

THOMAS E. SIMMONS

University of South Dakota
414 East Clark St.
Telephone: 605.677.3960

School of Law ste. 212
Vermillion, SD · 57069-2390
Email: tom.e.simmons@usd.edu

LEGAL EMPLOYMENT

University of S.D. School of Law (Vermillion, S.D.), *Assistant Professor* (2013-16);
Associate Professor (2016-present)

Gunderson, Palmer, Nelson & Ashmore, LLP (formerly, Gunderson, Palmer, Goodsell & Nelson, LLP) (Rapid City, S.D.), *Associate* (2000-06); *Partner* (2006-13)

U.S. Courts (Rapid City, S.D.), *Law Clerk to District Court Judge A. Bogue* (1998-2000)

ADMITTED TO PRACTICE

Rosebud Sioux Tribal Court (Sicangu Oyate Bar Association); Yankton Sioux Tribal Court; South Dakota; U.S. Department of Veteran's Affairs (accredited attorney); U.S. Tax Court; U.S. District Court for the District of S.D.; U.S. Court of Appeals for the Eighth Circuit; U.S Supreme Court

EDUCATION

University of S.D. School of Law, J.D., Thomas Sterling Honor Graduate; S.D. Law Review,
Editor-in-Chief (1998)

University of S.D., B.S., Education and English (1991)

EMPHASES

Wills, trusts, estates, transfer taxes, attorney duties, and fiduciary administration

PUBLICATIONS AND PRESENTATIONS

Articles

The Homestead Strikes Back, 66 S.D. LAW REV. ____ (2021) (*work-in-progress*)

Conflict-of-Interest-Infected Virtual Representatives and a Cure, 64 S.D. LAW REV. ____
(2019) (*forthcoming*)

A Will for Willa Cather, 83 MISSOURI LAW REV. 641 (2018)

Homestead: A (New) Hope, 63 S.D. LAW REV. 75 (2018)

Prequel to Homestead, 62 S.D. LAW REV. 332 (2017)

A Chinese Inheritance, 30 QUINNIPIAC PROBATE LAW J. 124 (2017)

Wills above Ground, 25 ELDER LAW J. 343 (2016)

Deploying the Common Law to Quasi-Marxist Property on Mars, 51 GONZAGA LAW REV. 25 (2016)

The Intersection of Agency Doctrine and Elder Law: Attorney-in-Fact Authority to Arbitrate Nursing Home Claims, 49 THE JOHN MARSHALL LAW REV. 39 (2016)

Testamentary Incapacity, Undue Influence and Insane Delusions, 60 S.D. LAW REV. 175 (2015)

What Zombies Can Teach Law Students: Popular Text Inclusion in Law and Literature, 66 MERCER LAW REV. 729 (2015)

Medicaid as Coverture, 26 HASTINGS WOMEN'S LAW J. 275 (2015)

Decanting and Its Alternatives: Remodeling and Revamping Irrevocable Trusts, 55 S.D. LAW REV. 253 (2010)

A Guide to South Dakota's Disability Discrimination Laws: Limits and Vantages, 47 S.D. LAW REV. 389 (2002)

Territorial Justice under Fire: The Trials of Peter Wintermute, 1873-1875, 31 S.D. HISTORY 91 (2001)

Boogie Opera: Eddie, Douzi, and Artistic Convention, 33 J. OF POPULAR CULTURE 4 (2000)

"Working" with the ADA's "Regarded As" Definition of a Disability, 5 TEXAS FORUM ON CIVIL LIBERTIES AND CIVIL RIGHTS 27 (2000)

The ADA Prima Facie Plaintiff: A Critical Overview of Eighth Circuit Case Law, 47 DRAKE LAW REV. 761 (1999)

Essays, Etc.

