

Fourth Circuit Law Clerks

Each circuit employs at least one recent law school graduate to provide research assistance to the judges in the circuit. The Fourth Circuit has been so fortunate in the quality of law clerks that have served our circuit since clerkships began in 1985. We wish to "honor" our past law clerks by including a brief synopsis of their lives after the Fourth Circuit in our circuit web page – we want them to know how proud we are of them and their accomplishments. Thank you to each one for your past service to our Circuit!

JOHN HAMILTON (85-86)

Employment History: The Legal Affairs Director of South Dakota Advocacy Services, which is a non-profit federally-funded agency providing advocacy and legal representation to persons with disabilities.

Memorable Experience as 4th Circuit Law Clerk: "Encompasses the entirety of the year I worked there and all the great people I met – the judges, the clerks, court services, states attorneys and private attorneys – everyone treated me great and even though it has been decades, the year I spent in the Northern Hills still holds great memories."

JEFFREY MAKES (86-87)

Employment History: Jeff worked for Finch, Bettmann, Maks & Hogue in Rapid City, South Dakota. Now he's a partner with Finch Maks, LLC in Rapid City, practicing civil litigation including personal injury, contract, and licensing law.

MICHAEL STRAIN (87-88)

Employment History: Strain Morman Law Firm in Sturgis, South Dakota, where he has tried many jury trials, ranging from misdemeanor DWI and assault cases, to death penalty criminal murder cases and on the civil side, all types of cases ranging from minor dog bite cases to medical malpractice wrongful death cases and civil rights violations. On staff at the Gerry Spence Trial Lawyer's College since 1998.

Memorable Experience as 4th Circuit Law Clerk: "Observation of the circuit court judges trying and handling different types of criminal matters all across the western part of South Dakota. The trips up north were always fun and memorable but more so when we were involved in a jury trial which involved 'colorful characters'. These types of trials were worth the price of admission for a clerkship."

DEAN EISENBRAUN (88-90)

Employment History: Trammell Crow Company based out of Minneapolis, Minnesota - Contract Consultant to American Express. US, Canada and Mexico operations – also involved with best practices in South American and more recently, the UK – involves extensive travel.

Memorable Experience as 4th Circuit Law Clerk: "Riding the circuit in northwestern South Dakota with Judge Tschetter and turkey hunting with Judge Johns."

THOMAS PENISTEN (90-91)

Employment History: Practiced law in Canton and Sioux Falls, primarily in the areas of personal injury, worker's compensation, bankruptcy and criminal defense. In January, 2004, he joined the Evangelical Lutheran Good Samaritan Society as a Risk Manager, where he is responsible for managing general liability and worker's compensation claims for Good Samaritan's captive insurance company in the states of Colorado, Kansas and Nebraska. In 2014 he became the Director of Risk and Claims Management. He is also an Adjunct Instructor of Healthcare Law and Policy at the USD School of Business.

Memorable Experience as 4th Circuit Law Clerk: "Clerking for this circuit was the highlight of my legal education. Working with Judges Johnson, Johns, Tschetter and Moses was truly an honor and a privilege. I learned that running a circuit takes a team and the support staff were wonderful to work with. One outstanding highlight of my clerkship is the vision of magistrate court during the Rally, which still haunts me."

TIMOTHY RENSCH (91-92)

Employment History: Opened his own law practice in Rapid City, South Dakota, in 1992. Since then, he has tried many cases from murders to traffic tickets, personal injury to preliminary and permanent injunctions.

Memorable Experience as 4th Circuit Law Clerk: He recalls the time when the Lawrence County Courthouse was being restored and how the artist used real gold foil on the designs and colonnades. When school children would tour the courthouse, he would crumple and break the foil into dust and drop it from the third floor balcony to second floor and the school children would scramble to pick it up.

SUZANNE FEIST (92-93)

Employment History: Opened her own law practice in Rapid City, South Dakota, receiving much direction and mentoring from Curt Ireland. She primarily practiced insurance defense work. After practicing for six years, she retired to stay home full time.

Memorable Experience as 4th Circuit Law Clerk: "I started working during the Sturgis Motorcycle Rally and I remember feeling really out of place in my suit and heels! I enjoyed sitting in on all of the jury trials and definitely came away with many pointers on 'what I wouldn't do' – it was a great learning experience. My favorite writing assignment was helping Judge Johnson prepare the brief on an appeal of a murder conviction and the trial transcript was fascinating as there were multiple legal issues to address."

KAREN HILMOE-LEONARD (93-94)

Employment History: Office of City Attorney, Sioux Falls, South Dakota.

