

Website Planned To Lure Lawyers To Rural S.D.

BY KRISTI EATON
Associated Press

ST. LOUIS — The State Bar president envisions developing a website that will connect lawyers looking for jobs with communities short on legal representation to combat the shortage of attorneys in South Dakota's rural communities.

The website is part of an ongoing recruitment initiative called Project Rural Practice, developed to fill the gaps as older attorneys retire with no one to take over their businesses, Bar President Pat Goetzinger told The Associated Press. Sixty-five percent of the state's 1,861 attorneys are in four cities: Sioux Falls, Rapid City, Aberdeen and Pierre, Bar data shows.

"I see the website being particularly useful in the match side of it," Goetzinger said in a Wednesday interview. "The communities can

plug in and have links ... so that a lawyer (who's) looking into that community can see what that community has to offer."

People living in rural areas sometimes have to travel further for legal advice, meaning rural cases are slow to be resolved. Cash-strapped communities are spending more money to bring in lawyers for board and commission meetings, while businesses and estates that used to turn to one person for legal guidance have to use firms with multiple specialists, making the process less personal.

Goetzinger said the website, which would include resources on starting and maintaining a rural practice, must first be approved by the group's commissioners, but he anticipates it to be operational by the end of the summer or early fall. Task force members are working on a mockup.

Thomas Geu, interim dean at The University

of South Dakota School of Law and a member of the task force, said some lawyers prefer to practice in rural areas because of the quality of life. But the countrywide urban sprawl means fewer law students are coming from rural areas, and many have little knowledge of — or desire to find out — what small-town life is like.

He's hoping the Rural Practice initiative and website can help change that.

Matching community needs with available lawyers is "one of the key components to deliver on some of the goals of Project Rural Practice," Geu said.

The Project Rural Practice task force is next scheduled to meet April 10 in Howard. Goetzinger said he is planning a dinner for April 9 that will recognize the five active Bar lawyers in South Dakota who have practiced for 60 years or more.

Nebraska Supreme Court:

Neb. Man Struck By Pickup Must Repay State

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — A Nebraska man who lost both legs when he was struck by a pickup truck owes the state \$131,000 for medical payments made while he waited to collect money from a legal settlement, the state Supreme Court ruled Friday.

The high court said Edward Smalley of Plattsmouth must repay the full amount to the Nebraska Department of Health and Human Services. State officials had initially declined to cover Smalley's expenses through Medicaid, but agreed to do so as long as he reimbursed the program with money from an out-of-court settlement.

Smalley collected an \$800,000 settlement for the December 2007 crash in rural Cass County, according to the ruling. But his attorney argued that repaying the full amount to the state ran contrary to federal law.

The ruling overturned a district court judge's decision that capped the amount he owed at \$17,420 — far less than the

\$131,000 paid by Nebraska Medicaid.

"Based on the unique facts of this case, the district court should have looked no further than the agreement between the parties," the high court wrote in its opinion.

A phone message left with Smalley's attorney was not immediately returned.

The crash happened in rural Cass County in December 2007, as Smalley was helping a woman with car trouble on the side of a snow- and ice-packed road.

The pickup truck driver, Jerome Speck of Murray, was drunk when he struck Smalley, according to the ruling. A snow-plow blade mounted to the truck severed one of Smalley's legs and doctors had to amputate the other.

Smalley qualified for Medicaid after he lost both legs, the ruling said, and the Omaha hospital that treated him submitted more than \$400,000 in medical bills to the state.

Because of a Medicaid provider agreement with the hospital, state officials had the abil-

ity to resolve Smalley's medical payments for about \$131,000 — which would have let him keep a greater share of the settlement money.

But the state claims investigator, Emil Spicka, initially declined to pay because of possible "third-party resources," including insurance coverage. State officials later agreed to cover the costs, with the understanding that Smalley would reimburse the Department of Health and Human Services after reaching a settlement.

Smalley's attorney later testified that he only entered the agreement to cover his client's expenses at the discounted Medicaid rate.

The attorney said he never intended to honor the agreement, and that he believed the personal injury claim was worth at least \$6 million. Spicka testified that he had expected the state to be reimbursed and without the agreement, Smalley would have had to negotiate the bill with the hospital.

A district court judge ruled that the HHS department's claim

to reimbursement was capped because of a U.S. Supreme Court decision that said states could only collect settlement money tied directly to medical care expenses. The department appealed.

Wynot Man Makes Plea Deal In Teen Sex Case

BEATRICE, Neb. (AP) — A 38-year-old northeast Nebraska man had pleaded guilty after making a deal with prosecutors in a teen sex case.

Beatrice radio station KWBE reports John Suing, of Wynot, pleaded guilty to a felony charge of enticing a child by means of an electronic device. In return, prosecutors dropped a misdemeanor charge of delivering obscene material to a minor.

Suing was arrested in June. Police say Suing had been communicating with what he thought was a 15-year-old boy in an effort to meet the boy for sex. The "boy" turned out to be an undercover officer.

S.D. Man Pleads Not Guilty To Mail, Drug Fraud

ST. LOUIS (AP) — A Spearfish man has pleaded not guilty to an indictment charging him with mail fraud and misbranding drugs.

U.S. Attorney Brendan Johnson says 73-year-old John Martin was indicted this week for allegedly using the U.S. mail as part of an alleged fraudulent scheme to convince people he could heal or cure their illnesses.

He pleaded not guilty to the indictment in federal court.

Martin faces 20 years in prison and a \$250,000 fine for each mail fraud count and one year in prison and a \$100,000 fine for the misbranding drugs count.

Grass Fire Causes Evacuations In Rapid City

RAPID CITY (AP) — Residents are being allowed back into their apartment buildings in Rapid City after fire officials say they have contained a fire near the South Dakota School of Mines & Technology.

Four apartment buildings near the campus had been evacuated as firefighters worked to contain the fast-spreading fire. Nobody was injured and there are no reports of damage.

The Rapid City Fire Department says in a statement that investigators have determined the 13-acre fire was caused by accidental human activity.



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S.D. 4-H Cheating Scandal Subject Of Federal Suit

ST. LOUIS (AP) — A 4-H club cheating scandal at last year's South Dakota State Fair involving the disputed ownership of a pig has sparked a federal lawsuit in which a White Lake family is seeking hundreds of thousands of dollars.

Greg Kroupa is suing the state 4-H office on behalf of his 16-year-old daughter, Bayley, who was permanently banned from competition last October after an ethics committee found she had "misrepresented the ownership" of her swine entry, according to the *Argus Leader*.

The committee permanently disqualified Bayley, the last of four Kroupa siblings to participate in 4-H, and stripped her of prizes in both the swine and cattle categories. That means she cannot compete in national events — which require that participants be in good standing with 4-H or FFA —

and puts her out of the running for hundreds of thousands of dollars in potential prize money, her father said.

Kroupa said the committee claimed the pig had been shown at another state's fair and that the finding was based on no more than a cellphone photograph.

He maintains that jealous competitors were looking for an excuse to take down the family, which has found success in state and national livestock shows. In 2007, his daughter Shelby took the Grand Champion Junior title at the National Western Stock Show in Denver, where her steer Maynard sold for a near-record \$110,000.

"We have been made an example out of because of the level of competition that we have achieved," he said.

Peter A. Nielson, assistant director of 4-H youth development, who is named as a defendant in

the lawsuit, said he cannot comment on the allegations. Gary Thimsen, a lawyer representing 4-H, declined immediate comment.

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