A Trust for Ted's Head, 88 MISSISSIPPI LAW J. SUPRA __ (2019) (*forthcoming*)

Leach v. Hyatt: Recasting Indefiniteness, 43 ACTEC LAW J. 121 (2018) (*festschrift essay*)

Wrongful Death Conflicts for Plaintiffs' Attorneys, BARRISTER 7 (Nov./Dec. 2017)

Actuarial Soundness, the Meaning of "Commensurate," and a "Sniff Test," 13 NAELA J. 167 (2017)

Oklahoma Tax Commission v. United States: Death Taxes on Restricted Indian Personalty, 42 ACTEC LAW J. 47 (2017)

When Robots Trespass, THE SPACE REV. (Jan. 16, 2017)

Court Columns, YANKTON DAILY PRESS & DAKOTAN (2014-17); RAPID CITY J. (2012-14)
(*monthly newspaper column*)

Communicate, Listen during Race Discussions, ARGUS LEADER (June 29, 2016) (*editorial*)

“Granny Goes to Jail” Redux, 28 NAELA NEWS 27 (Apr.-June 2016)

The Wrongheadedness of the POMS Pooled Trust Rules and an Unfortunate but Recently
Noted Chinese Parallel, 43 RUTGERS LAW RECORD 215 (2016)

Sexbots; an Obloquy, 2016 WISCONSIN LAW REV. FORWARD 45 (2016)

Killer Robots; an Apologia, COMMON LAW (Mar. 30, 2016)

The Unfortunate Provincialism of the Space Resources Act, THE SPACE REV. (Jan. 25, 2016)

Disability Discrimination in the Form of *Ad Hoc* Examinations, 6 NEBRASKA LAW REV.
BULLETIN 2 (2015)

Understanding the Challenges and Limitations of Guardianship Proceedings, ESTABLISHING A
GUARDIANSHIP FOR ELDER LAW CLIENTS, pp. 105-24 (Aspatore, 2013) (*book chapter*)

Joel Higgins Births New Church, 3 BLACK HILLS FACES MAGAZINE 23 (Spring 2007)

Integrating SNTs with IRAs, NAELA SPECIAL NEEDS LAW NEWSLETTER 8 (Fall 2010)

Using Trusts to Settle Lawsuits, 19 PROBATE & PROPERTY 6 (Nov./Dec. 2005)

When Gift Planning Goes Awry, 27 NATIONAL LAW J. 23 (Feb. 14, 2005)

A Brief Survey of Selected South Dakota Supreme Court Cases Decided in 1997, 43 S.D.
LAW REV. 260 (1998) (*co-author*)

Issues and Etiquette in Mixed Marriages: A Formal and Personal Perspective, 5 DAKOTA
COUNSELOR 15 (1998) (*co-author*)

Highways, Hunters, and Section Lines: Tension between Public Access and Private Rights, 2
GREAT PLAINS NATURAL RESOURCES J. 240 (1997) (*comment*)

Twisted Interests: *People in Interest of S.A.H.* and the State of Open Adoptions in South
Dakota, 42 S.D. LAW REV. 537 (1996) (*case note*)

Book Reviews

Let’s Discuss the Moral Status of Liminal Others, 46 SCIENCE FICTION STUDIES __ (2019)
(reviewing ROBOT RIGHTS) (2019) (*forthcoming*)

Living in Technical Legality: Science Fiction and Law as Technology, 3 MOSF J. OF SCIENCE
FICTION __ (2019) (*forthcoming*)

Law and Justice in Japanese Popular Culture: From Crime Fighting Robots to Dueling Pocket Monsters, 4 J. OF ASIA-PACIFIC POP CULTURE __ (2019) (*forthcoming*)

Supreme Court of India: The Beginnings, 11 INDIA LAW J. __ (2019) (*forthcoming*)

Law and Politics of Constitutional Courts: Indonesia and the Search for Judicial Heroes, 8 INDONESIA LAW REV. 328 (2018)

Hitler's Ostkrieg and the Indian Wars: Comparing Genocide and Conquest, 57 J. OF THE WEST 106 (2018)

Law at Little Big Horn: Due Process Denied, 57 J. OF THE WEST 107 (2018)

