



# Signing the S.D. Public Safety Improvement Act



*Chief Justice Gilbertson looks on while Governor Dugaard signs Senate Bill 70, the South Dakota Public Safety Improvement Act.*

Gov. Dennis Dugaard signed SB 70, the South Dakota Public Safety Improvement Act, on Wednesday, Feb. 6, 2013, at the State Capitol. He was joined by Chief Justice David Gilbertson, standing, left; and House Republican Leader David Lust, standing to the Governor's left; and Senate Republican Leader

Russell Olson, standing next to Lust. In the background are members of the workgroup that helped fashion the legislation, and members of the Legislature who co-sponsored the bill.

*(2/6/13 press release from the Governor's office. Photo taken by Chad Coppess, South Dakota Department of Tourism)*

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### Welcome to the eighteenth issue of the UJS Newsletter!

**Articles, information and feedback are welcome. Articles and information will be printed as space allows. Please email your information to Gloria Guericke.**

# State Court Administrator's Message



*Patricia Duggan, State Court Administrator*

I recently became a grandmother again and had the opportunity to spend quality time with my

oldest granddaughter and her new baby sister. It is times like this that put your world back into the proper perspective. I wouldn't want to raise children again, but I certainly do enjoy being proud of my children and I especially enjoy spoiling their children. Life is good!

We're at the end of the legislative session. We always hope for a calm year, but so far we haven't experienced one yet. It seems like there is always a surprise of some sort. Our bills are doing well and our Legislative Task Force staff have done an excellent job covering the meetings, providing testimony, and lobbying bills. I'm always amazed at the talents of our

## SUCCESS

Success in real life depends on how well a person is able to find and exploit the opportunities that are available to him, and, at the same time, discover and deal with potential serious problems before they become critical.

LIVINGSTON, J. Sterling, "Myth of the Well-Educated Manager," *Harvard Business Review*, January-February, 1971, p. 82.

UJS staff – here in Pierre and in the Circuits across the state. You do a great job!



Introducing E-Spotlight! E-Spotlight is located on the UJS Intranet and is an opportunity to post positive comments about coworkers. This site is dedicated to our coworkers and the excellent work they do to assist others and make the UJS shine.

We invite you to go out to E-Spotlight by going to the UJS website at [www.ujs.sd.gov](http://www.ujs.sd.gov), click on the *Court Staff Login* button, sign into the Intranet, click on the *UJS Employee Recognition* button, and submit a Spotlight. Upon submission, Spotlights will be reviewed and appropriate Spotlights will be posted for 90 days. All employees will receive an email notification when Spotlights have been posted.

A main reason the UJS is successful in providing the services we do is because of you! We hope this website provides an opportunity to appreciate one another for that service. If you have any questions, please contact the Human Resource's office at 605-773-4867.

# Fourth & Seventh Circuits Celebrate a 15th Drug Court Graduation

The Fourth and Seventh Circuits celebrated their 15<sup>th</sup> Drug Court Graduation at the Pennington County Courthouse in Rapid City on February 5, 2013.



*Honorable Michelle Percy, Fourth Circuit Magistrate Judge*

Magistrate Judge Michelle Percy then presented graduation certificates to three participants, commemorating the successful completion of the four phases of the intensely supervised treatment court.

The Northern Hills Drug Court has seen 30 participants successfully progress through the program to graduation since its inception in September, 2007. The

Seventh

Circuit partnered with the Fourth Circuit in the Drug Court program in 2010, and this is the first graduation to be held in Rapid City since that collaboration began. The Drug Court expects many more graduates and success stories to come.

The Northern Hills Drug Court Team includes

Hon. Michelle Percy, Fourth Circuit Magistrate Judge; Hon. Shawn Pahlke, Seventh Circuit Magistrate Judge; Kevin Krull and Kasey

Sorensen, Meade County State's Attorney's Office; Bruce Hubbard, Drug Court Defense Attorney; Mary Wood-Fossen, Mark Nelson and



*Left to right: CSOs Jayna Frederickson, Jeanne Mann and Nicole Drew*

Karn Wood, Northern Hills Alcohol and Drug Services; Ron Merwin, Meade County Sheriff; Chris Pankratz and Jayna Frederickson, Court Services Office, Fourth Circuit; Nicole Drew (cont'd. on page 4)

The ceremony commenced with introductory remarks from Seventh Circuit Presiding Judge Jeff W. Davis, who introduced keynote speaker, Fourth Circuit Judge Jerome Eckrich. Judge Eckrich



*Keynote speaker, Hon. Jerome Eckrich, Fourth Circuit Judge*

provided a brief history of the Northern Hills Drug Court and discussed the success of the program, as well as the expected expansion of drug courts across the state. He acknowledged the members of the drug court team, thanking them for their dedication and hard work. Fourth Circuit

Hon. Shawn Pahlke, Seventh Circuit Magistrate Judge; Kevin Krull and Kasey



*Left to right: Hon. Shawn Pahlke, Seventh Circuit Magistrate Judge; Hon. Jeff Davis, Seventh Circuit Presiding Judge; Hon. Jerome Eckrich, Fourth Circuit Judge*

## Best Wishes to Judge David Gienapp on his Retirement!

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Congratulations to Judge David Gienapp on his January 8 retirement as Presiding Judge of the Third Judicial Circuit.

