



# South Dakota's Newest Drug Court



*Left to right: Terry Evans, Brown County Sheriff's Department; Mike Brumbaugh, Chief Court Services Officer; Jennifer Deiss, Northeastern Mental Health Center; Lori Ehlers, Brown County States Attorney's Office; Judge Mark Anderson; Susan Kornder, Northeastern Mental Health Center; Sally Swanson, Sobriety Court Specialist; Brad Erhardt, Sobriety Court Services Officer; Jim White, Worthmore Addiction Services; Chad Locken, Brown County States Attorney's Office.*

**The following article by Scott Waltman is from the August 9, 2012 issue of the "Aberdeen News."**

People convicted of most felony impaired driving charges in Brown County now have an alternative to prison.

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**Welcome to the sixteenth 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.**

## South Dakota's Newest Drug Court, cont'd. from pg. 1

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Four people are enrolled in the county's sobriety court program, which started about a month ago, said Mike Brumbaugh, chief court service officer for the 5th Judicial Circuit based in Aberdeen.

The program is available to people who plead guilty to their third through seventh driving while under the influence offenses and have been diagnosed with alcohol or drug addictions.

Magistrate Judge Mark Anderson said sobriety court has several aims: to reduce the number of offenders sentenced to prison, to keep the people who enroll sober and help them become productive members of society and to reduce repeat offenses by giving participants skills to handle, over the long term, their addictions and other problems, ranging from mental health issues to the inability to budget.

The sobriety court is intense, Brumbaugh said. He said some people who finish it say they think prison would have been easier alternative.

Before being accepted into the voluntary program, participants must undergo a chemical dependency evaluation and a mental health assessment. Then, they sign on for some serious scrutiny as they go through the program's phases. Sobriety court might come with considerable

inconveniences, but it gives participants a chance to keep their jobs and live with their families instead of going to prison, Anderson said.

People accepted by the sobriety court must be nonviolent offenders, complete in-patient or intensive out-patient treatment and have a treatment program sponsor, Brumbaugh said. They also have to pay for the necessary assessments and treatment on their own.

Because somebody accepted by the sobriety court previously pleaded guilty and was given a suspended sentence in traditional court, prison is still an option if he or she doesn't complete sobriety court. The guilty plea in criminal court does not go away upon completion of the program. The sobriety court just provides an option to prison that includes long-term treatment and stringent oversight.

For much of the sobriety court program, participants must also have a job or be taking classes. Anderson said sobriety court officials want to work with employers to let them know that while people in the program have criminal records, they are also held to high standards.

In a best-case scenario, Anderson said, a sobriety court participant might be able to graduate from the program in a year. The maximum amount of

time that somebody can be in the program is still unclear, he said. As long as somebody's progressing towards sobriety, he said, he or she will be allowed to continue.

Before graduation, participants must be a sponsor in a 12-step program, do a relapse evaluation and pay off any financial obligations.

Participants who violate the program's rules can be demoted a phase, Anderson said. Other sanctions can also be imposed: jail time or a loss of driving privileges, for instance. Infractions will be dealt with immediately.

In traditional court, a probation violation, including drinking alcohol, could result in a trip to prison. Sobriety court officials have a lot of discretion about the type of sanctions they can impose, Anderson said. He said the most serious offense one could commit while in the program would be any type of offense in a vehicle after having consumed any amount of alcohol - even if the person isn't legally drunk. The most serious sanction is getting kicked out of the sobriety court and returned to the traditional court system.

Drug court proceedings are closed to the public, but the graduation ceremony is an open event, Brumbaugh said.

Prison officials might require

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## South Dakota's Newest Drug Court, cont'd from pg. 2

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an inmate convicted of a felony drunken driving charge to undergo chemical dependency treatment, Anderson said. But treatment in prison is different from the real world. In prison, he said, folks aren't tempted by old friends who might have addictions, driving by a bar or walking into a convenience store with cases of beer stacked at the door.

Studies show longer-term treatment that includes ways to cope with real world temptations work better than treatment offered in prison, Anderson said.