HON. DAWN M. AMAN-ELSHERE (94-95)

Employment History: Dawn was a deputy state's attorney with the Codington County State's Attorney's Office where she handles all of the domestic assaults, sexual assaults, child abuse and all of the abuse and neglect cases. She was also a domestic

abuse and sexual assault trainer for the South Dakota Network Against Family Violence and Sexual Assault. She was also with the Brown County State's Attorney's Office. In 2015 she was appointed to a Magistrate Judge with the Third Circuit, and in 2017 she was appointed circuit court judge. Judge Elshere administers the Beadle County Drug Court. She has served on the UJS Judicial Training Committee and has been a trainer for the SAVIN Advisory Committee.

Memorable Experience as 4th Circuit Law Clerk: "What I remember the most about being a law clerk, is that I really enjoyed working with everyone in the entire court system. I also remember taking our noon hours to go for walks and killing wasps for Veronica."

KRISTI WAMMEN-WHITCHER ERDMAN (95-97)

Employment History: Immediately following her clerkship, she prosecuted criminal cases for the Lawrence County State's Attorney's Office. In 1998, she joined Johnson, Eiesland Law Firm in Rapid City, South Dakota, where personal injury, medical malpractice and business litigation became her focus. In addition to practicing law, she taught graduate and undergraduate law courses for the University of Phoenix online in 2003. From 2009-2012 she served as Staff Attorney for the Seventh Circuit, and in 2012 she became its Court Administrator.

STEVEN NOLAN (97-98)

Employment History: Currently a partner with Bangs, McCullen, Butler, Foye & Simmons, L.L.P. in Rapid City, South Dakota, where he primarily works in the litigation area, focusing on insurance law, employment law, personal injury, real estate, and family relations.

Memorable Experience as 4th Circuit Law Clerk: "The one-year clerkship was an absolute wonderful experience. It helped prepare me for the practice of law, as I was able to observe and assist in all types of cases. It was also a great opportunity to get to know the Judges both inside and outside of the courtroom."

JIM D. SEWARD (98-99)

Employment History: Jim served as the Butte County State's Attorney. In 2000, he received a direct commission to become a JAG officer with the South Dakota National Guard and was assigned to serve with the 109th Engineer Group of Rapid City. From May 2004-May 2005, he was deployed to Afghanistan with the 109th Engineer Group and Combined Task Force Coyote and earned a Bronze Star. After returning home, he practiced law in Spearfish. Jim went on to serve as general counsel for Governor Duugaard from 2011 to 2016. In 2016 he went to work for Black Hills Energy, where he is now Director of Operations. Altogether, Jim has about 25 years in with the National Guard.

SEN. LANCE S. RUSSELL (99-00)

Employment History: After his clerkship, Lance worked as Deputy State's Attorney for Lawrence County. In 2000, Lance was elected Fall River and Oglala Lakota County State's Attorney. He also served as Shannon County State's Attorney from 2001-2008. He is currently the State Senator for District 30, out of Hot Springs.

Memorable Experience as 4th Circuit Law Clerk: “The most memorable experience was playing golf on the sand greens of the Bison golf course with Judge Johns. I learned a great deal during my clerkship and have very favorable memories. I will always be grateful for the education and experiences afforded me by the Circuit and Magistrate Judges of the Eighth (now Fourth) Judicial Circuit.”

MANUEL J. de CASTRO, JR. (00-01)

Employment History: Worked for two previous law clerks – Michael W. Strain and Timothy Rensch. He’s been a deputy city attorney for Sturgis, and served both as the Public Defender and the State’s Attorney for Lake County. More recently, he opened his own law firm in Madison where he practices family law, criminal law and personal injury.

Memorable Experience as 4th Circuit Law Clerk: “My clerkship allowed me to refine my research and writing skills and to watch the great lawyers in action. It was great to be able to see which things worked for lawyers and which didn’t – learn from other’s mistakes. I have so many memorable experiences as a law clerk – working on three capital cases and learning the process of how those cases work – golfing with Judge Johns, Judge Eckrich and Judge Johnson. Talking with Cindy – she taught me how to use the copier! Most of all, I made some great friends and had some great mentors to help me along the path of my legal career. I cherish my experience there.”

CHRISTINA L. WILLIAMS (01-02)

Employment History: After her clerkship, she moved to North Carolina for two years and worked for a Plaintiff’s firm – The Blount Law Firm. She went on to work in Wyoming as a Campbell County Deputy State’s and County Attorney. She then spent five years as a partner at the firm Preuit and Williams. Since 2012 she has run her own criminal defense practice in Gillette, Wyoming. She practices in South Dakota and Wyoming.

JASON M. SMILEY (02-03)

Employment History: Since August of 2003, Jason has been an associate with Gunderson, Palmer, Goodsell and Nelson where he primarily practices civil litigation, including real estate and construction litigation. He is counsel for the Associated General Contractors of South Dakota.