Judge Gienapp joined the UJS as a Circuit Judge on June 28, 2002, and six years later was appointed as Presiding Judge.

Our best wishes to Judge Gienapp in his retirement!



*LEFT: Judge Tim Tucker presenting Judge Gienapp with a retirement plaque.*

*ABOVE: Judge Gienapp takes a minute to reflect at his retirement party on January 4, 2013, at the Brookings County Courthouse.*



## Drug Court Graduation, cont'd. from page 3

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and Jeanne Mann, Court Services Office, Seventh Circuit; Carrie Greenaway, Drug/DUI Court Support Specialist.

*Article submitted by Kristi Wammen, Circuit Administrator, Seventh Judicial Circuit. Judge Eckrich provided his photo; the three other photos were taken by the Rapid City Journal.*

*(Continued on page 11)*

## Investiture of Circuit Judge Gregory Stoltenburg

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The Investiture of Judge Gregory Stoltenburg was held on January 9, at the Brookings County Courthouse.

Presiding Judge Tim Tucker conducted the swearing in while Judge Stoltenburg's wife, Lynn, looked on.

Congratulations and best wishes, Judge Stoltenburg!

## Evelyn Schuch Retires after 28 Years with the UJS

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Evelyn was the Court Services secretary for 28 years in Roberts County. She commenced her employ with the State in April of 1984.

Evelyn was honored with a party on January 7, 2013, with coffee, punch, and cake being served, and many friends and family in attendance.

Judge Von Wald poses with Evelyn after presenting her with a plaque for her service.

Happy Retirement, Evelyn!



## Spink County has a New Court Clerk Magistrate 1

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Judge Von Wald administered the oath to Elisha Kuhfeld, who assumed the duties of Court Clerk Magistrate 1 in Spink County, Redfield, South Dakota on February 25.

Prior to assuming her new duties, Elisha worked as a deputy clerk in the Brown County Clerk of Courts office for eight years.

Congratulations, Elisha!

# UJS's 2013 Showcase

The UJS Showcase again had a successful year, this time with even more visitors than our initial Showcase last year.

New to the Showcase this year was National Court-to-Court Videoconferencing, Juvenile Detention Alternative Initiative, and an expansion of Drug and DUI Court information.

On this page and the next are photos from the Showcase.



*ABOVE: Mike Brumbaugh, Chief Court Services Officer in the Fifth Circuit and Tara Huebner, CSO in the Sixth Circuit, inform a visitor about various equipment available.*



*ABOVE: Chris Pankratz, Fourth Circuit CSO for Drug Court, and Jeanne Mann, CSO in the Seventh Judicial Circuit, in discussion with visitors to their table.*



*ABOVE: Brad Erhardt, CSO in the Fifth Judicial Circuit, demonstrates some of the equipment at their table.*



*ABOVE: Jeanne Mann and Chris Pankratz share program information.*

## UJS Showcase cont'd. from page 6



**ABOVE:** Rep. Gary Cammack makes an imprint of the Supreme Court Seal.



**LEFT:** Kristi Kogel-Berndt and Nancy Pahl demonstrate the benefits of the Odyssey Case Management System.



**ABOVE:** Liz Heidelberger, Juvenile Detention Alternatives Initiative (JDAI) Coordinator, and Tamie McMeekin, CSO in the Seventh Circuit, at the JDAI table.



**LEFT:** Rex Craven, Supreme Court Staff Attorney, and Morgan Brekke, Supreme Court Law Clerk, at the Supreme Court table.



**Lisa Mammenga, Human Resources Specialist, on duty at the UJS General Information table.**



**The view of the UJS Showcase from the Grand Staircase.**

# Uncovered “Treasures”

A Law Library employee was surprised in more ways than one when the back of a bookshelf fell forward and she discovered original stencil work on the wall in the southwest corner of the Law Library in the Capitol. Due to lack of funding at the time, the artwork remained hidden until recently.



*The original artwork that was found when the back of a bookshelf fell forward.*

In 2012, interest was expressed in seeing what other artwork might be found in the Law Library. Rusty Westall, who was involved with the original restoration of the Capitol, removed paint in areas where



*Stencil design found on a ceiling beam in the Law Library.*

we expected to find original painted finishes.