Eventually, the Brown County sobriety court could

have as many as 15 participants. But they have to be phased in so each can get the necessary attention, Brumbaugh said. All participants must live within 25 miles of Aberdeen.

Considering it costs \$30,000 to house a person in prison for a year, Brown County's sobriety court offers a potential savings of \$450,000 a year when at full speed. It costs considerably less to operate the sobriety court, which has two employees.

Anderson said studies and statistics show that sobriety courts are better options than prison is for people with addictions. According to the National Association of Drug Court Professionals, which Brown County's alcohol-focused

sobriety court is based on, 75 percent of drug court graduates remain arrest-free at least two years after leaving the program, and the courts reduce crime by as much as 45 percent more than other sentencing options.

Considering South Dakota's penitentiaries are already crowded, options to prison terms for folks whose primary problems are addiction-based are vital, Brumbaugh said. He said sobriety courts address that problem without being soft on crime.

"It's the right thing to do. It really is," Brumbaugh said of sobriety courts. "We can't continue to lock people up."



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### Happiness

There is an old French proverb which says, "What makes us discontented with our condition is the absurdly exaggerated idea we have of the happiness of others." The meaning to us in this subject is more clearly illustrated by substituting the word "income" for the word "happiness."

*Griner, John R., "Budgeting for a Law Office," Law Office Economics and Management, Vol. VIII, No. 2, August, 1967, p. 138.*

# Welcome to the Fall River County Courthouse

A “thank you” to Carol Foster, Clerk of Courts in Hot Springs, for submitting the information and photos for this article.

Fall River County was established in 1883 and the county was then faced with deciding the location of the county seat. “Both towns voted—the living, those in the cemetery, and some besides,” said one old-timer, but Hot Springs won by sixteen votes.

The courthouse construction contract was granted to Fred T. Evans. Local rumor has it that it was a deal made during a poker game. Evans held the land where the courthouse was ultimately built and he won the poker game.

Architect Charles P. Brown was commissioned to draw up the proposal for the four-story sandstone block building. Work began in August 1891 at a cost of \$23,000, with an addition of \$3,750 for an “iron and steel jail.”

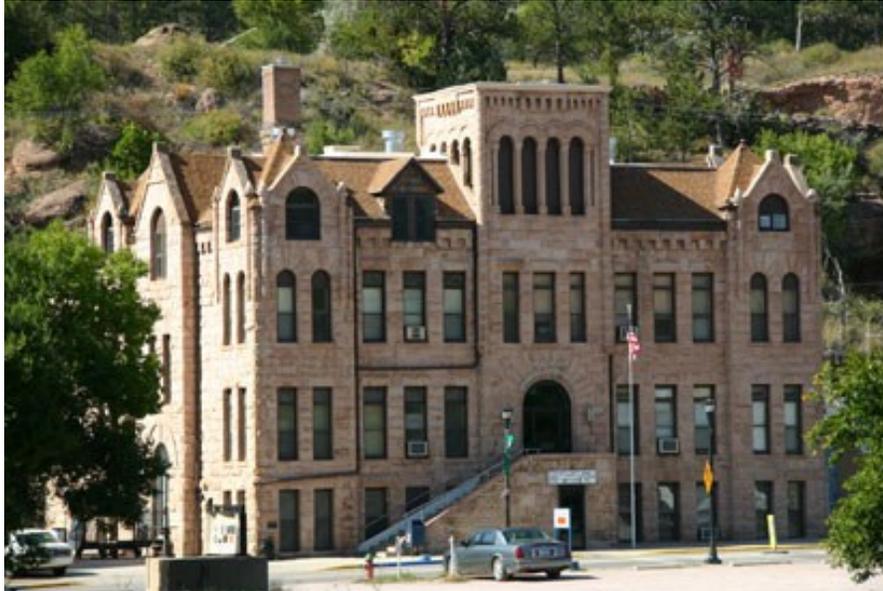
Court was temporarily held in the Opera House. There was a great deal of controversy over this

decision for the courthouse location, right down to who would pay for the flag to be placed outside. Several matters were

built at Cold Brook sometime after 1947.

