Hayley, in Park Rapids.

**Bryan Denham ’07 J.D., Skellytown, Texas,** has joined Warner Law Offices. Denham has worked as a private-practice attorney in Bismarck, N.D., handling criminal defense and litigation. He was then appointed assistant state attorney with North Dakota where he prosecuted criminal matters for six years in the Bismarck capital region.

**Anthony Hohn ’07, Sioux Falls, S.D.,** Davenport, Evans, Hurwitz & Smith is pleased to announce that Anthony M. Hohn has become a partner in the firm.

**Tiffany Miller ’07 J.D., Sioux Falls, S.D.,** has become a partner in the firm Davenport, Evans, Hurwitz & Smith.

**Cole Dixon ’07, Minneapolis, Minn.,** has joined Schwebel, Goetz & Sieben. Dixon, a personal injury litigation attorney, is a member of the Minnesota State Bar Association and the Ramsey County Bar Association.
Joshua Zellmer ’07, Sioux Falls, S.D., has joined Myers Billion as an associate.

Justin Bell ’08, Pierre, S.D., has become a partner at May, Adam, Gerdes & Thompson.

Shane Eden ’08 J.D., Sioux Falls, S.D., has joined Davenport, Evans, Hurwitz & Smith as a partner in the firm.

Nick Kotzea ’08 J.D., Sioux Falls, S.D., is director of Legislative Affairs at Sanford Health.

Heidi Oligmueller ’08, Jefferson, S.D., has rejoined the Heidman Law Firm as an associate at its new office in South Sioux City, Neb. Oligmueller originally worked for Heidman from 2008-2011 and most recently worked as an immigration attorney with Mary J. Treglia Community House. The firm’s new South Sioux City office will specialize primarily in immigration and naturalization issues but will service other areas of the law through the 19 attorneys within the Heidman firm.

Timothy Barnaud ’09, Pierre, S.D., has returned to Belle Fourche to open Barnaud Law Firm Prof, LLC. His practice includes the areas of criminal law, business law, environmental law, mineral law and petroleum law. After graduating from Denver with an LLM, he returned to South Dakota in 2011 to be an assistant attorney general with Attorney General Marty Jackley, working primarily in criminal law.

Philip Terwilliger ’09 J.D., Vermillion, S.D., was named Deputy State’s Attorney for Clay County in January 2013.

2010s

Mitchell Morrison ’11, Sioux Falls, S.D., was promoted to legal counsel/compliance officer at First Dakota Title. Morrison joined First Dakota Title in 2012 as a title examiner.

Robert Rohl ’11, Rapid City, S.D., has joined the firm Demersseman, Jensen, Tellinghuisen & Huffman as an associate.

Bethanna Feist ’12, Sioux Falls, S.D., has formed the Ronke & Feist Law Firm with Eric Ronke ’12.

Braden Hoefert ’12, Mitchell, S.D., Jim Taylor is pleased to announce that Braden M. Hoefert has associated with him in the general practice of law.

Eric Ronke ’12, Tea, S.D., has formed Ronke & Feist Law Firm with Bethanna Feist ’12.

Eric Erickson ’13, Sioux Falls, S.D., has joined Cutler & Donahoe as an associate.

Joshua Finer ’13, Aberdeen, S.D., is associated with Richardson, Wyly, Wise, Sauck & Heb.

Kara Frankman ’13, Rapid City, S.D., is an associate attorney at Bangs McCullen.

Alyssa Herbold ’13, Pierson, Iowa, has joined the Wittgraf Law Firm of Cherokee, Iowa, as associate attorney. She has been serving as a Law Clerk with Wittgraf Law Firm, and has also served as an intern for the Iowa Attorney General and the County Attorneys in Cherokee and Ida Counties. A member of the Iowa State Bar Association and American Bar Association.

Sara Hughes ’13, Lincoln, Neb., has joined Baylor Evnen Curtiss Grimit and Witt, LLP. Hughes is a member of the firm’s workers’ compensation, litigation and employment law practice groups, and is a member of the Nebraska State Bar Association, Lincoln Bar Association and Iowa State Bar Association.

