School of Law
IN BRIEF

Vol. 17: Issue 3

INSIDE THIS ISSUE

Law Review Honors Steven Sanford 2
Trial Team Earns Honorable Mention 4
Staff Spotlight: Julia Wessel 5
Professor Pommersheim Receives Humanities Award for Scholarship 6
FLS Gives Thanks to Volunteers 7
Mr. CJEP Goes to Washington 8
Notes from the Law Library 9
Law Review: Juvenile Justice System Symposium Review 10
Lavender Lecture Well Received 11
NALSA: Poll Watching in North Dakota 12
Sam Garrity Family Letter 14
Student Organization Info 15

UPCOMING EVENTS

Law School

11/28  Law School Fall Final Exams Begin (11/28-12/9)
Law School

12/10  Winter Break (12/10-1/3)
Law School

1/4  Classes Begin
Law School

1/16  Dr. Martin Luther King, Jr. Holiday
No School

1/4  Careers in Space: Space, Cyber, and Telecommunication law
Law School Room 102  12-1pm

If you have a meeting or other event for the calendar or would like to highlight an upcoming or past event or achievement with a story, please email Cody.D.Raterman@coyotes.usd.edu. All submissions welcome.
Law Review Honors
Steven W. Sanford

By Anna Limoges, South Dakota Law Review Managing Editor, Volume 62

On October 28th, the South Dakota Law Review Editors for Volume 62 presented Steven W. Sanford with the Distinguished Alumni Award. Around 130 people came to Chef Dominique’s in Sioux Falls to celebrate Mr. Sanford’s numerous accomplishments in his legal career as well as the outstanding contributions that he has given and continues to give. Steve W. Sanford was an Editor for Volume 19 for the Review. He was published twice during law school, foreshadowing his future success and dedication. Dean Geu said, “The Law Review Distinguished Alumni Award is one of the highest honors bestowed by Law School organizations.” Further, “[t]here is no more respected or humble a lawyer or citizen leader than Steve Sanford.”

Since graduating from the University of South Dakota School of Law, he helped found what is now Cadwell Sanford Deibert & Garry LLP in Sioux Falls, practicing primarily in civil litigation. He is admitted to practice in South Dakota’s state and federal courts, the federal district courts of Nebraska and Colorado, the Eighth Circuit Court of Appeals, and before the United States Supreme Court. He is an elected member of the American Board of Trial Advocates, a Fellow of the American College of Trial Lawyers, and a Fellow of the American Bar Foundation. He has been an adjunct professor at the University of South Dakota School of Law, a section leader of the South Dakota Practice Course, on the faculty of the South Dakota Trial Academy, the author of numerous articles and a CLE instructor and speaker for the ABA Litigation Section,

Continued on Page 3...

In the course of his career, Mr. Sanford has devoted substantial time as a board member and volunteer for numerous civic and charitable causes, including the Sioux Empire United Way, the Sioux Falls Community Playhouse, the Sioux Falls High School Foundation, South Dakota Children’s Home Society, the South Dakota Chapter of The Nature Conservancy, The Washington Pavilion, the South Dakota Humanities Council, and Great Bear Recreational Park Inc. (the nonprofit operator of Great Bear Ski Valley). He is also a founder and director of Northern Prairies Land Trust and is Chancellor of the Episcopal Diocese of South Dakota.

To congratulate Mr. Sanford in receiving the award, Dean Tom Geu, President James Abbott, Douglas Deibert, and William Garry all spoke at the event congratulating Mr. Sanford for receiving the award. Their speeches included reminiscences of why Mr. Sanford richly deserved this award as well as personal memories.

The South Dakota Law Review and the University of South Dakota School of Law are proud to have an alum as honorable and accomplished as Steven W. Sanford. He will forever be a Distinguished Alumni of the Review. The Editors of Volume 62 thank all who attended to celebrate Mr. Sanford in being so well-deserving of this award. As I mentioned in my speech at the event, as future attorneys, we can only hope to accomplish even half of what Steven W. Sanford has accomplished.