In addition to serving Fall River County, the court serves Shannon County, which consists almost entirely of the Pine Ridge Indian Reservation. Matters related to the Oglala Sioux Tribal members, however, are handled by the Tribal Court in Pine Ridge.

The Courthouse is located at 906 N. River Street in Hot Springs. All offices of the court are on the second floor.



*The Fall River County Courthouse in Hot Springs, South Dakota.*

ultimately heard by the Supreme Court, and the Court took occupancy in 1892.

The Courthouse was flooded several times until the dam was



*Left to right: Deputy Clerk Karisa Buckwheat, Deputy Clerk Dana Nachtigal, Clerk Carol Foster, CSO Angie Collognon, Bailiff Bill Coffield*

## Leadership Changes in the Third Circuit

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Chief Justice Gilbertson recently announced that, pursuant to Art. V s 11 of the South Dakota Constitution, that it was his pleasure to announce the appointment of Judge Tim D. Tucker as the new Presiding Judge for the Third

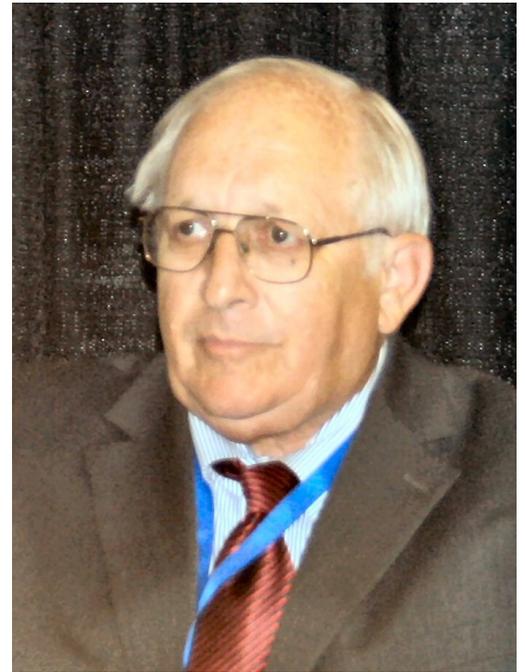
Judicial Circuit. It is to become effective upon the retirement of Presiding Judge Gienapp in early 2013. Prior to then, Judge Gienapp and Judge Tucker will commence



a joint transition program.

Judge Gienapp has agreed to stay on in a part-time capacity to oversee the completion of the renovation of the Brookings County Courthouse and any cases which he has pending.

The Chief Justice took the opportunity to thank Presiding Judge Gienapp for a job well done and the willingness of Judge Tucker to carry on this fine tradition in the Third Circuit.



*Above: Presiding Judge David Gienapp.*

*Left: Judge Tim D. Tucker, Third Judicial Circuit*

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## Sioux Falls to Host the Annual National Moot Court Competition

Following discussion with former Dean Vickery from USD, Judge Caldwell, and Judge Riepel, the Second Circuit volunteered and Sioux Falls was chosen to host the annual National Moot Court Competition sponsored by the New York Bar. The Upper Midwest regionals are November 9 and 10. This involves the eight law schools from North Dakota, South Dakota, Minnesota, and Iowa.

Karl Thoennes, Circuit Administrator in the Second Judicial Circuit, feels that the Sioux Falls Courthouse should work well for this event with its 16 courtrooms, a jury assembly room that seats 120 for the teams, the Multipurpose room for the judges/sponsors lounge, and the Atrium for the opening and closing ceremonies.

## National Award Recipient



*Patricia Duggan with John Meeks from the National Center for State Courts*

State Court Administrator Patricia Duggan was presented the 2011 Star trophy by John Meeks, the Vice President of the Institute for Court Management of the National Center for State Courts on July 18, at the National Association of Court Management Conference.

The Star Award is conferred upon an Institute of Court Management Fellow who demonstrates excellence in the advancement of court administration through leadership and education.

