



South Dakota Paralegal Association, Inc.

Founded in 1989

Please Reply To:

Teri J. Braun, B.S., CP
Professional Development Committee Chair
Thomas Nooney Braun Solay & Bernard, LLP
P.O. Box 8108
Rapid City, SD 57709-8108
(605) 348-7516
(605) 348-5852 fax
E-Mail: tjbraun@mtnlaw.com

PROFESSIONAL DEVELOPMENT COMMITTEE REPORT

Re: Update on Proposed Changes to Paralegal Statutes

February 23, 2007

The Professional Development Committee has been spearheading proposed changes to SDCL 16-18-34 through 16-18-34.7, the statutes governing paralegals in South Dakota. The proposed changes removes the term “legal assistant” and uses the term “paralegal” exclusively along with tightening the qualifications to be a paralegal in South Dakota. [The full text of the proposed changes is on the SDPA website at <http://www.sdparalegals.com>.] After voting to approve the changes at their annual meeting in June of 2006, the State Bar of South Dakota submitted the proposed legislation to the South Dakota Supreme Court for consideration at the rules hearing that was held on February 15, 2007. Tom Barnett of the South Dakota State Bar; Marya Vrooman Rogers, Chair of the Legal Assistants Committee of the State Bar; and Teri Braun, Chair of the SDPA Professional Development Committee spoke as proponents to the changes. Dean Nasser, an attorney from Sioux Falls, spoke as an opponent of the changes. There were also three SDPA members present to observe.

The Justices had several questions regarding the proposed changes which were mostly directed to and answered by Marya Vrooman Rogers. Dean Nasser had submitted both written and verbal opposition to the changes. Even though he had several objections to the proposed changes, his focus was on the removal of the in-house training provisions. It was apparent by the questions posed by the Justices that they were inclined to re-insert those provisions. Teri Braun then asked the Court if she could speak and was allowed to address the concerns of the in-house training provisions. The Court subsequently gave proponents and opponents ten days to submit to the Court “something they could live with.” In essence, the Court asked for a compromise.

A day after the hearing, Mr. Nasser submitted a proposal which added two new sections to the statute that included, among other things, legal assistants as a new designation with the in-house training provisions as qualifications. The Professional Development Committee, the Executive Committee, and the Legal Assistants Committee of the State Bar worked furiously to respond to all of Mr. Nasser’s objections along with his proposed additions to the statute. It was the majority opinion that a compromise could not be met. On February 22, 2007, a four page submission authored by Teri Braun was sent to the Court responding to Mr. Nasser’s concerns and requesting the adoption of the original proposal. The letter also commented on how Mr. Nasser’s proposed additions to the statute were inadequate. We will now wait for the Court’s decision.

Teri J. Braun, B.S., CP
Chair, Profession Development Committee