Decorative stenciling was found on the ceiling and on the bottom of beams. The egg and dart detail along the ceiling was originally silver. The original paint colors of the walls and ceiling were earthy shades of green and peach.

The stencil work on the wall held a surprise as we never expected to find names. Some quick research identified the names as

territorial justices who made major accomplishments in the judicial field.

So far, no rumored murals have been uncovered on the Law Library walls.

Paint was also removed in the Law Librarian’s original office, which is adjacent to the second floor Law Library, and stencil work was found on the walls and ceiling.

The original artwork, that has been hidden for over 80 years, is finally being revealed.



*The name “Corson” is uncovered.*



*Stencil work found on the ceiling in the Law Library.*

## Brookings Co. Courthouse

The Brookings City and County joined together to build a City/County building and they moved into that building last summer.

In September of 2012 they turned the entire courthouse over to the UJS and started their remodel project.

Court Services and the Clerk of Courts have relocated from the 2<sup>nd</sup> floor to the 1<sup>st</sup> floor and each office has increased their square footage by almost twice as much. (cont’d. on page 9)

# Uncovered “Treasures,” cont’d. from page 8

They will be adding a jury capable courtroom and another smaller courtroom on the second floor during the 2<sup>nd</sup> phase of construction. There will also be an office for one judge

The 3<sup>rd</sup> floor will get some basic remodeling with carpet and paint. The expected completion date is June or July of this year.



Note the White Owl cigars. Perhaps this is the reason for the many bottles of Murine.



Why so many bottles of Murine eye drops?

The County has been very accommodating during this project and we look forward to the completion.

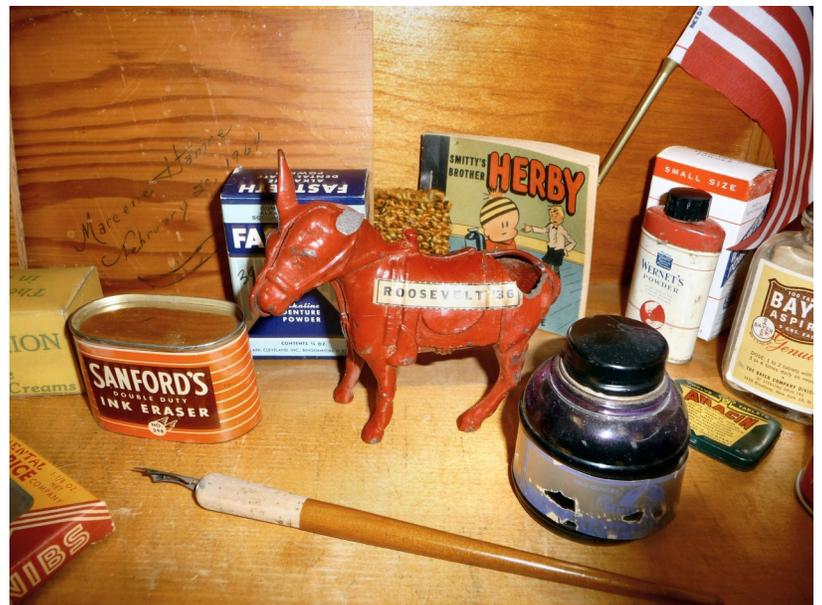
Article and photos submitted by Gary Moen, Chief Court Services Officer, Third Judicial Circuit and by Gloria Guericke, State Court Administrator's Office, Pierre

and a court reporter along with an office for the administrator and their support staff on the second floor. The ITV conference will be relocated from the 3<sup>rd</sup> floor to the 2<sup>nd</sup> floor.

The items seen in the following photos were located in the second floor of the Brookings County Courthouse, which was vacated by the Clerk of Courts office after the completion of the remodel in February of 2013.



1927 calendar



A 1936 donkey with “Roosevelt” written on the side.

## Second Circuit's National Videoconferencing Project

An interpreter in Sioux Falls needs to appear at the court in Aberdeen. A ballistics expert in Louisville, Kentucky needs to testify at a trial in Canton. An attorney in Rapid City needs to interview a witness in Miami, Florida. A soldier in Afghanistan needs to appear at a hearing back home in South Dakota. In all these situations a court-to-court video link can save substantial time, money, and travel expense.

Over the past few years the Unified Judicial System assembled an impressive array of nearly 70 court, jail, and court-related video sites within South

Dakota. While tracking the precise savings is difficult because the circumstances of each call vary so much, the court system has now conducted hundreds of video connections and certainly saved thousands of dollars in time, travel, interpreter time, inmate transport, and attorney and witness time.

While videoconferencing is a relatively common practice now, little work had been done in the past to connect courts to each other and share video systems across state lines and even across international boundaries.