As State Court Administrator, Pat continues to concentrate heavily on leadership,

mentoring, training, and staff development on all levels, encouraging court employees to advance their careers in many different ways.

Congratulations, Pat!



Always take your work seriously, never yourself.

Eisenhower, Dwight D., as quoted in *U.S. News & World Report*, 6/13/58, p. 8.

## Karl Thoennes Elected to NACM's Board of Directors

Karl Thoennes III, Circuit Administrator in the Second Judicial Circuit of the UJS, was unanimously elected to a three-year term on the board of directors of the National Association for Court Management.

State Court Administrator Patricia Duggan noted that it will be beneficial to South Dakota to have a voice on the national scene about the future of leadership and management of our country's judicial systems.

Congratulations, Karl!



*Karl Thoennes, Circuit Administrator, Second Judicial Circuit*



# Meet Court Reporter Jessica Paulsen

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***Jessica Paulsen started work in the Sixth Judicial Circuit on June 11, 2012, and is the Court Reporter for Judge DeVaney. Jessica provided responses to the questions below so that you would have an opportunity to get to know her better.***

## QUESTIONS:

### **Title / Department?**

Court Reporter for Judge DeVaney.

### **Describe a little of what you do:**

I take down everything everyone says.

### **Greatest achievement (or most interesting, or most unusual):**

Graduating! Believe it or not, writing 225 words per minute at 96 percent accuracy is not as easy as you may think!

### **Tell us a little about yourself:**

I am originally from Maquoketa, IA. It is a small town about an hour from Illinois. Most people do not pronounce it correctly, and if I say it out loud, no one can ever spell it. It's a fun trivia game! I went to AIB College of Business in Des Moines, IA for court reporting. I have two brothers; one older (Mitch), one younger (Bryon, who I am very, very close to) – I am two years

apart from both of them. Yes, I am, unfortunately, the middle child. My dad plays lead guitar in a very popular local band called



*Jessica Paulsen, Court Reporter in the Sixth Judicial Circuit*

*Jammer.* He gave me no musical ability whatsoever, but gave my younger brother the gift to play drums and my older brother the gift to play guitar. I have a six-year-old niece, Lily.

### **Tell us one thing people don't know about you:**

I lived in Connecticut with my aunt and uncle during the summer when I was fourteen so I could nanny for my cousin.

### **Favorite book and why it is your favorite.**

Anything by Tami Hoag. All of

her books are my favorite, and I own every single one of them.

### **Hobbies:**

Tennis. If I could play tennis every single day, I would. Before I left Iowa and came to Pierre, I took my six-year-old niece to the tennis courts and tried to teach her a little bit. I called her just the other day in which she said, "I wish you were here so we could play tennis 625, 678 times a day." I think I might have made a player out of her.

### **Favorite URL:**

Probably Yahoo.

### **Favorite food:**

Chinese.

### **Favorite quote:**

If you believe, you will receive. If you doubt, you'll go without.

### **What is your favorite childhood Christmas gift and why it is your favorite:**

Every year for Christmas, my mom would always get me a porcelain doll. I know some people might find them to be extremely creepy, but I have many of them. It was a nice tradition.



# Lyle Hart Joins the UJS IT Office



Lyle Hart, Programmer Analyst with the UJS Information and Technology Office.

**Lyle Hart joined the UJS Information and Technology Office on May 21, 2012. Below is an “interview” with Lyle.**

## Title / Department?

Programmer Analyst / UJS IT Department.

## Describe a little of what you do.

Writing pathways for Odyssey to grab information from our databases.

## Greatest achievement (or most interesting, or most unusual):

I have many Great Achievements, but the Greatest of them all is being “DAD”

## Tell us a little about yourself

I am a programming junkie, I love to write Code and create things. I have a Windows/ XboX360 game in the Mmking, I think that I am going to hammer it out this summer and publish it for Windows 8 (Hopefully).

I have also started work on a Text Based Browser Game.

