

**SOUTH DAKOTA**  
**LEGAL NOTES**

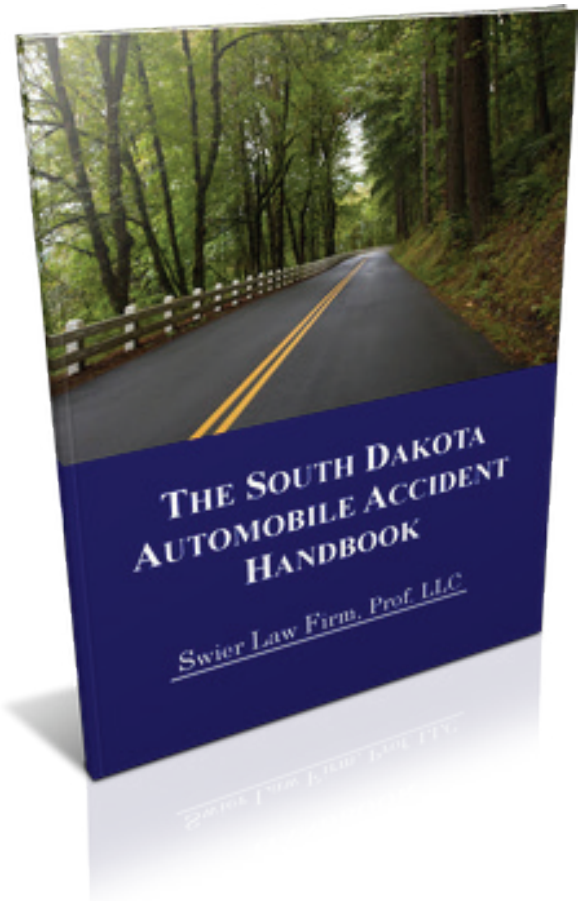
JULY 2015 | INFO@SWIERLAW.COM | WWW.SWIERLAW.COM

## Swier Law Firm Announces New Book Release - The South Dakota Automobile Accident Handbook

Swier Law Firm recently published a new book titled The South Dakota Automobile Accident Handbook.

Bob Burns and Scott Swier of Swier Law Firm's Personal Litigation Practice Group authored the book which is a valuable reference for anyone who wants to understand what to expect in South Dakota after an automobile accident. In this volume, Swier Law Firm gives readers answers to their most common automobile accident questions, including:

- Seven Immediate "To Do's" After A South Dakota Automobile Accident
- Seven Records That Need To Be Kept After A South Dakota Automobile Accident
- Ten Tips to Maximize Recovery After A South Dakota Automobile Accident
- Ten Questions Asked In A South Dakota Automobile Accident Case
- Ten Things Your Lawyer Should Do After A South Dakota Automobile Accident
- Forty Things Our Law Firm Does For You Before Trial
- And much more. . .





**This year's recipients are: Micayla Bamberg and Hope Menning.**

## Swier Law Firm Awards Scholarships to Corsica High School Seniors

Swier Law Firm has honored two Corsica High School graduates with its "Future Leaders" Scholarship. The law firm presented the scholarships to the recipients at Corsica High School's awards ceremony on May 14, 2015.

The scholarships are awarded each year and the selection process is based on academic and extra curricular involvement, school and community service, financial need, a commitment to excellence, and a clear plan for future success.

"Our law firm is incredibly excited to have the

opportunity to encourage students in Corsica to pursue higher education," said Jake Fischer. "Corsica is a community that takes immense pride in helping our school and students achieve their goals. As our law firm thought about ways to give back to the community, a scholarship program seemed to be a great way to recognize our high school students for their hard work and provide an opportunity for future success. Each of these students are really good kids and very deserving of this honor."



## Brooke Schloss Named "Top 10 Attorney Under the Age of 40" by National Academy of Family Law Attorneys

Swier Law Firm Attorney Brooke Schloss has been selected by the National Academy of Family Law Attorneys as a "Top 10 Attorney Under the Age of 40."

