

SOUTH DAKOTA  
**LEGAL NOTES**

OCTOBER 2017 | [INFO@SWIERLAW.COM](mailto:INFO@SWIERLAW.COM) | [SWIERLAW.COM](http://SWIERLAW.COM)

## Amanda Work of Swier Law Firm Named as a Rising Star by Super Lawyers!

Amanda has been selected to the 2017 South Dakota “Rising Stars” list. Each year, a small percent of the lawyers in the state are selected by the research team at Super Lawyers to receive this honor. Super Lawyers is a rating service of outstanding lawyers from more than 70 practice areas who have attained a high degree of peer recognition and professional achievement. To be eligible for inclusion as a Rising Star, a lawyer must be either 40 years old or younger or in practice for 10 years or less.



The annual selections are made using a multiphase process that includes a statewide survey of lawyers, an independent research evaluation of candidates and peer reviews by practice area. The result is a credible, comprehensive and diverse listing of exceptional attorneys. The Super Lawyers lists are published nationwide in Super Lawyers Magazines and in leading city and regional magazines and newspapers across the country.

## Fall Prairie Planning Magazine



The Fall 2017 edition of *Prairie Planning*, Swier Law Firm’s quarterly magazine focused on cutting-edge strategies and practical advice on meeting estate and business planning objectives for families and their advisors, is now available for download. If you prefer a hard copy, give us a call at 888.864.9981 and we will mail you a copy.

The Fall 2017 issue of *Prairie Planning* includes articles on:

- 6 Questions Every Health Care Professional Should Ask Before Hiring an Estate Planning Attorney
- Physician’s Planning Guide
- Wealth Management: A Q&A for Medical Professionals
- The Adoption is Final...Is There More To It?
- Digging Deeper: Uncovering The Protection of Dynasty Trusts

Read more [here](#).



## REVIEW US ON GOOGLE!

We appreciate and value you as a friend of Swier Law Firm, and we would appreciate hearing your feedback on how we are doing! Please take a minute to review us on Google so that we can better serve you in the future! Just log into your Google account, and click on the pencil or “write a review.” Thank you in advance for your time!

Simply go to [SwierLaw.com/review](http://SwierLaw.com/review) to start your review.



## Fall recipe Feature: Bacon-Wrapped Chicken Jalapeños

(from the kitchen of Sara Travis)

### Ingredients

- 1 lb jalapeno peppers, sliced length-wise and de-seeded
- 1 lb chicken tenderloins, halved
- 1 yellow onion, wedged
- Your favorite chicken seasonings
- Blue Cheese or Ranch dressing to dip

### Instructions

- Prep your grill by lightly oiling the grill grate.
- Slice the stems from the peppers, cut in half lengthwise and remove the seeds (keep the seeds for added spice).
- Season the chicken tenderloins with your preferred seasonings. Place a piece of chicken into the pepper, top with an onion wedge, and wrap the pepper in bacon. Secure with toothpicks.
- Grill the Bacon-Wrapped Chicken Jalapeños until the chicken is no longer pink and the juices run clear, and the pepper is tender; about 15 minutes. Turn each “bite” often to ensure even cooking.
- Serve with Blue Cheese or Ranch dressing.



*Pictured (from left): Brooke Swier-Schloss, Scott Swier, Aly Kolander, Talon, Sara Travis, & Rebekkah Steinwand*

## Thank You For Helping Us Help The Sioux Falls Humane Society!

Swier Law Firm was proud to present a donation to the Sioux Falls Area Humane Society for \$500! With your help, we were able to continue our partnership with this great organization and send another couple to the concert of the century!

Read more [here](#).



## Garth Brooks Concert Ticket Giveaways Were A Huge Success!

Our law firm was able to reach almost 500,000 people with our Garth Brooks concert ticket giveaways. In fact, we had entries from as far away as Japan! We were thrilled to be able to give a total of four tickets to our lucky winners and we hope they enjoyed the concert! Thanks for playing and stay tuned for more giveaways.



## Staff Spotlight: Nikki Blue

**What is your favorite book?** My favorite book is *The Boxcar Children*. My grandmother read it with me as a child and now I've had the opportunity to read it with my children.

**What's your favorite vacation spot?** My favorite 'vacation' would have to be a 'staycation,' at home relaxing.

**What's your favorite season and why?** I have two! Summer because I love the warm weather and going to the pool. Fall because I love the season change, the leaves, the cozy sweaters, leg warmers and Pumpkin Spice everything. ;)

**Do you have a personal motto?** If so, what is it? Live your life in such a way that if anyone spoke badly of you, no one would believe it.

**What's your favorite holiday?** My favorite holiday is Christmas. I love spending time with my family. I enjoy all of the twinkly lights and I love wrapping presents.

Read more [here](#).

## Texts and Instant Messaging - A New Frontier for South Dakota Businesses

Written by: Scott Swier

Texting and instant messaging should be "on the radar" for any South Dakota business. Email is no longer the only electronic communication that may be used in defending lawsuits. Because of "smart phones," texts and instant messaging have become an increasingly vital type of evidence in lawsuits.

### What is Text and Instant Messaging?

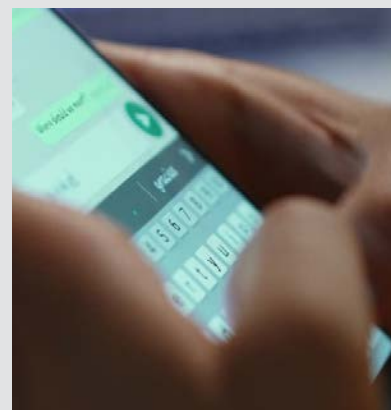
Text messaging originally referred to messages sent using the Short Messaging Service. SMS text messages are limited to 160 characters, are transmitted through cellular carriers' systems, and are typically stored on those systems for a short period of time (for example, 48 hours to two weeks) in addition to being stored on the sender's and recipient's devices.

However, the emergence of mobile Internet access has led to the increasing adoption of IP-based messaging, carried via the Internet and without passing through a carrier's infrastructure, and usually having no cost to the user. A recent Pew Research Center study found that 91 percent of American adults own a mobile phone and 81 percent use their phone to send or receive text or instant messages. Broken down by age group, 97 percent of those 18-29 and 94 percent of those 30-49 send and receive such messages on their phones. Those in the 50-64 and 65+ age groups bring down the overall average at 75 percent (still high) and 35 percent, respectively.

### How Big is Text and Instant Messaging?

Nearly 10 trillion SMS and 10 trillion IP-based messages will be sent in 2013. As of June 2012, Apple's iMessage service had 140 million users who sent one billion messages a day. Granted, a large portion of these

messages, even in the work context, are personal, such as "Where do you want to meet for dinner?" But it would be a mistake to presume that all employee texts and instant messages are unimportant. More people are using instant messaging in place of phone calls and email for work communications. Younger employers and employees are used to communicating by text and instant message and are more likely to use them in their work communication. It is likely that users may be more informal and less careful about the contents of their text and instant messages.



### How is Text and Instant Messaging Important in a South Dakota Business Lawsuit?

Text and instant messages can be a factor in lawsuits and investigations. They have been used as evidence in sexual harassment and wrongful termination cases, and often in litigation arising out of industrial and other accidents. Prosecutors appear particularly interested in text and instant messages in building potential criminal cases.

South Dakota businesses must recognize the importance of text and instant messaging and understand that email is no longer the only form of electronic communication that may be used in lawsuits.

Read more [here](#).

Source: *Inside Counsel, Inside Scoop, November 2, 2013*

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