The 2016 Wine Review would not have taken place without the contributions from our gracious Sponsors:

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Trial Team Earns Honorable Mention in California

USD School of Law Trial Team consisting of Briana Lear, Kayla Clark, Edward Edmonds, and Andrew Magner earned Honorable Mention for their "impressive and outstanding performance" at the California Attorneys for Justice & Hastings College of Law National Criminal Trial Advocacy Invitational Competition held in San Francisco, CA, the weekend of October 13-16, 2016.

This elite competition, which is in its 8th year, invites annually only 22 of "the best trial advocacy programs in the nation to compete.” This is the second straight year that the USD School of Law has been invited to compete.

The competition rounds are held at the United States District Court in San Francisco. USD Law’s team was coached by Professor Tom Horton, Professor Ramon Ortiz, and Dean and Professor Emeritus Barry Vickrey. The University of Pacific McGeorge School of law, which defeated USD in a hard fought round, went on to place second behind the Whittier Law School in the championship round.

Native American Law Student Association Hosts Toy Drive

USD School of Law student organization NALSA hosted a ‘gently used’ toy drive. The purpose of the event was to collect, clean, wrap, and deliver toys to young persons living in Indian Country. The group would like to say thank you for the many donations they have already received, and they will continue accepting donations until Thanksgiving.
Staff Spotlight:  

Julia Wessel

This October, the School of Law welcomed Julia Wessel as its new Senior Secretary in the faculty suite. Previously Wessel worked at Sanford Health in Sioux Falls as an assistant to the current Chief Legal Officer. “I’m very excited to be working at the Law School supporting wonderful faculty and enjoying the legal/academic environment.”

Originally from Southern California, Wessel worked for AV rated (preeminent peer rank) litigation firms as a paralegal prior to moving to South Dakota. It was here that her passion for the law found a natural outlet and sparked interest in further education. In 2007, Wessel crossed half the United States—from California to Vermillion—in pursuit of her educational interests. She landed at the University of South Dakota because of the beauty of the prairie and lack of people. Coming from California, being able to see every star in the sky was a definite selling point to Wessel; her love of the prairie grew so much that she would later persuade her mother to move from Oregon to South Dakota, too.

Wessel graduated with a Bachelors of General Studies from USD in December of 2015. Raising a family of five and working full time, Wessel seriously considered attending USD Law after her graduation. Taking the LSAT, Wessel scored an impressive 159. However, even with years of law related experience and education already under her belt, Wessel decided against law school. Many factors played into the decision not to pursue a juris doctor degree, but commitment to her five children, of which two require special needs, were her focal points.

In addition to work, Wessel devotes her attention to various hobbies and outdoor activities. Among her favorite are binging on good books (currently The Winter King), Netflix, family history research, jewelry making, and kayaking. Fun fact: Wessel has learned from her ancestry research that she is President Barack Obama’s 12th cousin.

Although she has only been with the School of Law for a few short weeks, Wessel has much to say about the wonderful staff, students, and environment. For any students that find themselves in the Faculty Suite, “Come visit me for candy and a lawyerly word of the week to enhance your legal writing!”
Pommersheim Receives Humanities Award for Scholarship

University of South Dakota Professor of Law Frank Pommersheim recently received the Distinguished Achievement for the Humanities award from the South Dakota Humanities Council. The award is in recognition of scholarship in the field of advocacy for the humanities and civic engagement. He was one of four recognized at the South Dakota Festival of Books Sponsored by the South Dakota Humanities Council.

Honorees of the award demonstrate a commitment to communicate humanities-related events and programs, write books and publications important to the humanities, and provide funding or partnerships to sustain a vibrant cultural landscape. Pommersheim fit all three categories.

Pommersheim is one of the few people in the state known for leading community-wide discussions regarding tribal relations; he has been tapped by the Humanities Council in prior years to present on the topics of tribal sovereignty, tribal relations, and Indian relations. For example, in 2014, he spoke in both Sioux Falls and Vermillion on a reflection of Indian relations on South Dakota’s 125th Anniversary. Pommersheim’s experiences and scholarship in Indian Law have been reflected most recently in his book, *Tribal Justice: 25 Years as a Tribal Appellate Justice*.

“The good thing about the Humanities Council is that it establishes avenues of communications between Indian peoples and non-Indians. There are very few forums were Indians and non-Indians come together to discuss issues; one of the predicates of any solution is engagement. When races don’t have interaction, the gap in communication grows larger and is filled by negative stereotypes.”