Dillon Karras ’13, Spearfish, S.D., has joined Hood & Nies as an associate.

Nicholas McInerney ’13, has joined the University of South Dakota School of Law as its first full-time admissions and enrollment coordinator. McInerney’s professional background includes management and training work for Midcontinent Communications.

Nathaniel Nelson ’13, Spearfish, S.D., has joined Rensch Law Office as an associate in the practice of law.

Theresa Rachel ’13, Sioux City, Iowa, has joined Deck Law, LLP, as an attorney. Rachel is licensed to practice law in Iowa and is pursuing licensure in the states of Nebraska and South Dakota.
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$1 million gift to establish the Orrin S. Estebo Law Scholars Fund. Beginning in the spring semester of 2016, this transformational gift will be used to offer scholarships to all first year law students in their second semester of study.

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ONWARD Campaign

We would additionally like to thank those firms that have made pledges to the ONWARD Campaign for South Dakota. These donations will be used toward capital improvements or endowments for the School of Law.

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The School of Law each year attempts to collect the names of all the lawyers and judges who contributed, in some respect, to the success of our academic program. In addition to those listed in the Honor Roll of Donors for their financial support, we offer sincere thanks to those listed below who gave their time and expertise. Without all of you, we would not be the great school we are. We apologize to anyone we may have inadvertently omitted from the list.

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As the old saying goes, “there is no time like the present,” and just as with accepting serendipitous opportunities, this saying reigns true with the USD Onward campaign. Initially, however, I would like to take this opportunity to introduce myself as the new development officer for the School of Law at the University of South Dakota Foundation. As a lifelong South Dakotan and dual degree graduate of the university, my pride for USD runs deep.

In 2007, I graduated from T.F. Riggs High School in Pierre and moved to Vermillion to attain a B.A. in political science. While at the university I became a member of Alpha Phi Sorority, president of the Political Science League, and vice president of the student body. These experiences have given me a vast knowledge of the university that I bring to this job. Upon graduation, I started at the University of South Dakota School of Law to follow in my mother’s footsteps of becoming a lawyer.

Now, as for the Onward campaign, during the 100th celebration of Dakota Days the Foundation hosted the Red Tie Event where it was announced that during the silent phase of the campaign $135,233,415 had been raised, an amazing accomplishment made possible by the university’s generous donors. Nevertheless, the work is not done; the School of Law has an ambiguous goal of raising roughly $15 million going towards four areas:

1. **Scholarships** – Even with comparatively low tuition and fee costs, 90 percent of USD law students must borrow money. In 2013, a School of Law graduate was paying roughly $84,000 to attain a J.D.

2. **Program Enrichment** – Co-curricular activities provide students important opportunities to customize their education and find their passion. The law school seeks support to better fund, sustain and expand these programs.

3. **Endowed Chairs & Professorships** – Students realize their potential when inspired by highly qualified professors. With a wave of faculty retirements on the horizon, funding is needed now to help attract and retain quality teachers.

4. **Construction/Renovation** – Construction and renovation at the 32-year-old law school building will create the attractive, high-tech and functional learning environment beneficial to both students and the public they will serve. Naming rights are available for the school of law, school of law building, law library, courtroom, offices and classrooms.

Taking a leadership role in the Onward campaign for the School of Law have been firms in both Sioux Falls and Rapid City. These firms have each pledged $125,000 to go toward scholarships and faculty endowments. By taking the lead with these gifts, the firms have set an example in ongoing dedication to the School of Law along with furthering legal education and the public served by USD Law’s graduates.

The legal field is ever-evolving and the legal education must evolve, too, in order to produce the quality lawyers we have grown to expect out of the School of Law. Donations directly affect the law students, but also the legal community in South Dakota. Students need to emerge from the law school better prepared to immediately start “thinking like a lawyer.” Educational opportunities such as clinical work, experiential classrooms and the best faculty produce the high quality lawyers we want for this state. So, as the saying goes, “there is no time like the present.” There is no time like the present to give to the School of Law and the future generation of South Dakota lawyers. •