

SOUTH DAKOTA
LEGAL NOTES

APRIL 2017 | INFO@SWIERLAW.COM | SWIERLAW.COM

Swier Law Firm Celebrates National Autism Awareness Month

Join Swier Law Firm in celebrating April as National Autism Awareness Month!

National Autism Awareness Month represents an excellent opportunity to promote autism awareness, autism acceptance and to draw attention to the tens of thousands facing an autism diagnosis each year.

There are several ways to celebrate!

Put on the Puzzle! The Autism Awareness Puzzle Ribbon is one of the most recognized symbols of the autism community in the world. Autism prevalence is now one in every 68 children in America. Show your support for people with autism by wearing the Autism Awareness Puzzle Ribbon – as a pin on your shirt, a magnet on your car, a badge on your blog, or even your Facebook profile picture – and educate folks on the potential of people with autism! To learn more about the Autism Awareness Ribbon, [click here](#). To purchase the Autism Awareness Puzzle Ribbon for your shirt, car, locker or refrigerator, [click here](#).

Watch a movie. Did you know that something that seems as simple as going to the movies is not an option for many families affected by autism? The Autism Society is working with AMC Theatres to bring special-needs families Sensory Friendly Films every month.

Light It Up Blue. LIUB, along with the international autism community in recognition of UN sanctioned World Autism Awareness Day and April, World Autism Month, organizes thousands of iconic landmarks and buildings join the hundreds of thousands of homes and communities around the



Scott and his son, Will.

world to “light blue” in support of people living with autism. Autism-friendly events and educational activities take place all month to increase understanding and acceptance and further support people with autism.





Swier Law Firm's "Future Leaders" Scholarship Program Applications Now Available For Area High School Seniors

Swier Law Firm is pleased to announce that applications for its annual "Future Leaders" Scholarship Program are now available.

College-bound seniors graduating from Avon High School are eligible to apply for the "Future Leaders" Scholarship. The scholarship is awarded based on academic and extra-curricular achievement, school and community service, financial need, a commitment to excellence, and a clear plan for future success. The application deadline is Monday, May 1, 2017. The scholarship will be awarded during

the Avon High School graduation ceremony on Sunday, May 14, 2017.

"Our law firm is incredibly excited to have the opportunity to encourage students at Avon High School to pursue higher education," said Scott Swier. "We take immense pride in helping our school and students achieve their goals."

The "Future Leaders" Scholarship Program's application can be obtained through the guidance counselor's office or at swierlaw.com.



Happy Easter from Swier Law Firm!

Congratulations to our Easter Basket Prize Winners:
Julie Fuller and Melody Thomas!



3 Legal Tips For Dealing With Frivolous Lawsuits Against Your Small Business

By [George Khoury, Esq.](#) on March 23, 2017 2:57 PM

There are some lawsuits that businesses just cannot avoid. Unfortunately, the most unavoidable lawsuits are the frivolous ones. Fortunately, the law and the courts provide a means to detect and dismiss frivolous claims early on, before a defendant is forced to spend significant money on defending a meritless claim.

What Is a Frivolous Lawsuit?

A frivolous lawsuit is one where the filer has no legal or factual basis for their claim, but the claim is filed and pursued regardless. Generally, frivolous filers are not going to listen to logic, or act rationally, or act according to the law. They may make demands for fictitiously large sounding dollar amounts, and make claims that relate to clearly delusional or completely fictional or fraudulent claims.

Here are the three best ways to deal with frivolous lawsuits:

1. File a Motion to Dismiss ASAP

While you will want your attorney to reach out to the plaintiff or their attorney to try to negotiate a dismissal, once that is unsuccessful, the next step should be filing a motion to dismiss. Failing to file a responsive pleading with the court can subject you to a costly default. Typically, anyone can file any claim with the court. Once a claim is filed, the

other side can challenge that claim. If there is no legal basis, or factual merit to a claim, it can often be dismissed before an answer to the complaint is filed.