Pommersheim also was recognized for his artistic abilities in the field of poetry. Most past or present USD Law students can testify that the professor is renowned for starting lectures.
with a poem about Buddha. He has previously published chapbooks containing poems about eastern philosophy. Those familiar with his chapbooks may have taken note of the beautiful cover art. A little fact is that USD School of Law Registration Officer Teresa Carlisle creates the cover artwork.

The third Buddha poem chapbook is expected to be published sometime this upcoming spring. Readers consist mainly of former students, friends, members of the bar, poetry enthusiasts, and people from Pommersheim’s past.

When asked where he got the inspiration for the Buddha themed poems, Pommersheim replied, “It all started when I was daydreaming about eight years ago about Buddha sending an email.” Email from Buddha was his first poem of the series. Positive feedback propelled him to continue on.

Eastern philosophy poetry, academic scholarship in Indian Law, and engaging communities wedged apart by negative stereotypes and intolerance are a few of the many reasons why Professor of Law Frank Pommersheim was awarded the Distinguished Achievement for the Humanities.

FLS Gives Thanks to Volunteers

Thanks to the Friends of Fundamental Legal Skills (FFLS) volunteers who donated their time and skills to the Fundamental Legal Skills 1L program this past October. The alum served as a supervising attorney while 1L students presented their preliminary research findings for their Open Memo assignment. All of the volunteers were once talented FLS students and are now talented attorneys.

- Austin Cutright
- Jon Hansen
- Melissa Knight
- Nick Moser
- Rachel Preheim
- Tracye Sherrill
- Anthony Sutton
- Revathi Troung
- Ashlee Wendt
Mr. CJEP Goes to Washington:  

**Plea Deals**

The Criminal Justice Education Project (CJEP) recently made a trip to Arlington, Virginia, where they attended a national criminal justice themed conference. The three representatives from CJEP were privileged to attend a conference put together by the Research Coordination Network on guilty pleas. Students from CJEP that attended were Samantha Berglin (President of CJEP), Andrea Kuepp (Secretary of CJEP), and Kaleb Paulsen (Recruiter for CJEP) (pictured below). Research collected from over a three year period was presented to an audience from a variety of academic disciplines (e.g., law enforcement, sociology, political science, Indian law, etc.). This research was funded by The National Science Foundation, University at Albany (SUNY) and Rockefeller College of Public Affairs and Policy Center for Policy Research.

At this conference, students were inundated with a wealth of knowledge about guilty pleas. Topics included: collateral consequences in a plea decision, racial disparities in plea decisions, international plea decisions and procedures, distortion of justice, plenary powers, and the effects of punishment on bargaining. Each of the presenters was given twenty minutes to speak about their data, followed by discussion and a more informal twenty minute question and answer period.

The president of CJEP, Samantha Berglin, reflected on her experience at this conference. She wrote, “This conference was especially fascinating. The Guilty Plea conference was very helpful to understand why people may or may not take a plea. It was most helpful because I want to get into criminal defense work. I believe that understanding guilty pleas is vital to practicing criminal defense. My favorite paper and presentation was about international plea decisions and procedures. Plea bargaining is used at much higher rate in the United States than any other place in the world. It was crazy to listen to how other countries handle their justice system. Most defendants in other countries have very little say in what actually happens to them at trial when it comes to plea bargains. It would be interesting to do more research on different procedures in other countries. I am very grateful for being given this experience to bring this research back to USD.”

On returning to USD, CJEP members gave presentations on what they learned from the conference and shared papers that were collected from the various individual sessions. “We would like to thank the USD School of Law for the opportunity to attend this important conference.”
Notes from the Law Library:

The Law Library invites the law school community to welcome two new employees! Bobby Horton joined us in November as a temporary Library Associate, working 20 hours/week. Sue Benton joined us in November as the new Head of Technical and Collection Services, filling the vacant position of Dan Burniston. Sue comes to from the main library with over 30 years of experience. While Sue’s appointment is also temporary, she will help the library oversee a major transition in the library’s system software (shared by all BOR institutions) which will occur over the next one-to-two years. She and Bobby, along with Karyl Knodel, will also work closely together on many projects to improve accessibility of the library’s materials.