## When did you realize that being an IT Geek was Cool?

When I was little my Dad worked in a factory where they made microwaveable dishes, he also decided to go back to school. He graduated and began his climb in the AS/400 World. He also found a TRS-80 Model III Micro Computer, and brought it home. I was probably about 5 or 6 years old and I thought it was the coolest thing in the world. I got older and found Code in an Algebra book that worked on that Micro Computer, and that was even cool.

## Favorite Food:

Hot dogs (not for long) - living in a motel room with just a microwave, I get to eat lots of them.

## Favorite URL(s):

www.google.com and about 5 different browser games

## Favorite Quote?

The quotes change from day to day, but I found this one on a Programming Bulletin Board and think it's funny:

If the automobile had followed the same development cycle as the computer, a Rolls-Royce would today cost \$100, get a million miles per gallon, and explode once a year, killing everyone inside.



## They

When you point a finger at the they, remember that at least three other fingers on that hand are pointing at you.

“Who Are They?” Public Relations Corner, *The Ohio Bar*, Vol. XL, No. 39, October 9, 1967, p. 1184.

# Welcome Aboard!

*UJS employees hired, promoted, appointed or retired from July 17 through September 9, 2012.*

## **1st CIRCUIT:**

- Matthew Abel, Circuit Law Clerk, Yankton
- Eric Hanson, Circuit Law Clerk, Davison/Mitchell
- Kim Leonard, Deputy Court Clerk 1, Yankton
- Brenda Weber, Deputy Court Clerk Magistrate 1, McCook/Salem

## **2nd CIRCUIT:**

- Stephanie Bentzen, Deputy Court Clerk 1, Minnehaha/Sioux Falls
- Emily Blas, Circuit Law Clerk, Minnehaha/Sioux Falls
- Mina Bonhorst, Court Services Officer, Minnehaha/Sioux Falls
- Carolee Bucholz, Drug/DUI Court Support Specialist, Minnehaha/Sioux Falls
- Stephanie Chase, Supreme Court Law Clerk
- Elizabeth McCarty, Deputy Court Clerk 1, Minnehaha/Sioux Falls
- Jessica Meier, Scheduling Clerk, Minnehaha/Sioux Falls
- Krista Tschetter, Supreme Court Law Clerk
- Dana Vander Waal, Deputy Court Clerk 1,

Minnehaha/Sioux Falls

- Kasey Wassenaar, Circuit Law Clerk, Minnehaha/Sioux Falls

## **3rd CIRCUIT:**

- Lauren Kaufman, Circuit Law Clerk, Lake/Madison
- Amy Stieg, On-Call Deputy Court Clerk 1, Hamlin/Hayti

## **4th CIRCUIT:**

- Holly Farris, Circuit Law Clerk, Lawrence/Deadwood
- Amie Weglin, Court Services Officer, Meade/Sturgis

## **5th CIRCUIT:**

- Gwenn Ackermann, Deputy Court Clerk Magistrate 1, Walworth/Selby
- Kellen Willert, Circuit Law Clerk, Brown/Aberdeen
- Brock Schiferl, Court Services Officer, Brown/Aberdeen

## **6th CIRCUIT:**

- Sarah Zinter, Circuit Law Clerk, Hughes/Pierre

## **7th CIRCUIT:**

- Karla MacArthur, Circuit Law Clerk, Pennington/Rapid City
- Sandy Bergeson, Court Services Secretary, Pennington/Rapid City
- Rebecca Longcrow, Circuit Law Clerk, Pennington/Rapid City

## **SCAO/SUPREME COURT:**

- Ellie Bailey, Supreme Court Law Clerk
- Morgan Brekke, Supreme Court Law Clerk
- Skyler Dowling, Sr. Accountant, Hughes/Pierre
- Stacy Hegge, Supreme Court Law Clerk
- Kari Mouw, Supreme Court Law Clerk
- Jamie Robertson, Accountant, Hughes/Pierre
- Pamela Scouten, Court Operations Specialist, Hughes/Pierre

## **TRANSFER**

- Aneliese Hight, IT Administrative Secretary, Hughes/Pierre
- Nathan Olson, Court Services Officer, Minnehaha/Sioux Falls