2. File Counterclaims

If you are successful with getting a frivolous lawsuit dismissed, you may be able to file a claim for abuse of process, fraud, or another civil claim relating to frivolous lawsuit. Depending on state law, some claims may be required to be filed as a counterclaim.

Filing counterclaims may not always be a good idea. Sometimes it is just throwing good money after bad, as the saying goes, because even if you win, anything you win may be uncollectable.

3. Pursue Vexatious Litigants

In the state of California, if a business has been sued by the same individual or entity repeatedly for meritless or frivolous claims, and has repeatedly won against the frequent filer, the state legislature has provided a way to get somewhat permanent relief. Under California law, a person or entity can be declared as a vexatious litigant, which would require them to get the approval of a judge before they could file any lawsuits in the future. The state courts maintain a publicly available list of all individuals declared vexatious.

Beyond Cash: Top 3 Incentives to Compensate and Inspire Employees

By [George Khoury, Esq.](#) on March 21, 2017 2:33 PM

When it comes to motivating employees to perform, businesses frequently need to look beyond direct compensation. While the wages being offered may be competitive, in the market, other factors such as benefits, and even those pesky intangibles, can be critical to attracting and retaining top talent.

Apart from high salaries, high quality health insurance, good retirement benefits, large bonuses, and consistent merit raises, some employers wonder: what else can I do to attract and retain top talent. Below, you'll find three of the top incentives employers can offer.

1. Free Up Your Workers' Own Cash

Cash is, and always will be, king. While you may already have benefits, annual bonuses, and even merit raises, in place, there are other basically free incentives that can be provided that essentially put more cash in your employees' pockets.

For instance, offering employees that commute significant distances the opportunity to work remotely, while it may not cost anything, actually puts money in the employee's pocket by saving them gas money, not to mention their time. Additionally, parents may be able to save considerably on child care costs if flexible scheduling is available, particularly if flexible hours and remote work is allowed together.

2. Office Competitions

Creating competitions within the office for both work related, as well as non-work related, matters can help with overall morale, as well as productivity. Commonly, sales teams will compete to see who can make the most sales either within a team, or between different teams. Sometimes there is an actual reward, or sometimes it's just for bragging rights. So long as employees are not sabotaging each other to win, creating competition can help improve productivity significantly and inspire employees by tickling their competitive spirits.

A common non-work related competition involves those fancy new fitness tools everyone seems to



either have on their wrist or in their pocket. Offices across the country have competitions to see who can get the most steps in on their pedometers, over the course of a week or month. Also, employers can consider starting rec league sports teams, or even putting small gyms in the office. These sorts of competitions and activities encourage healthy behavior by your employees, which is good for employees, and likely good for business too.

3. Celebrate Everything and Everyone

Holidays are fun. Birthdays are fun. Although there's always going to be a few people who don't want to be involved, celebrating peoples' birthdays, and every holiday, by having some food, both healthy and unhealthy, will help bring people together for some socializing, and hopefully lead to higher morale and feelings of appreciation.

Employee appreciation is shockingly cheap, and surprisingly rewarding for employers. Even if an employer doesn't want to waste time with idle chit chat and parties, kind words of encouragement will go a long way to show an employee that their work is appreciated. And appreciated employees tend to work harder and get better results.

However, employers should be cautioned against simply guessing which intangible benefits are best, and should talk to employees, and potentially conduct surveys, to ensure that new benefits will have the intended results.



*"People will forget what you said,
people will forget what you did, but
people will never forget how you
made them feel."*

~Maya Angelou

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Did you know we post helpful legal information on our [blog](#)?

We update our blog throughout the week, so keep checking out our site!

<https://www.google.com/search?q=Swier%20Law%20Firm&ludocid=9308276024589510911&lrd=0x878ec9e96bd8c9b5:0x812da3ba1cf168ff.2,5>



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