

Marya Vrooman Rogers, Chair  
Legal Assistants Committee of the State Bar  
Western Dakota Technical Institute  
800 Mickelson Drive  
Rapid City, South Dakota 57703-4018

February 23, 2007

South Dakota Supreme Court  
500 East Capitol  
Pierre, SD 57501-5070

Re: Proposed changes to SDCL 16-18-34 through 16-18-34.7

Dear Justices:

The Legal Assistants Committee has fully considered the invitation from the Court, at the time of the rules hearing, to consider a "compromise" version which would address issues raised by Mr. Nasser at the time of hearing, and in his written comments to the Court. An original and ten copies are provided. After careful consideration, we find that we are unable to further compromise the proposed rule without doing disservice to the overwhelming number of committee members, the membership of the South Dakota Paralegal Association (SDPA), and the overwhelming endorsement from the South Dakota Bar, supporting adoption of the rule in its current form.

The rule, as presented to you for consideration, is already a compromise in many respects. The "grandfather" clause was a concern to some of our committee, believing that it was not consistent with one of our goals to upgrade the professional respect of the certified legal assistants and paralegals already in practice. The "grandfather" clause was left in, however, to accommodate the very concerns that Mr. Nasser expresses. Further compromise threatens to defeat the very purpose of the proposed rule.

We believe that the obligation of the Bar, and its staff and employees, is first and foremost a duty owed to the public to maintain a high degree of professionalism and ethics. The vast majority of staff members, whether designated as secretaries, clerks, paralegals, certified legal assistants, legal assistants (and perhaps other terms) recognize that duty, and are willing to undertake the time, effort and expense necessary to upgrade and maintain their own competence to meet those high standards. This rule facilitates the efforts of our bar and staff to work toward those higher standards.

The proposed rule changes represent over five years of work for the Legal Assistants Committee and the SDPA. On behalf of the Committee, the Bar and South Dakota Paralegal Association, we respectfully request your favorable consideration of the proposed rule, in its current form.

Sincerely,

Marya Vrooman Rogers  
Chair, Legal Assistants Committee

Cc: Thomas C. Barnett, Jr.  
Henry Evans  
Betsey Harris  
Mark Koehn  
John Pekas  
Richard Pluimer  
Jennifer Utter  
SDPA  
N. Dean Nasser, Jr.  
Shirley Jameson-Fergel, Clerk of the South Dakota Supreme Court