South Dakota's 2nd Judicial Circuit (Minnehaha and Lincoln

Counties) has taken a leadership role on a national level to pull together a cooperative, voluntary network of courts willing to freely share their video systems with each other on a reciprocal basis.

The first video link in the project was established with a single, enthusiastic court in Green Lake, Wisconsin in 2009. Since then South Dakota's national court video project has assembled a list of 44 courts, including some statewide court systems – like the entire state of Nebraska – willing to share their video systems with each other for court-related purposes. Each court accommodates connections on their own terms, depending on the availability, location, and flexibility of their video systems.

The project has now even operated on a global level with recent video links to Sweden, Canada, Australia, Japan, and Sri Lanka. We are excited that this national network will continue to grow and save travel time and expense not only in South Dakota but in court systems across the nation.

*Submitted by Karl Thoennes, Circuit Administrator, Second Judicial Circuit*



*Circuit Administrator Karl Thoennes and Judge Patricia Riepel at the National Court-to-Court Videoconferencing table at the UJS Showcase.*





Christine Christopherson,  
Judicial Branch Educator

## Christine's Column

### *Mental and Physical Health*

## Signs Your Stress is Out of Control

Stress can show up in strange ways that you confuse for something else. You need to pay attention because chronic stress puts you at increased risk for serious health problems, such as high blood pressure, heart attacks, strokes and depression.

Experts identify six signs that you could be overstressed.

**Weird or recurring dreams.** “Unfortunately, the stress we deal with during the day tends to follow us to bed at night and plays out in our dreams,” says Lauri Quinn Loewenberg, author of *Dream On It—Unlock Your Dreams, Change Your Life*.

**Tight muscles.** Stress causes us to tense our muscles and can even lead to muscle spasms, according to *Woman's Day* magazine.

**Mouth pain.** Stress causes a lot of people to grind their teeth in their sleep and others to unconsciously clench their jaws during waking hours, says Debbie Mandel, author of *Addicted to Stress: A Woman's 7-Step Program to Reclaim Joy and Spontaneity in Life*.

**Hair troubles.** You're more likely to lose your hair if you're stressed out. Stress can speed up the graying process, too, reports the Mayo Clinic.

**Stomach discomfort or pain.** Doctors don't entirely understand the connection between stress and gastro problems, but it makes the intestines more sensitive and contract more, says the A.D.A.M. Medical Encyclopedia.

**Frequent colds.** Stress hurts the immune system and leaves us vulnerable to frequent colds. One study found people were twice as likely to catch a cold when highly stressed.

— Adapted from *“Stress Symptoms: 8 Surprising Signs You're Maxed Out,”* The Huffington Post.



# “All Rise.” Drug/DUI Court Update.

**Drug Court?**

**DUI Court?**

**Veterans Court?**

**What’s the difference?**

## **What is a Drug Court?**

A Drug Court is a specialized court, designed to target felony offenders with major problems stemming from alcohol, drugs, or other substance abuse. Drug Court is a post-plea, voluntary program. It includes regular court appearances before the Drug Court Judge, supervised alcohol/drug treatment, frequent and random Urine Analysis (UA’s), a system of incentives and sanctions based on behaviors, and intense community supervision by a Drug Court Team. The program length is individualized, but will usually last between 12-24 months.

## **What is a DUI Court?**

A DUI court is a drug court with a track designed to address the unique needs of a felony DUI offender. As in Drug Court, public safety is the primary goal. Supervision in a DUI Court may include participation in the Attorney General’s 24/7 Program. Specialized programming to address transportation issues is necessary in a DUI Court. Often times, the drug of choice for the DUI offender is not only legal for persons over the age of 21, but also an accepted societal norm. Treatment services in a DUI Court must address these factors.

## **What is a Veterans Court?**

A Veterans Court is a drug court with a track designed to address the unique needs of an offender identified as a Veteran. Unlike adult drug and DUI court, which accept felony offenses, a Veterans Court may accept also



*Noreen Plumage,  
Drug/DUI Court Liaison*

accept persons with misdemeanor charges. A key factor for eligibility into a Veterans Court is the participants were generally not involved with the legal system until/after enlistment in the service. Entrance requirements and supervision adjustments are made to address issues involving safety surrounding the specialized training and equipment a Veteran is trained to use.



“Never lose sight of the reason drug courts operate: to help addicted defendants stop using drugs, put their lives back together, and avoid coming back into the criminal justice system. To accomplish this, judges, prosecutors, defense counsel and others working with the drug court participants must learn about addiction—how it affects people’s thought processes and their lives, socio-psycho and other factors associated with drug use and what treatment services entail—and then determine how the leverage of the judicial process can best be utilized to promote recovery.”

(American University, July 2012, Executive Summary)