Law library’s services that are especially relevant to students around finals time: Study Aids and Study Rooms!

* Don’t forget that all students (and faculty) now have 24/7 online access to the West Academic Study Aids package, which includes the full text of all current Nutshells, Hornbooks, the Acing Series, the Black Letter Series, and more!

* To access the study aids from any location (on or off-campus), please use the link available on the Law Library’s Research Databases list (available under “Online Research” on the left on the Law Library’s homepage). Or just copy it from below and bookmark: https://lawproxy.usd.edu/login?url=https://subscription.westacademic.com/ The database allows for full-text searching (i.e. search “offer and acceptance”) or titles by subject/course name from the drop-down menus and browse them.

* Make sure to bookmark the Law Library’s freshly updated LibGuide on Academic Success: http://libguides.law.usd.edu/academicsuccess

This guide contains links to the West Academic package, CALI lessons, and highlights print resources in our Study Aids & Academic Success collection on the main floor, which check out for 24 hours (or over the weekend). While the guide is geared toward first-year students, it provides info and resources on law school success skills (such as outlining, time management, etc.) helpful to any student.

* Last but not least, don’t forget that study rooms become more popular around exam time. Any student can reserve up to 12 hours/week of study room time for themselves or a study group. Use (and bookmark!) the link below: http://usd-law.libcal.com/booking/lawlibrarystudyrooms

“We wish everyone the best of luck on finals! And don’t forget to follow us on Twitter (@USDLawLibrary) for up-to-date news and announcements!”
Law Review Symposium:

Juvenile Justice System

On September 29 and 30, the University of South Dakota School of Law and the South Dakota Law Review presented a Juvenile Justice Symposium. With recent United States Supreme Court decisions regarding juvenile rights, sentencing, and retroactivity, the juvenile justice system is at a turning point in history. The Symposium included local and national speakers that focused on why juveniles are particularly vulnerable within the system and what can be done to ensure the rights of youth.

The Symposium discussed topics pertaining to the 50,000 incarcerated children under the age of eighteen, which included: juvenile interrogations and confessions, juvenile sentencing, and juvenile prison facilities. The Symposium also addressed issues regarding at-risk youth, Native American Youth, and youth on the sex offender registry lists. Local speakers also addressed South Dakota’s efforts, and recent successes, when dealing with juveniles in the criminal justice system.

The Symposium was well attended by judges, prosecutors, defense attorneys, private practitioners, state legislators, and students. Members from the Midwest Juvenile Defender Center also came from various states in order to attend the symposium.

The Law Review will also publish a Symposium Issue, which will include a compilation of articles from the speakers highlighting the issues discussed at the event.

The Symposium is an annual event hosted by the University of South Dakota School of Law and the South Dakota Law Review, which focuses on a different subject matter each year. The topic of the symposium is ultimately the decision of the Law Review’s Symposium Editor, a third year law student.

Ashley Brost, the current Symposium Editor, chose this topic to highlight the recent reform efforts made both in South Dakota and across the United States after the latest trilogy of United States Supreme Court cases. Brost was also a teacher prior to starting law school, so has always had an interest in the juvenile justice system. Professor Wendy Hess, who also has a background in juvenile justice, was a tremendous help in the execution of the Symposium. Other recent Symposium topics have covered issues pertaining to: anti-trusts, LGBTQ community, Project Rural Practice, and trusts and wills. The Law Review staff writers are currently researching a symposium topic for fall of 2017.

The current South Dakota Law Review Staff includes: Shad Christman (Editor-in-Chief); Kim McNulty (Lead Articles Editor); Anna Limoges (Managing Editor); Ashley Brost (Symposium Editor); Emily Maurice (Note and Comment Editor); Nicholas Koontz (Production Editor); Ryan Redd (Copy Editor); Joe Meader (Copy Editor); Rene McNulty (Copy Editor); Sarah Christopherson (Staff Writer); Jordyn Bangasser (Staff Writer); Kristopher Reed (Staff Writer); Rachel Mairose (Staff Writer); Jennifer Doubledee (Staff Writer); Emily Verhine (Staff Writer); Loranda Kenyon (Staff Writer); Brigid Hoffman (Staff Writer); Jennifer Michlitsch (Staff Writer); Britni Summers (Staff Writer); and Professor Tom Simmons (Advisor).

