

THOMAS E. SIMMONS
University of South Dakota · School of Law suite 212
414 East Clark Street · Vermillion, S.D. · 57069-2390 · USA
Telephone: [+1]605.677.3960 · Fax: [+1]605.677.9390
Email: tom.e.simmons@usd.edu
<http://ssrn.com/author=2428447>

LEGAL EMPLOYMENT

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

Minnehaha Public Defender (Sioux Falls, S.D.), *Intern Defender* (2018) (*summer*)

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

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

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

National American University (Rapid City, S.D.), *Instructor, Constitutional History*
(1999-2000) (*part-time*)

ADMITTED TO PRACTICE

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; Rosebud Sioux Tribal Court (Sicangu Oyate Bar Association); Yankton Sioux Tribal Court

EDUCATION

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

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

PUBLICATIONS AND PRESENTATIONS

Articles

The Homestead Strikes Back (*work-in-progress*)

Saving Thomas White Hawk (*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. ____ (2018) (*forthcoming*)

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

Prequel to Homestead, 62 S.D. LAW REV. 327 (2017)

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

Wills Above Ground, 24 ELDER LAW J. 343 (2016)

Deploying the Common Law to Quasi-Marxist Property on Mars, 51 GONZAGA LAW REV. 101 (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 (2015)

Testamentary Incapacity, Undue Influence and Insane Delusions, 60 S.D. LAW REV. 101 (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)

Book Reviews

Law and Justice in Japanese Popular Culture: From Crime Fighting Robots to Dueling Pocket Monsters, 3 J. OF ASIA-PACIFIC POP CULTURE ____ (2018) (*work-in-progress*)

The Nazi Past in Contemporary German Film: Viewing Experiences of Intimacy and Immersion, 48 FILM & HISTORY ____ (2018) (*forthcoming*)

Law and Politics of Constitutional Courts, 8 INDONESIA LAW REV. ____ (2018) (*forthcoming*)

Supreme Court of India: The Beginnings, 11 INDIA LAW J. __ (2018) (*forthcoming*)

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

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

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 __ (2018) (*forthcoming*)

Why Comics? From Underground to Everywhere, 9 J. OF GRAPHIC NOVELS AND COMICS ____ (2018) (*forthcoming*)

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, 37 SHOFAR: AN INTERDISCIPLINARY J. OF JEWISH STUDIES __ (2018) (*forthcoming*)

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

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)

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)

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 Blog “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. ___ (___, 2018) (forthcoming))

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)

Essays, Etc.

- A Trust for Ted's Head, 88 MISSISSIPPI LAW J. SUPRA __ (2018) (*forthcoming*)
- Wrongful Death Conflicts for Plaintiffs' Attorneys, BARRISTER 7 (Nov./Dec., 2017)
- Leach v. Hyatt*: Recasting Indefiniteness, 43 ACTEC LAW J. 121 (2017) (*festschrift essay*)
- Actuarial Soundness, the Meaning of 'Commensurate,' and a 'Sniff Test,' 13 NAELA J. 167 (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*)
- Oklahoma Tax Commission v. United States*: Death Taxes on Restricted Indian Personality, 42 ACTEC LAW J. 47 (2016)
- 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 117 (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)
- I Just Flew in from Newark and Boy Are My Arms Tired, 33 NEBO: A LITERARY J. 51 (Fall 2015) (*poem*)
- On First Looking into Neihardt's Hugh Glass, 88 PASQUE PETALS 14 (Fall 2014) (*poem*)
- 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*)

Select Conferences and Papers

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, *1st Annual Fall Forum*, S.D. TRUST 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)

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, *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

American Bar Foundation, *Fellow* (2016); American College of Tax Counsel (ACTC), *Fellow* (2017); American College of Trust and Estate Counsel (ACTEC), *Fellow* (2013); Best Lawyers® in America, *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); S.D. Bar Foundation, *Fellow* (2016)

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-present)
- 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)
- Property Law Section (2016-present)

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

Governor's Task Force on Trust Administration Review and Reform

- *Member* (2014-present) (S.D. gubernatorial appointee) (re-appointed, 2017)
- *Spokesperson* (2016-present)

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

NAELA Journal

- *Co-Executive Editor* (2014-16)
- *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)

Uniform Law Commission

- *Observer*, Drafting Committee on Electronic Wills Act (2017-present)
- *Observer*, Drafting Committee on Uniform Directed Trust Act (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 (FOMNRR), *Member*; Friends of the Rapid City Public Library, *Past President*; Friends of the Vermillion Public Library, *Member*; Lifeways, Inc., *Past Board Member*; Mount Rushmore Soc'y, *Lifetime 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*

MEMBERSHIPS

American Society for Legal History (ASLH), *Lifetime Member*; American Society for Yad Vashem, *Member*; Clay County Historical Society, Inc., *Lifetime Member*; Clay-Union Bar Association, *Member*; Sioux City National Association for the Advancement of Colored People (NAACP), *Member*; National Congress of American Indians (NCAI), *Associate Member*; S.D.

Association of Criminal Defense Attorneys, *Member*; S.D. Indian Country Bar Association, *Member*; S.D. State Historical Society, *Member*; Union County Historical Society, *Lifetime Member*

USD LAW SCHOOL COURSES TAUGHT

Business Organizations I (2013); Business Organizations II (2015); Comparative Estates Law (2015); Comparative [In]tangible Property (2016); Elder Law (2014-15); Estate Planning (2014-present); Holocaust Law (*seminar*) (2016, 2019); Professional Responsibility (2016-present); Property (2015-18); Remedies in Law & Equity (2018-present); Trusts & Wills (2013-present)

USD LAW SCHOOL SERVICE

ABA Reaccreditation Site Visit Self-Study Committee, *Chair/Reporter* (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); Faculty and Staff of Color Association (2018-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: n/a (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 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, 2:30-cv-04067-DCN, Federal District Court, Charleston, S.C., the Hon. David C. Norton, presiding)

Whether testified at trial or by deposition: n/a (ongoing)

Engaging attorney and who that attorney represented: 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 matters; 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 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 (SEC), 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 SEC, New York, NY, representing SEC, 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: 06/24/2018