Unmasked Lex Text: A Review of On Comics and Legal Aesthetics – Multimodality and the Haunted Mask of Knowing, 8.2 THE COMICS GRID: J. OF COMICS SCHOLARSHIP 17 (2018)

Why Comics? From Underground to Everywhere, J. OF GRAPHIC NOVELS AND COMICS (May 29, 2018)

Humans and Paragons: Essays on Super-Hero Justice, 9.3 IMAGETEXT: INTERDISCIPLINARY COMICS STUDIES (June 17, 2018)

The Law of Blood: Thinking and Acting like a Nazi, 36 SHOFAR: AN INTERDISCIPLINARY J. OF JEWISH STUDIES 190 (2018)

Nazi Law: From Nuremberg to Nuremberg, 14 LAW, CULTURE AND THE HUMANITIES 533 (2018)

The Nazi Past in Contemporary German Film: Viewing Experiences of Intimacy and Immersion, 48 FILM & HISTORY: AN INTERDISCIPLINARY J. 61 (2018)

Law and the Holocaust: U.S. Cases and Materials, 52 THE LAW TEACHER 236 (2018)

Shakespeare's Legal Ecologies: Law and Disputed Selfhood, 24 BEN JONSON J. 137 (2018)

Shakespeare and Judgment, 21 EDINBURGH LAW REV. 463 (2017)

Eminent Domain: A Comparative Perspective, 5 KOREAN J. OF INTERNATIONAL AND COMPARATIVE LAW 245 (2017)

Westerns: A Women's History, 40 THE J. OF AMERICAN CULTURE 301 (2017)

Of Queens, and Kings, and their Wills, 45 HISTORY: REV. OF NEW BOOKS 109 (reviewing THE KING IS DEAD: THE LAST WILL AND TESTAMENT OF HENRY VIII and ROYAL WILLS IN BRITAIN FROM 1509 TO 2008) (2017)

A Legal Theory for Autonomous Artificial Agents, PRAIRIE LAW BLOG (Feb. 1, 2016)

Hugh Glass: Grizzly Survivor, 46 S.D. HISTORY 364 (2016)

International and Comparative Law on the Rights of Older Persons, 12 NAELA J. 159 (2016)

Modern Chinese Real Estate Law: Property Development in an Evolving Legal System, PRAIRIE LAW BLOG (Oct. 23, 2014)

History of the Common Law: The Development of Anglo-American Institutions, PRAIRIE LAW BLOG (Jan. 23, 2014)

The Law in Nazi Germany: Ideology, Opportunity, and the Perversion of Justice, 34 SHOFAR: AN INTERDISCIPLINARY J. OF JEWISH STUDIES 145 (2015)

The “Evil Child” in Literature, Film, and Popular Culture, 47 J. OF POPULAR CULTURE 899 (2014)

Judicial Memoirs, 16 THE NEBRASKA LAWYER 13 (reviewing IPSE DIXIT: HOW THE WORLD LOOKS TO A FEDERAL JUDGE and CALLED TO JUSTICE: THE LIFE OF A FEDERAL TRIAL JUDGE) (Jan. /Feb. 2013)

JOTWELL “Jots”

Privacy and Surveillance in Nursing Homes, JOTWELL (reviewing *Regulating Privacy in Public/Private Space: The Case of Nursing Home Monitoring Laws*, 26 ELDER LAW J. __ (Oct. 8, 2018)

Dispensing (with) Electronic Wills, JOTWELL (reviewing *Absorbing South Australia’s Wills Act Dispensing Power in the United States: Emulation, Resistance, Expansion*, 38 ADELAIDE LAW REV. 1) (Apr. 5, 2018)

To Authorize Sex with Oneself via Proxy or Advance Directive, JOTWELL (reviewing *Sexual Advance Directives*, 68 ALABAMA LAW REV. 1) (Sept. 13, 2017)

Future Interests? Meet Chattels! JOTWELL (reviewing *Future Interests in Personal Property*, 14 HARVARD LAW REV. 397) (Feb. 10, 2017)