Class of 2018 Quilt Raffle

Throughout the semester, USD School of Law class officers have been selling raffle tickets for a handstitched quilt donated by 2L Laura Hodson and family. Class President Kaleb Paulsen noted that the class raised over $1,000 selling raffle tickets during the Dakota Days Parade and tailgating events alone.

Professor David Day drew the winning ticket. The winner: Marie Duncan of Parkston, SD.
OUTlaws 5th Lavender Lecture: Employment Discrimination

On October 6th, the USD School of Law OUTlaws student group hosted their 5th Annual Lavender Lecture. The theme for this event was employment discrimination of LGBTIQ peoples. Guest speaker, Karen Mackey, spoke about regional and personal issues with employment discrimination, including discrimination, homelessness, and harassment.

Feature speakers USD School of Law Associate Dean Tiffany Graham and the Williams Institute Senior Counsel Adam Romero presented in tandem on EEOC litigation regarding Title VII and the development of LGBTIQ-related discrimination case law (e.g., Romer, Price Waterhouse).

Over eighty students, faculty, and community members attended the event hosted in the Law School courtroom. The presentation ended with a lively question and answer regarding predictions of future legislation, pending cases, and hopes for the future of the LGBTIQ community.

Kay Luther, Vice President of OUTlaws, said that “Mr. Romero’s presentation was absolutely fascinating. Everyone who has ever attempted to navigate the complex opinions regarding employment discrimination in the LGBTIQ community definitely benefited from this lecture and Romero provided great insight. While there currently is a lack of consistency among the circuits as to how to best to interpret the language of Title VII, Romero provided some great examples of quality decisions that we can build upon in the future. After hearing Romero’s presentation, discussing the rulings interpreting the terms “sex” and “gender,” I feel that I am in a far better position to advocate for the LGBTIQ community. We are definitely fortunate that there are amazing experts like Romero who are willing to fly half way across the United States to empower us with the knowledge to effect positive change.”

Any students interested in joining OUTlaws are directed to add “USD OUTlaws” on Facebook or attend any of their upcoming events. Elections will be held this spring. OUTlaws would also like to thank Adam Romero and Dean Graham for making this event a success.

OUTlaws Selling USD Law T-Shirts: $15

The USD OUTlaws will offering USD School of Law coffee mugs and T-shirts the first week of spring orientation. Mugs will be $10 and T-shirt pre-sale will be $15. Proceeds go to support the USD Law OUTlaws student organization.
NALSA: Election Poll Watching on North Dakota Reservation

Two students from the Native American Law Student Association (NALSA) travelled to North Dakota to ensure fair elections on November 8th. The members, Morgan Nelson and Rachelle Norberg, drove to the Spirit Lake Nation in Fort Totten, ND to poll watch on Election Day. The Native American Rights Fund (NARF) sought volunteers to survey voters from the North Dakota reservations who may have had trouble voting or who were prohibited from voting.

Nelson expressed that, “Poll watching was an interesting take on our duties in the public sphere as future attorneys. Learning the election laws of a state, stepping out of our comfort zone and into new communities during a tumultuous and somewhat tense time for our country was a good introduction into the level of responsibility that lawyers eventually undertake. We met a lot of community members, including a tribal council member, who were very kind and welcoming of us into their community.”

Norberg also commented, “Poll watching was a wonderful opportunity to advocate for NALSA while also providing a much needed service in a legally underrepresented community. Tribal members were both curious and impressed that Morgan and I traveled nearly seven hours to monitor the polls and I really enjoyed the opportunity to gain some new perspectives from a reservation much different from Rosebud, the reservation I’m most familiar with.”
Law Review Symposium: Juvenile Justice System

Continued from Page 10...

