



South Dakota Defense Lawyers Association Newsletter



President's Message

ZACHARY PETERSON

Thank you for your new or renewing membership in the South Dakota Defense Lawyers Association. One goal set forth by the SDDLA Board of Directors for 2024, has been to increase membership. I would ask all our members to invite other lawyers who practice in civil defense, to join and get involved in our association. Our management team, Jasper Diegel and Katie Sieverding of Lancaster Management Group, are happy to assist with membership questions. Please let either of them know if they can assist or be of help.

SDDLA would like to invite you to a SDDLA social to be held in Pierre during the State Bar Convention. It will be held on Thursday, June 13 from 2:30 - 4:00 pm at May, Adam, Gerdes & Thompson, LLP. This will be a great opportunity to network with other members of the association and enjoy some time near the river. Thank you to May Adam for hosting this event for us and my hope is to see many of you there.

(continued on page 2)

Inside this issue:

PRESIDENT'S MESSAGE
PAGE 1

**SDDLA RECEPTION AT
STATE BAR CONVENTION**
PAGE 2

**2024 LEGISLATIVE
SESSION UPDATE**
PAGE 3-4

**MESSAGE FROM THE
EXECUTIVE TEAM**
PAGE 5

**SAVE THE DATE!
ANNUAL SEMINAR
SCHEDULED**
PAGE 5

Join Us on June 13th!



RECEPTION

DURING THE STATE BAR CONVENTION

Join the South Dakota Defense Lawyers Association for a happy hour networking reception during the state bar convention.



DATE
THURSDAY, JUNE 13TH



TIME
2:30 - 4:00 PM



**MAY, ADAM, GERDES &
THOMPSON, LLP**
503 S PIERRE ST, PIERRE



EVERYONE IS WELCOME TO ATTEND

PRESIDENT'S MESSAGE CONTINUED

Lastly, I ask you to mark your calendars for our 2024 Annual Seminar. It will be held November 14-15 in Sioux Falls at the Sheraton. The Executive Board is working on setting on setting the schedule and information and registration will be available soon.

Thank you for your support of SDDLA. If there is anything that the management team or the board can do for you, please feel free to reach out and let us know.

2024 Legislative Update

DOUGLAS ABRAHAM

The 2024 Legislature did not result in a lot of significant, substantive changes to the laws that it impacts the civil defense bar. However, below are a few bills that will have some impact on the work we do as bar members or members of the civil defense bar. The 2024 Legislature saw a total of 478 bills introduced.

The total number of bills introduced lagged

significantly behind the last couple of years and was far less than expected. Of note, HB1023, an act to provide immunity from liability for certain actions of the State Bar and its agents passed and was signed by the Governor. The bill provides volunteer immunity and insulates bar members from liability while carrying out official acts for the Bar Association. Given the nature in which the South Dakota Bar Association is organized is a public association created by the Constitution and was uniquely positioned and did not enjoy the same volunteer protections that other non-profit volunteers enjoyed. The Bar brought this legislation to create some parity with the Bar Association and other non-profit associations and corporations.

A number of insurance bills were brought by South Dakota Division of Insurance and trade groups to bring current statutes in line with the National Association of Insurance Commissioners models.

One bill that caught a lot of opposition from the trial bar upon introduction was HB1078. This bill would have allowed evidence of the use or non-use of a seatbelt to be admitted concerning damages. The plaintiff bar immediately objected as well some members of House Leadership and as well as some attorney members of House Leadership who threatened to bring back the made whole doctrine legislation from several years ago. As a result, the South Dakota Truckers Association had been behind the bill agreed to withdraw it.

HB1107 would have made using a mobile electronic device a primary offense and it would have converted South Dakota to hands free only. This bill died in its first committee and did not receive a lot of support and was not well vetted prior to introduction.

(continued on page 4)



Additionally, HB1158, an act or limit reliance upon secondary sources of statements of law, caught quite a bit of heat from Senator Lee Schoenbeck. Although Schoenbeck argued the bill amounted to book banning its been passed in a number of States in response to the restatement of liability insurance which was adopted by ALI just a few years ago. The restatement liability insurance let, like many recent restatements depart substantially from ALI past role as providing restatements of the law and instead takes on an advocacy role in supporting broad expansions of the law concerning liability and contract interpretation that are exceptionally plaintiff friendly. The bill died in its first committee but is likely to make a return in the future.

There were also a number of non-discrimination bills that would have dramatically expanded definitions of protected classes, but they did not get much traction in their early committee hearings. Additionally, we have seen some anti-esp legislation targeting the banking and insurance industry but those bills also have not seemed to gain a whole lot of traction.

Within the context of worker's compensation SB114 and SB145 were bills that garnered a little media attention. SB114 would have created a presumption of workers' compensation coverage for occupational cancer for firefighters. A similar yet narrower bill passed in Wyoming and has proved to be exceptionally expensive. SB114 died in its initial committee hearing and is unlikely to be successful as it will most likely result in limiting access to worker's compensation coverage for municipal and volunteer fire departments. SB145 sought to change the time to file an initial report of injury for purposes of worker's compensation from 3 to 15 days. As those of you that practice in worker's compensation are aware there is already broad exceptions to the three day rule and the change was broadly opposed by the insurance industry as well as larger employer trade groups such as Chamber of Commerce and Retailers Association.

Should you have any questions concerning any of the bills referenced in this update, I would be happy to discuss them with you and provide background concerning the proponents.

Message from the Executive Team

KATIE SIEVERDING & JASPER DIEGEL

With the 2024 Legislative Session in the rearview mirror, it is definitely less hectic in Pierre. Too bad the weather thus far hasn't cooperated or I'd have a lot more rounds of golf in than I do. I'm hopeful by June 13th when we have our networking reception on the patio at May, Adam, Gerdes & Thompson, LLP we will have sunshine and sunny weather. I hope that everyone that is attending the State Bar Convention in Pierre can join us!



Jasper and I have also been working with the Board on planning the 2024 Annual Seminar. This year's seminar is in Sioux Falls at the Sheraton. If you have any topics you would like to see at the seminar, please let us know!



We look forward to seeing as many of you in Pierre and this fall in Sioux Falls. Have a great summer!

~Katie

Save the date

Annual Seminar

November 14 - 15

The Sheraton | Sioux Falls

More information and registration details coming soon!