## **PROMOTION**

- Alicia Diaz, Help Desk Support Specialist, Hughes/Pierre
- Sheila Kieso, Court Services Officer, Minnehaha/Sioux Falls
- Sally Swanson, Drug/DUI Court Support Specialist, Brown/Aberdeen

## **RETIREMENT**

- Charles Wright, Court Services Officer, Pennington/Rapid City

*(Continued on page 10)*



Christine Christopherson,  
Judicial Branch Educator

### Christine's Column

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#### Leadership Skills

#### Introverted? Harness its Advantages

Outgoing and at ease in social situations, extroverts often seem to have the advantage around the office. But that is just an illusion, the result of their personality naturally bringing them a lot of attention.

Although they don't stand in the spotlight as often, introverts have powerful talents that make them invaluable in the workplace, writes Les McKeown, president and CEO of *Predictable Success* and the author of *The Synergist: How to Lead Your Team to Predictable Success*.

**The power of focus.** Introverts don't crave variety in the same way extroverts do, so they are able to focus on a task and reach their goal before moving on to something new. They achieve their successes one at a time instead of trying to juggle multiple projects all at the same time.

**The strength of the team.** Introverts don't need to be stars, always in the spotlight. Instead they know their limitations and value being part of a team and working with other admins whose values complement their own.

**The strategic value of anonymity.** Absent extroverts' need for attention, introverts are happy to work quietly and operate under the radar. This is an advantage when projects require discretion.

**The freedom from narrative.** Introverts don't make bold, public declarations of their plans and goals. This makes it easier for them to alter course without losing face when circumstances change.

- Adapted from "4 Secrets of Successful Introverts," Les McKeown, OPEN Forum.

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**When we get to know people, we lose our prejudices.**

*HAYS, Arthur Garfield, City Lawyer, New York: Simon & Schuster, 1942, p.237.*

## “All Rise.” Drug/DWI Court Update.

“More research has been published on the effects of adult Drug Courts than virtually all other criminal justice programs combined. The effectiveness of Drug Courts is not a matter of conjecture. It is the product of more than two decades of exhaustive scientific research.

We know beyond a reasonable doubt, that Drug Courts significantly reduce drug use and crime and do so with substantial cost savings.”

(National Association of Drug Court Professionals, Need to Know Brief-Research Update on Adult Drug Courts, Douglas Marlow, December 2010).

From this research, a road-map of sorts has evolved, known as the “Ten Key Components of a Drug Court.” Key Component number 9, is “continuing interdisciplinary education promotes effective

drug court planning, implementation, and operations.”

South Dakota is taking another step towards the implementation of Drug Courts and will convene its second Drug Court Symposium this Fall. (The first was held in Huron, August 2010.) The

goal of the October Symposium is to bring professionals from across the state, including current Drug Court Teams, Teams in the “planning stage” of

implementation; Judges, UJS, treatment and law enforcement professionals, defense attorneys and States Attorneys together, to learn about implementation and operation of a Drug Court.

Those attending will be exposed to the Ten Key Components and will learn how adherence to all of the Components is crucial in the planning, implementation, and

We know beyond a reasonable doubt, that Drug Courts significantly reduce drug use and crime and do so with substantial cost savings.”



Noreen Plumage,  
Drug/DUI Court Liaison

operation of a Drug Court.

The dates of the conference are October 22 (1:00 PM) to October 23 (2:15 PM). It is being held in Pierre The symposium is being presented by UJS in conjunction with the National Drug Court Initiative (NDCI) and the National Association of Drug Court Professionals (NADCP).

For further information or if you are interested in attending, please contact  
Noreen.Plumage@uj.s.state.sd



### Words of Wisdom

I asked her to name the best time in her varied, crowded, exciting, intensely lived life. “Oh, that’s easy,” she says with a wide smile, “it’s now, right now. But then,” she adds, mischievously, “I would have said the exact same thing last year, and the year before, and almost every year before that.”

*Bush, Mrs. Barbara. Interview with Mrs. Barbara Bush by Jean Libman Block., Good Housekeeping, November 1989, p. 257.*