SHANE C. PENFIELD (03-04)

Employment History: Shane was an associate at the law firm of Gunderson, Palmer, Goodsell and Nelson in Rapid City, South Dakota. He currently runs his private rural practice in Lemmon and serves as State’s Attorney for Perkins County.

Memorable Experience as 4th Circuit Law Clerk: “When everyone got a good laugh at my ‘81 Cadillac, which was equipped with steer horns!”

HON. ERIC J. STRAWN (04-05)

Employment History: Eric worked at Tellinghuisen and Gordon in Spearfish, South Dakota. He became special prosecutor for the Attorney General’s office and later added

the title of part-time magistrate. In 2014 he became full time magistrate and since 2017 he has served as Circuit Court Judge for the Fourth Judicial Circuit. He started DUI Specialty Court in Deadwood and has played a very formative roll in developing that program.

Memorable Experience as 4th Circuit Law Clerk: "There can be no doubt that the clerkship is one of the best positions to obtain post-graduation from Law School. In my time as a law clerk, I witnessed the practice of law unfold before my eyes with expert judges teaching me the correct avenues of practice in the 4th Circuit. I sat in on amazing cases, from police searches that crossed the constitutional barrier to adverse possession claims on wells/water rights. I assisted in researching case law, statutory history and watched hundreds of decisions being made by very competent judges. I cannot imagine my career without the resources I gained from this clerkship.

PAUL A. LEWIS (05-06)

Employment History: Paul runs his own practice at Lewis At Law in Rapid City, South Dakota, handling a wide range of criminal and civil cases.

Memorable Experience as 4th Circuit Law Clerk: As the 4th Circuit Law Clerk, Paul indicated that he always looked forward to getting up each morning and coming to work because of the people, the job challenge, and the beautiful view from his window!

HON. FRANCY E. FORAL (06-07)

Employment History: Francy earned her J.D. from the Suffolk University Law School in Boston. She clerked for the Fourth Circuit and then worked as an associate at Frederickson Law Office, P.C., next door in Deadwood, South Dakota. In 2011 she served as the Strategic Planning Coordinator for the South Dakota Bar Association. In 2015 she became a magistrate for the Fourth Judicial Circuit, and serves as judge for the Northern Hills Drug Court.

Memorable Experience as 4th Circuit Law Clerk: "The lessons learned in just one year as Law Clerk have already proven to be valuable as I practice law in a small firm. While I enjoyed so many things about working as the Fourth Circuit Law Clerk, my most memorable experience was the opportunity to accompany Judge Macy when he sat in for Justice Zinter at the Supreme Court in Pierre. This allowed me to observe and participate in the entire process, from reviewing counsels' briefs, to observing oral arguments, through to assisting Judge Macy with research as he wrote the opinion and ultimately finding out it represented the majority opinion of the Court."

TYLER STEINLE (07-08)

Employment History: In 2007, Tyler graduated 5th in his class from the University of South Dakota, School of Law. He practiced law for a few years but then found his true passion was Computer Science, so he went back to school and has worked for the telecommunications company Innovative Systems in Mitchell, South Dakota since 2010 as a Software Engineer.

Memorable Experience as 4th Circuit Law Clerk: Tyler remarks that he has had so

many memorable experiences here that it's tough to choose, but one of his favorites is bantering with Judge Macy!

KYLIE M. RIGGINS (08-09)

Employment History: Kylie is a family law attorney at Riggins Family Law, Prof. LLC, practicing exclusively in the area of Domestic Relations Law since 2009. She has served on the Family Law Committee for both the American and South Dakota Bar Associations. She has also been Vice President of the Pennington County Bar Association. Kylie was named a "Top 10 Attorney Under the Age of 40" by the National Academy of Law Attorneys in 2014.

Memorable Experience as 4th Circuit Law Clerk: "The law clerk experience is second to none! The most memorable aspect from the 2008-2009 year was the sheer number of trials we had. I had the opportunity to participate in high profile criminal cases, personal injury lawsuits, family law trials... you name it, we probably did it. What an amazing opportunity! Thanks 4th Circuit!"

JOHN W. WALLACE (09-10)

Employment History: John practiced in Belle Fourche, South Dakota, at Bennett, Main & Gubbrud, P.C. for a couple years and then moved to Bowling Green, Kentucky to be closer to family. He worked for a firm in Owensboro for two years. In 2012, he took a teaching position with Daymar College in Bowling Green where he also serves as the Librarian.

Memorable Experience as 4th Circuit Law Clerk: "Highlights include a jury trial in Timber Lake, the "North Run," a jury trial in Bison and Teen Court. I was fortunate to work with so many excellent people last year and the lessons learned were priceless. Thanks 4th Circuit!"

JOSEPH M. DYLLA (10-11)

Employment History: Currently practicing general civil litigation and appeals at the Cutler and Donahoe in Sioux Falls, South Dakota. Mr. Dylla has also worked for Bangs McCullen Law Firm in Rapid City, South Dakota.