How to Die: Biomarker Adjuncts to Death Accelerants, JOTWELL (reviewing *A Fate Worse Than Death? How Biomarkers for Alzheimer’s Disease Could Affect End-of-Life Choices*, 12 INDIANA HEALTH LAW REV. 651) (July 8, 2016)

Mapping Chinese Trusts with a Patrimony Compass, JOTWELL (reviewing *Re-Clarifying China’s Trust Law: Characteristics and New Conceptual Basis*, 36 LOYOLA LOS ANGELES INTERNATIONAL & COMPARATIVE LAW REV. 447) (Jan. 28, 2016)

South Dakota Report Articles

Supported Decision-making with DPOAs, 34 S.D. REPORT __ (Nov. 2018) (*forthcoming*)

Post-obit ADA Claims, 33 S.D. REPORT 11 (Nov. 2017)

Pregnancy, 32 S.D. REPORT 12 (Nov. 2016)

Intersectionality Problems with Gendered Disability Discrimination, 31 S.D. REPORT 8
(July 2016)

Pooled Trusts, 27 S.D. REPORT 3 (July 2012)

Rights of Access to the Courts by Individuals with Disabilities, 19 S.D. REPORT 3 (Mar.
2004)

How Medication Affects the Existence of an ADA Disability, 16 S.D. REPORT 6 (Nov.
2000)

State Immunity from Federal Disability Discrimination Laws: Provisions of the ADA and
Rehabilitation Act Declared Unconstitutional, 15 S.D. REPORT 8 (Mar. 1999)

Poems

A Tax Thicket, 84 NORTH DAKOTA QUARTERLY __ (2019) (*forthcoming*)

I Just Flew in from Newark and Boy Are My Arms Tired, 33 NEBO: A LITERARY J. 51 (Fall
2015)

On First Looking into Neihardt's Hugh Glass, 88 PASQUE PETALS 14 (Fall 2014)

Select Conferences and Papers

Purpose Trusts, *Rocky Mountain Regional Meeting*, ACTEC (Jackson, Wyo.) (2019) (*panel*
forthcoming)

Estate Planning; Management of Costs, OSHER LIVELONG LEARNING INSTITUTE (Vermillion,
S.D.) (2019) (*forthcoming*)

Legalities with Charitable Gifts, *Fiesta at the Falls*, MID-AMERICAN CONFERENCE ON
FUNDRAISING (Sioux Falls, S.D.) (2018)

Income Tax Concerns with Purpose Trusts, *Tax Update XXXIX*, S.D. BAR ASSOCIATION
(Sioux Falls, S.D.) (2017)

Planned Giving, ASSOCIATION OF FUNDRAISING PROFESSIONALS (Sioux Falls, S.D.) (2017)

Introducing Virtual Representation, *First Annual Fall Forum*, S.D. TRUST ASSOCIATION and
AMERICAN BANKERS ASSOCIATION (Sioux Falls, S.D.) (2017)

Estate Planning Demystified, *Developing Individual and Institutional Financial Savvy*, USD
WOMEN IN MEDICINE & SCIENCE (Sioux Falls, S.D.) (2017)

“Granny[’s Lawyer] Goes to Jail” Redux, NAELA LUNCH & LEARN (2017) (*webinar*)

Property Law Works-in-Progress, *111th Annual Meeting*, ASSOCIATION OF AMERICAN LAW

SCHOOLS (San Francisco, Calif.) (2017) (*panel*)

UBIT me! *Tax Update XXXVIII*, S.D. BAR ASSOCIATION (Sioux Falls, S.D.) (2016)

Donative Trusts and Equity at Common Law, SOUTHWEST UNIVERSITY OF POLITICAL SCIENCE & LAW (Chongqing, People's Republic of China) (2016)

Topographical Emphases in Hugh Glass Narratives, 1825-2015, *47th Annual Dakota Conference*, CENTER FOR WESTERN STUDIES (Sioux Falls, S.D.) (2015)

Cutting and Bleeding Edge Medicaid Planning, WEST RIVER ESTATE AND FINANCIAL PLANNING COUNCIL (Rapid City, S.D.) (2014)

