

## SOUTH DAKOTA LEGAL NOTES

APRIL/MAY 2013 | INFO@SWIERLAW.COM | WWW.SWIERLAW.COM

### Scott Swier Receives National Honor

Scott Swier, senior partner at Swier Law Firm, Prof. LLC, has been awarded a 10.0 Superb Attorney Rating in Litigation from AVVO, a national ratings service.

The AVVO rating system can be found at [www.avvo.com](http://www.avvo.com) and is an unbiased ranking system for attorneys throughout the United States. The AVVO Rating evaluates an attorney's background and is calculated using a mathematical model that considers an attorney's professional profile, including an attorney's years in practice, disciplinary history, professional achievements, and industry recognition.

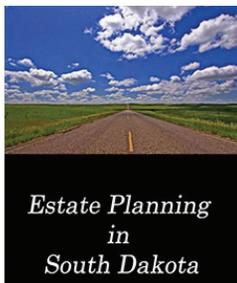
Scott is the only litigation attorney in South Dakota to receive AVVO's highest honor, a 10.0 Superb Rating.

***"I am honored to be the recipient of this powerful distinction among national litigation attorneys. Our goal of building one of the best small law firms in South Dakota can only be accomplished through a commitment to our clients. I am truly proud to receive this attorney rating from AVVO,"*** said Swier.



### ***Estate Planning in South Dakota book now available!***

The clear organization and down-to-earth approach makes this book a valuable reference tool for anyone who seeks to understand estate planning in South Dakota. In this compact volume, Scott Swier gives readers answers to their most common estate planning questions.



#### ***This book will teach you:***

- *What is your "Estate"?*
- *Do you really need an Estate Plan?*
- *11 Common Questions About Estate Planning in South Dakota*
- *13 Tips to Organize Your Estate Plan*
- *And much more...*

***Download this book at [www.swierlaw.com](http://www.swierlaw.com)***

### Swier Law Firm Launches New Website

Swier Law Firm recently launched its newly designed website. The new website was designed by Foster Web Marketing of Fairfax, Virginia, one of the nation's top website design companies.

The website features sections dedicated to Swier Law Firm's practice areas and includes Video Presentations, Articles, News, Blogs, Frequently Asked Questions, and Free Reports. The law firm also posts information about its community involvement and other important announcements.

The website also means that clients will benefit from richer content and easier navigation. Users can easily connect with Swier Law Firm through all major social media including Facebook, Twitter, YouTube and Google+ pages. Visitors can also stay updated with the latest news by signing up for Swier Law Firm's newsletters and other offers.

"Technology is critical in providing our clients with superior legal services and solutions. Technology is increasingly important to our practice to foster communication, collaboration, and real-time decision-making. Better content, navigation, and additional technical information all make for a better user experience. As our law firm continues to grow we needed to improve our on-line presence. Foster Web Marketing's design and expertise allows us to have one of the nation's premier law firm websites," said Scott Swier.

Swier Law Firm's new website is online now at [www.SwierLaw.com](http://www.SwierLaw.com).



# Six Tips Every South Dakota Business Owner Needs To Know About Lawsuits

## 1. A lawsuit will cost money.

Litigation is not cheap. You'll need South Dakota lawyers who are skilled in handling litigation matters, and you'll need to begin conducting discovery unless you can get the case dismissed very early. During the beginning of the case, each side asks the other for information and documents, including electronically stored information (ESI). Preserving, collecting, and reviewing documents and ESI can be costly. There's also the cost of taking depositions, paying for flights across the country, and possibly hiring experts to help prove your case.

## 2. A lawsuit will take up your time and your employees' time.

Litigation takes time. Even if your company has an in-house legal department, there will be times that outside counsel will need to meet with the business people to:

- Understand the facts of the case
- Obtain accurate information for discovery responses
- Determine where potentially responsive documents might be
- Follow up for more information as the discovery process proceeds and the legal arguments evolve on both sides.

## 3. You may have to disclose confidential information.

The discovery process may require disclosure of your confidential information, including business plans, pricing, and other proprietary information. In response to these concerns, the parties will ask the court to enter a protective order, which restricts the use of such information.

## 4. Even if you did everything right, you may not be able to win the case immediately - or at all.

Of course, some lawsuits filed against your company have no merit. And while this is frustrating, unfortunately, if there are factual disputes, it will be hard to win right away. Also, if your case goes to trial, there is the expense of litigation and no guaranteed outcome.

## 5. Trial can sometimes be like gambling.

No matter how strong your case is or how good your lawyer is there is always a risk that you could lose at trial.

## 6. However, in some cases, settlement simply doesn't make sense.

Despite the risks, sometimes a case should not be settled, and you should take it to trial. If you have a strong case and the other side simply refuses to agree to a reasonable resolution, there is no reason to cave. Likewise, even if you have a fair risk of losing, sometimes sending the signal to others in the market that you are not afraid to take a case to trial will save you money in the long run. While paying the nuisance value just to get rid of a case may make sense in some instances, be sure you're not sending the message that you are willing to pay \$25,000 to \$50,000 without any fight - or you can count on being sued more regularly.

# kids corner

We are all busy with school. Kate is learning all about her letters and numbers. When she was learning about the letter "S," she brought her "Sister Sarah" for show-and-tell. Will has been learning to read. I have been learning all different things about math like fractions and measuring.

I have been playing basketball with the second and third grade girls. Dad has been helping coach. We even played in a tournament in Avon which was really fun. The whole family came to Avon to watch me play.

I am practicing and getting ready for my dance recital. I am doing both ballet and tap this year. I am excited to wear my ballet outfit that looks like one of the "big girls" outfits.

We went sledding with all of our neighbors in February. Kate, Will, and I all had a good time. Mom, Kate, and I went over a big bump and fell off the toboggan! Mom took all three of us kids down the hill on the toboggan, too. Dad, Kate, Will, and I went on the toboggan and almost hit the big bump. Kate didn't like to carry her sled back up the hill.

We have all been kind of sick lately. We have gone to the doctor and had to take medicine. Even Bentley (Brooke and Chris' dog) has been sick!

We got to help Grandma and Grandpa Swier babysit Bentley when Chris and Brooke were out of town. We took him for walks and helped feed him. He was kind of good, but we still need to help Brooke and Chris train him some more. So far he has learned to sit and lay down.

We are all excited for the weather to be nice. We like to play outside on the swing set. As soon as it gets nice out, we will be able to ride our bikes.

Mom said we are going to be hosting Easter this year so we are excited to have everybody at our house.

*By: Sarah, Will and Kate Swier*



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