The National Academy of Family Law Attorneys is an organization devoted to recognizing the top family law attorneys in the nation. Through a stringent selection process, the NAFLA awards the best family law attorneys in each state with its most prestigious honor of being named "TOP 10."

# Swier Law Firm Secures South Dakota Supreme Court Win in Divorce Case

On July 1, 2015, the South Dakota Supreme Court ruled in favor of firm client Grant Rush in *Rush in Rush*. In reversing the decision of the circuit court, the Supreme Court found that personal jurisdiction existed for Mr. Rush's divorce proceeding in Tripp County.

Julie and Grant Rush were married in 1990 in Pennsylvania. Julie, Grant, and their two sons lived together in Pennsylvania until as late as June 2012. Shortly thereafter, Grant left the marital home and moved into his mother's home in Winner, South Dakota. Julie and the children continued to reside in Pennsylvania. On July 25, 2012, Julie filed a "Uniform Support Petition" in Pennsylvania seeking child and spousal support.

After Julie filed her Pennsylvania support case, Grant filed for a divorce in Tripp County alleging that he was a resident of Winner for purposes of personal jurisdiction. The circuit court dismissed Grant's divorce action "for lack of jurisdiction and on the grounds of the forum non conveniens doctrine." On appeal, Grant argued that he was a resident of South Dakota at the time he filed for a divorce in Tripp County and that the circuit court incorrectly dismissed his divorce action.

In finding for Grant, the Supreme Court noted that (1) Grant obtained a South Dakota driver's license on August 3 and registered to vote in the state on August 6; (2) Grant moved to South Dakota on or around June 29, 2012, and resided in South Dakota for over 45 days before he commenced his divorce action; (3) Grant began to receive his mail in Winner on July 1; (4) Grant obtained a South Dakota telephone number on July 5, opened a South Dakota bank account with First Fidelity Bank of Winner, and made a deposit on July 9; and (5) Grant also found employment at Community Connections in Winner and introduced a copy of his first paycheck from Community Connections for the pay period of July 24 to August 6. The Supreme Court stated, "[t]here is substantial evidence . . . that Grant established actual residency in South Dakota . . . for purposes other



than obtaining a divorce. Therefore, the circuit court erred when it concluded that it did not have personal jurisdiction over the parties in this proceeding."

The Supreme Court also upheld its position that the doctrine of forum non conveniens prevented the circuit court from dismissing Grant's divorce action. "No margin within [South Dakota law] grants our courts the means to dismiss divorce actions, properly commenced first in South Dakota, in favor of another state's jurisdiction."

Swier Law Firm's Brooke Swier Schloss and Scott Swier represented Mr. Rush before the Supreme Court.





## Brooke Swier Schloss Featured on KSFY-TV Segment

On Friday, June 26, 2015, Swier Law Firm attorney Brooke Swier Schloss was featured on KSFY-TV.

Brooke served as KSFY's expert legal commentator for the story - "Same-Sex Couples Celebrate Marriage Equality" - which reviewed the United States Supreme Court's landmark decision in *Obergefell v. Hodges*.

In *Obergefell*, the Supreme Court found that same-sex married couples are entitled to equal protection under the laws, and that their marriages must be recognized in all fifty states - including South Dakota.

Watch at <http://www.ksfy.com/home/headlines/Same-sex-couples-celebrate-US-Supreme-Court-decision-on-marriage-equality-310151201.html>



Scott Swier



Brooke Schloss



Robert Burns



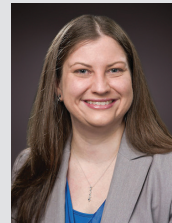
Jake Fischer



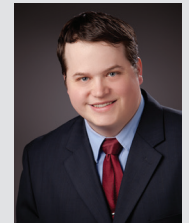
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