In Defense of South Dakota Asset Protection Trusts, SIOUXLAND ESTATE PLANNING COUNCIL (S. Sioux City, Nebr.) (2014)

How the *Crummey* Crumbles: Present Interest Planning with Trusts, *Tax Update XXXV*, S.D. BAR ASSOCIATION (Sioux Falls, S.D.) (2013)

Business Trusts, S-Corp Trusts, Pre-Mortem Planning, and Other Recent Developments in Trust and Estate Law, *Business Law*, S.D. BAR ASSOCIATION (Rapid City, S.D.) (2013)

Estate Planning, *Annie's Project*, S.D. STATE UNIVERSITY EXTENSION (Sturgis, S.D.) (2012)

Grantor Trusts: The Who, the Where, the Wherefore, and the Wherewithal, *Tax Update XXXIV*, S.D. BAR ASSOCIATION (Sioux Falls, S.D.) (2012)

Ranch Succession Planning, *Estate Planning and Farm/Ranch Transitions*, S.D. STATE UNIVERSITY EXTENSION (Lemmon, S.D.) (2012)

Estate Planning for Individuals with Disabilities, *Trusts 101*, NATIONAL BUSINESS INSTITUTE (Rapid City, S.D.) (2012)

Substituted Judgment: Powers of Attorney, Guardianships, and Conservator-Created Estate Plans, SIOUX FALLS ESTATE PLANNING COUNCIL (Sioux Falls, S.D.) (2012)

Elder Law: Representing the Aging Client, S.D. BAR ASSOCIATION (Sioux Falls, S.D.) (2011) (*program chair*)

Closing the Estate, *Probate from Start to Finish*, NATIONAL BUSINESS INSTITUTE (Rapid City, S.D.) (2011)

Pooled Trusts: An Introduction and Personal History, NAELA SPECIAL NEEDS SUMMIT (New Orleans, La.) (2010)

Decanting a Vintage Trust: Prepare the Funnel and Cheesecloth, *7th Annual Estate Planning for Professionals Seminar*, SECURITY NATIONAL BANK (South Sioux City, Nebr.) (2009)

South Dakota Uniform Trust Code, S.D. BAR ASSOCIATION (Sioux Falls, S.D.) (2006) (*panel*)

Domestic Asset Protection Trusts and South Dakota Trust Updates, WEST RIVER ESTATE PLANNING COUNCIL (Rapid City, S.D.) (2006)

Developing Communication Skills and Relationships with Diverse Clients, NAELA ANNUAL SYMPOSIUM (San Francisco, Calif.) (2005) (*panel chair*)

Tax Update XXVI, S.D. BAR ASSOCIATION (Sioux Falls, S.D.) (2004) (*program chair*)

Who and what is Taxed, *Real Property Taxation*, LORMAN (Rapid City, S.D.) (2003)

Federal and State Laws, *Disability Discrimination*, LORMAN (Rapid City, S.D.) (2003)

AWARDS AND RECOGNITIONS

AALS-USD School of Law, *Law School Teacher of the Year* (2018); American Bar Foundation, *Fellow* (2016-present); American College of Tax Counsel (ACTC), *Fellow* (2017-present); American College of Trust and Estate Counsel (ACTEC), *Fellow* (2013 - present); Best Lawyers® in America (2011-present), *Trusts and Estates "Lawyer of the Year" for Sioux Falls, S.D.* (2017, 23rd ed.) and *Trusts and Estates "Lawyer of the Year" for Rapid City, S.D.* (2013, 19th ed.); Corson County State's Attorney *Pro Tem* (2006-07); Cutler Award for Excellence in Legal Education, *Recipient* (2016); Jack and Anita Hess Faculty Seminar at the Jack, Joseph and Morton Mandel Center for Advanced Holocaust Studies (U.S. Holocaust Memorial Museum), *Invited Attendee* (2018); John Wesley Jackson Memorial Award for Outstanding Professor of Law, *Recipient* (2018); Martindale-Hubbell®, *AV Preeminent Rating* (2012-present); S.D. Bar Foundation, *Fellow* (2016-present)

PROFESSIONAL MEMBERSHIPS AND REFEREE ACTIVITY

Access to Justice, Inc.