SYMPOSIUM PRESENTERS

Neelum Arya
Lecturer in Law at the University of California, Los Angeles

Autumn Ascano
Juris Doctorate and Master of Science in Clinical Psychology

Richard Broughton
Associate Dean of Academic Affairs and Associate Professor at Detroit Mercy School of Law

Elizabeth Clarke
Founder and President of Juvenile Justice Initiative

Megan Glynn Crane
Co-Director and Clinical Fellow on Wrongful Convictions of Youth at Northwestern Pritzker School of Law

Troy Eid
Former United States Attorney, GT Law Firm Shareholder and Co-Chair of GT’s Native American Law Practice Group

John Elliott
National Juvenile Defender Center

Amy Fettig
Senior Staff Counsel for ACLU’s National Prison Project

DeAnna Goldtooth
DNA People’s Legal Services

Eli Lehrer
President and Co-Founder of R Street

Marsha Levick
Deputy Director and Chief Counsel at Juvenile Law Center

Marcy Mistrett
Chief Executive Officer for the Campaign for Youth Justice

Perry Moriearty
Associate Professor at the University of Minnesota School of Law

Nicole Pittman
Vice President and Director at Impact Justice

Addie Rolnick
Associate Professor at the University of Nevada, Las Vegas

William S. Boyd School of Law

Angel Runnels
Minnehaha County Public Defender

Greg Sattizahn
South Dakota State Court Administrator

Mark Vargo
Pennington County State’s Attorney
October 15, 2016

Dear USD friends:

Thank you for presenting an enormous amount of consideration and compassion while commemorating our son, Sam Garrity, during the special reception in September. It was a notably thoughtful and inspirational occasion. We wished we had had more time with each of you: to personally thank you, get to know you and wish you all the best.

To celebrate Sam’s birthday last June, twelve of us - his mom and dad, grandma, nana, cousins, aunts and uncles traveled to a few special places together in one excursion van. The first stop was the Law Library where we had requested a private viewing of the memorial plaque. Dean Geu and Kassandra graciously arranged our USD visit that included refreshments and a birthday balloon. For an hour or so, all of us gazed at Sam’s smile and the words on the commemorative plaque while smiling, crying and taking pictures. It was important to us to be with Sam privately for the first viewing. Thank you for this kindness.

Please allow us this opportunity to especially thank:

Dean Geu, for the show of respect towards our family, Sam and the USD family. The friendship that has developed between the two families and the communities to which our son belonged is a precious gift.

Abigail, for the commitment to honor your classmate in a large way at USD and a small way in our home. We appreciate the thoughtful gesture. The replica sits on our mantle. Thank you for the special consideration.

Nick, for your perceptive message – that Sam was a “best friend” to many. We appreciate your discovery - you were one of them.

Amanda and Caleb, for noting the need of an open dialogue about mental, physical and emotional health. We appreciate the action towards sharing helpful information.

The Pursuit of Happiness officers, Amanda, Justin and Samantha and the representatives, Alison, Alexander and Abigail for recognizing and offering help wherever needed.

Thank you everyone at the USD School of Law: the 3Ls, 2Ls, 1Ls, Class of 2016, administration, faculty and staff for honoring our son’s memory. We are extremely proud of Sam and how he touched your lives. Sam never failed to make an impression. ❤️

Sincerely,

Jan & Pat Garrity
# Student Organization Directory

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<thead>
<tr>
<th>Organization</th>
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<tbody>
<tr>
<td><strong>Classes</strong></td>
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<tr>
<td>First Year Class</td>
<td>Kaleb Paulsen</td>
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<tr>
<td>Second Year Class</td>
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<td>China Honorary Ambassadors Law Students Assoc.</td>
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<td>Women in Law</td>
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<tr>
<td>Pursuit of Happiness</td>
<td>Amanda Siefken</td>
<td><a href="mailto:Amanda.Siefken@coyotes.usd.edu">Amanda.Siefken@coyotes.usd.edu</a></td>
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<td><strong>Organizations &amp; Boards</strong></td>
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<td>Westlaw</td>
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<td>LexisNexis</td>
<td>Matthew R. Gaynor</td>
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<td>Kaplan</td>
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<td>Bloomberg</td>
<td>Mallory Schulte</td>
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<tr>
<td>AmeriBar</td>
<td>Kayla Clark</td>
<td><a href="mailto:kayla.clark@coyotes.usd.edu">kayla.clark@coyotes.usd.edu</a></td>
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</tbody>
</table>

Story idea? If your organization’s contact information is incorrect or not listed, please email **Cody.D.Raterman@coyotes.usd.edu** with updates.