Memorable Experience as 4th Circuit Law Clerk: "Working with Judge Macy on a South Dakota Supreme Court case after he was appointed to hear the appeal, playing golf and eating steak with Judge Johnson during a court trial in Lemmon, and working on a month long jury trial with Judge Eckrich."

ROBERT J. ROHL (11-12)

Employment History: Robbie is a trial attorney with Johnson, Eiesland and Rohl Law Offices with an emphasis in personal injury. He has also worked for Randy Connolly and DeMersseman Jensen Tellinghuisen & Huffman, doing criminal trial work and civil litigation. Robbie also serves as Vice President of Serenity Management, a 501(c)(3) he co-founded which is dedicated to helping men suffering from drug and alcohol addiction.

Memorable Experience as 4th Circuit Law Clerk: "An eviction trial in Butte County

that Judge Macy presided over. The proceedings were in reference to removing Defendants from a junk yard that they resided in. A day's worth of testimony came from witnesses that took the stand and referred to themselves as "Crazy Charlie," "Hippie," "Mad Max," and "True." Testimony subject matter ranged from, "drinking around a burn barrel," all the way to "crazy prescription drugs that Hippie had." One of the witnesses even advised the Court that he was a recognized rocket scientist (no Curriculum Vitae demonstrating his studies or prior work history, however, was ever introduced into evidence). It was the type of thing comedy skits from SNL are derived. I'll never forget it."

HOLLY R. FARRIS (12-13)

Employment History: After clerking, Holly spent one year in doing civil litigation casework for May & Johnson in Sioux Falls, SD. She then served as Deputy General Counsel to the South Dakota Department of Education in Pierre, SD. In 2019 she joined the Attorney General's Office, and handles cases in the civil litigation division.

Memorable Experience as 4th Circuit Law Clerk: "Like many previous clerks, it's impossible to name just one occasion as the entire year was full of valuable experiences. The first that spring to mind on the practical side are working with Judge Johnson on numerous trials and a particularly complex habeas case, assisting Judge Macy as he sat with the Supreme Court for two cases, and being allowed to draft many opinions stemming from Rally cases for Judge Eckrich. In addition to the workload, I had a great time sharing daily conversations with the judges (particularly Judge Macy's take on the news of the day and Judge Johnson's recollections of judicial happenings from years past!) and getting to know the Fourth Circuit personnel. The third floor of the Lawrence County Courthouse was an amazing place to spend a year."

KIMBERLY R. DE HUECK (13-14)

JADE B. JORGENSON (14-15)

Employment History: Following her clerkship with the Fourth Circuit, Jade clerked for Honorable Kathleen A. Mottl of the 10th District in Minnesota. She now practices commercial law and civil litigation with Fredrikson & Byron in North Dakota.

NICHOLAS J. PETERSON (15-16)

Employment History: Nick also went on to clerk for Charles B. Kornmann, Senior United States District Judge. Nick worked as an associate for the Kinney Law Firm in Spearfish, South Dakota. He currently works as a Public Defender in Pennington County.

ERIC J. SCHLIMGEN (16-17)

Employment History: Eric is an Associate Attorney at Clayborne, Loos & Sabers, practicing criminal and civil law with an emphasis in domestic relations, business litigation, personal injury and criminal defense. In addition to his J.D., he also has a Masters Degree in Public Administration.

LORI K. GOAD (17-18)

Employment History: Lori is now working for the Public Defender's Office in Pennington County.

Memorable Experience as 4th Circuit Law Clerk: The year I have spent in the Fourth Circuit has been an invaluable learning experience, and one I will cherish for the rest of my life. While I will take with me many wonderful memories, what has had the most profound impact on my life is the undeniable patience, kindness and support I have received, not only from the judges, but also the court reporters, clerks, and court administration staff. Coming to work each day was something I looked forward to, and I am filled with gratitude and appreciation for the fellowship of my "work family." I would also be remiss if I didn't mention just how incredible the law clerk's office is; as someone who worked in a very loud office before attending law school, it was a welcome respite from the noise (I am now spoiled as a result, and I know nothing will ever compare!). Thank you, Fourth Circuit; I will truly miss you.

Mariah C. Bloom (18-19)

Employment History: Mariah is now working at Aspen Legacy Planning with offices in Rapid City and Spearfish, South Dakota, where she practices with an emphasis in estate planning and probate.

Memorable Experience as 4th Circuit Law Clerk: I cannot simply choose one day as being my most memorable experience because every day as a law clerk was one for the books. From experiencing the Sturgis Rally the right way, to traveling to the northern counties and awaiting jury verdicts into the night, every moment prepared me for real world scenarios and helped form me into the professional attorney I am today. I am grateful to have had the opportunity to be surrounded by some of the great.