- Legal Answers, *Volunteer* (2016-present) (*limited scope online representation*)
- Pro Bono Program, *Participant* (2010-present)

American College of Trust and Estate Counsel (ACTEC)

- Asset Protection Committee (2016-19)
- S.D. State Chair-Elect (2019-20)
- State Laws Committee (2017-present)
 - End-of-Life Subcommittee (2018-present)
 - Uniform Laws Subcommittee (2017-present)

American Bar Association (ABA)

- Legal Education and Admissions to the Bar Section (2013-present)
- Real Property, Trust and Estate Law Section (2000-present)
 - Elder Law and Special Needs Planning Group (2016-present)
 - Elder Law and Long-Term Care Committee (2016-present)
 - Special Needs Planning Committee (2016-present)
 - Surrogate Decision Making Committee (2016-present)
 - Income and Transfer Tax Planning Group (2015-present)
 - Estate and Gift Tax Committee (2015-present)

Association of American Law Schools (AALS)

- AALS House of Representatives, *Representative* (2017)
- Section on Property Law (2016-18)
- Section on Trusts and Estates (2018-present)

Clay County Teen Court, *Volunteer Judge* (2017-present) (*juvenile diversion program*)

Governor's Task Force on Trust Administration Review and Reform, *Member* (2014-20)
(S.D. gubernatorial appointee) (re-appointed, 2017)

JOTWELL, Lex Section: Elder Law, *Inaugural Editor* (2016-present)

NAELA Journal, *Co-Executive Editor* (2014-16) and *Editor* (2012-14)

Nebraska State Bar Association (Attorney #22153), Real Property, Probate, and Trust Law Section, *Member* (2001-14)

S.D. Bar Association (Attorney # 2853)

- Ask-a-Lawyer Program, *Volunteer* (2005-present)
- Elder Law Committee, *Founder/Chair* (2010-19)
 - LifeCircle S.D., S.D. MOST Advisory Committee, *Liaison Member* (2017-present)
- Ethics Committee (2015-present)
- Indian Law Committee (2018-present)
- Liaison with IRS Committee (2016-present)
- Lawyer's Committee on Diversity and Inclusion (2015-present)
- Real Property, Probate, and Trust Law Section, *Chair* (2007-08; 2010-11)
 - Guardian Training Materials Committee, *Reporter* (2016-17)
 - Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA) Committee (2014-18)
 - Trust Committee, *Chair* (2012-present)
 - Uniform Guardianship and Protective Proceedings Act (UGPPA) Committee (2017-present)
 - Uniform Power of Attorney Act (UPOAA) Committee, *Chair* (2017-present)
 - Uniform Trust Code (UTC) Committee (2005-18)

S.D. Board of Pardons and Paroles, *Member* (2013-14) (S.D. Supreme Court appointee);
Auxiliary Member (2014-18)

Uniform Law Commission

- Drafting Committee on Electronic Wills Act, *Observer* (2017-present)
- Drafting Committee on Uniform Directed Trust Act, *Observer* (2013-17)

Wyoming State Bar (Attorney #6-4461) (2009-13)

REPORTED DECISIONS

Draper v. Colvin, 779 F.3d 556 (8th Cir. 2015) (co-counsel, amici); *In re Pooled Advocate Trust*, 813 N.W.2d 130 (S.D. 2012); I.R.S. Private Letter Ruling 201033025 (May 13, 2010); Jackson

v. Canyon Place Homeowner's Association, Inc., 731 N.W.2d 210 (S.D. 2007); Hanks v. Corson County Board of County Commissioners, 727 N.W.2d 296 (S.D. 2007); *In re* Estate of Trautman, 713 N.W.2d 600 (S.D. 2006); Hanks v. Corson County Board of County Commissioners, 694 N.W.2d 698 (S.D. 2005); *In re* Discipline of Mattson, 651 N.W.2d 278 (S.D. 2002) (on brief)

CIVIC SERVICE

Alzheimer's Assoc.-S.D., *Past Board Member*; Black Hills Area Habitat for Humanity, *Past Executive Board Member*; Canyon Lake United Methodist Church, *Past Trustee*; Dakotas United Methodist Foundation, *Past Executive Board Member*; Friends of the Missouri National Recreational River, *Member*; Friends of the Rapid City Public Library, *Past President*; Friends of the Vermillion Public Library, *Member*; Lifeways, Inc., *Past Board Member*; Pooled Advocate Trust, Inc. (PATI), *Founder/Past President*; Rapid City Arts Foundation, *Past President*; United Way of the Black Hills, *Past Board Member*; West River Estate and Financial Planning Council, *Past Vice President*; Western Dakota Technical Institute Foundation, *Past Board Member*

OTHER MEMBERSHIPS

American Society for Legal History (ASLH), *Lifetime Member*; Clay County Historical Society, Inc., *Lifetime Member*; Clay-Union Bar Association, *Member*; Great Plains Black History Museum, *Lifetime Member*; Mount Rushmore Soc'y, *Lifetime Member*; S.D. State Historical Society, *Member*; Union County Historical Society, *Lifetime Member*

USD LAW SCHOOL COURSES TAUGHT

Current courses: Estate Planning (2014-present); Professional Responsibility (2016-present); Remedies in Law & Equity (2018-present); Tribal Wills Clinic (2018-present) (co-taught with Experiential Learning Director Ramón Ortiz-Vélez) (non-credit); Trusts & Wills (2013-present)

Past courses: Business Organizations I (2013); Business Organizations II (2015); Comparative Estates Law (2015) (co-taught with Lecturer Lin Shaowei); Comparative [In]tangible Property (2016) (co-taught with Lecturer Yuanyuan Bai); Elder Law (2014-15); Holocaust Law (2016, 2019); Property (2015-18)

USD LAW SCHOOL SERVICE

ABA Accreditation Self-Study Committee, *Chair* (2017-present); Academic Affairs/Curriculum Committee (2013-16); Admissions Committee (2014-15); China Honorary Ambassadors Student Assoc. (CHALSA), *Founder/Faculty Advisor* (2015-present); Faculty Secretary (2013-16); Faculty Diversity and Inclusiveness Committee (2017-present); Financial Aid and Scholarships Committee (2014-present); Library Committee (2013-15); Property Committee, *Chair* (2013-14); S.D. Law Review, *Faculty Advisor* (2013-18)

USD SERVICE

Belbas-Larson Award for Excellence in Teaching Committee (2017-present); UK Scholarship Committee (2016); University Honors Program Committee (2016-present)

EXPERT ENGAGEMENTS FOR WHICH A REPORT WAS PREPARED

In the Matter of the Estate of Russell O. Tank, Deceased (court file no. 43Pro.16-14, Fifth Judicial Circuit, Marshall County, Britton, S.D., the Hon. Richard Sommers, presiding)
Whether testified at trial or by deposition: Testified by deposition (ongoing)
Engaging attorney and who that attorney represented: Reed Rasmussen of Siegel Barnett & Schultz, LLP, representing Jason Bender, devisee
Dates: December, 2017 - present
Scope of testimony/report: Rebuttal of undue influence, insane delusion, and testamentary incapacity testimony of the Hon. David Gienapp (ret.) and Dr. Rodney A. Swenson

In re Keith S. Wellin (consolidated cases) (court file nos. 2:13-cv-01831-DCN, 2:13-cv-03595-DCN, 2:14-cv-04067-DCN, Federal District Court, Charleston, S.C., the Hon. David C. Norton, presiding)
Whether testified at trial or by deposition: Testified by deposition (ongoing)
Engaging attorney and who that attorney represented: Robert Brunson, Patrick Wooten, and Merritt Abney of Nelson, Mullins, Riley & Scarborough, LLP, representing Peter Wellin, Marjorie King, and Cynthia Plum, co-trustees/beneficiaries, Friendship Partners, LP, and Friendship Management, LLC
Dates: May, 2014 – present
Scope of testimony/report: Grantor trust status; distribution standards; trustee and trust protector conduct

Theresa Souvignier, *et al.* v. Ruthanne Ranschau as Trustee of the Charles T. Ranschau Revocable Living Trust (court file no. EQCV024931, Iowa District Court for Sioux County, Orange City, Iowa, the Hon. Duane Hoffmeyer, presiding)
Whether testified at trial or by deposition: No
Engaging attorney and who that attorney represented: William Beck and Sander Morehead of Woods, Fuller, Schultz, & Smith, P.C., representing Ruthanne Ranschau, trustee
Dates: March 2017 - October 2017
Scope of testimony/report: Rebuttal of report of attorney Kent Vriezelaar *re:* trustee duties and funding of creditor shelter trust

Ronna Tekrony v. Todd Boyd (court file no. 28Civ.16-41, Third Judicial Circuit Court, Hamlin County, Hayti, S.D., the Hon. David Gienapp (ret.), presiding)
Whether testified at trial or by deposition: No
Engaging attorney and who that attorney represented: Phillip Stiles of Costello, Porter, Hill, Heisterkamp, Bushnell, & Carpenter, LLP, representing attorney Todd Boyd, defendant
Dates: April 2017 - July 2017
Scope of testimony/report: Damages and causation analysis in legal malpractice case arising out of estate planning and estate administration

In re Estate of James T. Goetz, Deceased (court file no. Civ.14-110, First Judicial Circuit Court, Yankton County, Yankton, S.D., the Hon. Cheryle Gering and Hon. Timothy Tucker, presiding)
Whether testified at trial or by deposition: No
Engaging attorney and who that attorney represented: John Blackburn of Blackburn & Stevens, Prof. LLC, representing Sally Goetz, heir

Dates: March 2017 - June 2017

Scope of testimony/report: Calculation of elective share claim against estate

In the Matter of Equity Trust Co. (administrative proceedings file no. 3-16594, Securities and Exchange Commission, Washington, D.C., the Hon. Carol Fox Foelak, presiding)

Whether testified at trial or by deposition: Testified at trial by affidavit

Engaging attorney and who that attorney represented: Andrew Dean of Securities Exchange Commission, New York, NY, representing Securities Exchange Commission, plaintiff

Dates: November 2015 - December 2015

Scope of testimony/report: Rebuttal of report of attorney Terry Prendergast *re:* scope of duties of self-directed IRA custodian under directed trust rubric

Randy Mack and Cheryl Fischbach, as Guardians *ad litem* for Gerald Mack, an incapacitated person, and Marjorie Mack v. Keith Marquandt and Senior Security Estate Plans, Inc. (court file no. Civ.09-5079-JLV, Federal District Court, Rapid City, S.D., the Hon. Jeffrey Viken, presiding)

Whether testified at trial or by deposition: No

Engaging attorney and who that attorney represented: Michael Loos of Clayborne, Loos & Sabers, LLP, Rapid City, S.D., representing Keith Marquandt, defendant

Dates: April 2012 - November 2012

Scope of testimony/report: Analysis of claims against financial advisor regarding alleged Medicaid eligibility planning recommendations

In re Guardianship and Conservatorship of Jessica Kay Weedon (court file no. Gdn.11-38, Seventh Judicial Circuit Court, Pennington County, Rapid City, S.D., the Hon. Jeff Davis, presiding)

Whether testified at trial or by deposition: No

Engaging attorney and who that attorney represented: Randy Cullers, of Crites, Shaffer, Connolly & Watson, P.C., Chadron, Neb., representing Steve Cleveland, guardian

Dates: January 2011 - January 2012

Scope of testimony/report: Review and analysis of proposed supplemental needs trust and first party supplemental needs trust options for an individual with disabilities

PERSONAL

Married; father of two

last updated: 12/03/2018