

NATIONALLY RECOGNIZED LEGAL SOLUTIONS

SOUTH DAKOTA LEGAL NOTES

JUL/AUG 2018

CYBER LAW AND CYBERSECURITY

Nearly every business is at cyber risk. Cyber Law is where the law meets the Internet, and with the online world continually evolving, it is important to consult with an attorney that can keep up with the changes. If you are a startup, small business, or any type of organization that does business on the Internet, you need to ensure that your digital assets are protected and that all other web-related legal matters are fully addressed.

In today's digital economy, companies face unprecedented challenges in managing privacy and cybersecurity risks associated with the collection, use and disclosure of personal information about their customers and employees. The complicated framework of global legal requirements impacting the collection, use and disclosure of personal information makes it imperative that modern businesses have a sophisticated understanding of the issues if they want to effectively compete in today's economy.

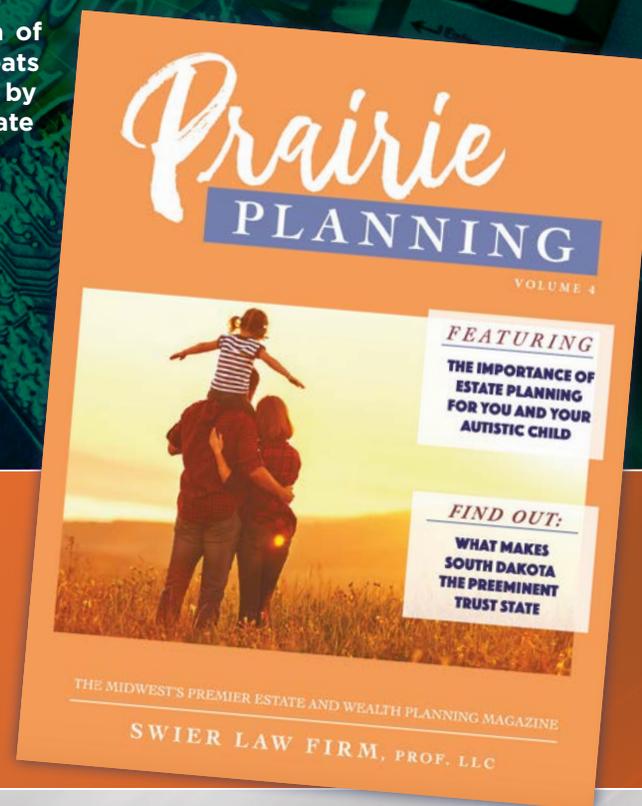
As one of a handful of Great Plains' law firms practicing in the area of Cyber Law, Swier Law Firm's lawyers understand the emerging threats to the security of IT systems, and related cyber-regulatory efforts by governments that pose unique challenges to companies serving private sector or government customers.

AREAS OF EXPERTISE

- Data breach and cybercrime
- Compliance with local and state privacy laws
- Public sector issues and freedom of information
- Information governance and records management
- Security policies and bring your own device (BYOD)
- Employment issues
- Investigating incidents

PRAIRIE PLANNING

Our next issue of *Prairie Planning* Magazine, the Midwest's Premier Estate and Wealth Planning magazine, was just released. This issue focuses on the topic of estate planning in general and explains why you should use South Dakota for your trust. Download it free of charge at SwierLaw.com/Prairie-Planning or give us a call so we can send you a complimentary paper copy.



5 STAR FACEBOOK REVIEWS NEEDED

We read and appreciate every online review provided. One of our goals this year is to increase the number of 5-Star reviews we have on our Facebook page and could use your help. Would you please take a moment, log onto **Facebook.com/SwierLawFirm** and provide a review? *Thanks in advance for your help!*

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LITTLE FREE LIBRARY LOCATIONS NEEDED



LittleFreeLibrary.org is a worldwide movement aimed at bringing books to everyone of all ages. Little Free Library inspires a love of reading, builds community, and sparks creativity by fostering neighborhood book exchanges around the world.

Swier Law Firm sponsored six (6) Little Free Libraries throughout the Harrisburg community. The feedback we continue to receive tells us the libraries have become well-loved and cherished in the community.

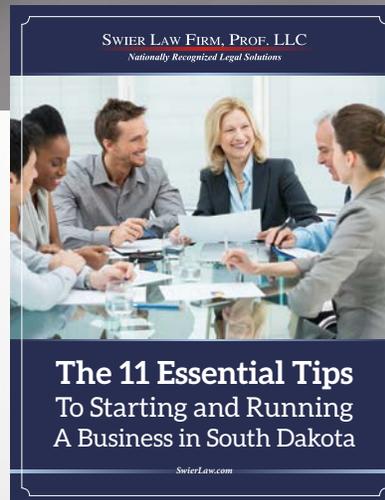
We have four (4) unassigned Little Free Libraries almost ready to be installed in local parks, picnic areas, or other community gathering places. If you know of an area or park where a Little Free Library could find a loving home, please let us know! Email our Executive Director, Sara Travis, at Sara@SwierLaw.com.



Swier Law Firm is proud to announce we have partnered with a new local non-profit, TAST. TAST (Teens Against Sex Trafficking) exists to end human trafficking through embracing students, empowering them to raise awareness of trafficking, and educating them on this injustice. To find out more about this fine organization or to contribute to the organization, go to TeensAgainstSexTrafficking.org or contact Tara at 605.906.4861.

FREE DOWNLOAD 11 ESSENTIAL TIPS

*To Starting And
Running A South
Dakota Business*



Swier Law Firm is proud to announce the publication of our newest book *The 11 Essential Tips To Starting And Running A South Dakota Business*. The book is available for free download at SwierLaw.com/Report and gives readers answers to their most common questions such as:

- Starting a business in South Dakota
- Protecting your business ideas
- Insuring your business
- Protecting your business from cyber attacks
- Understanding the difference between an “employee” and “independent contractor”
- And more...

As the Summer weather becomes Fall, the air will turn crisper and start to have a bite. And while August means back-to-school for many, it also means it is time for the annual Sturgis Motorcycle Rally. Motorcycle riders from all over the country will travel to South Dakota for the Rally. So whether you are in an enclosed vehicle or on a motorcycle, please be extra vigilant while driving on the roads—we hope everyone has a fun and safe ride this year!

FIVE LAWS EVERY SOUTH DAKOTA MOTORCYCLE RIDER SHOULD KNOW



Scott Swier

Because the laws for motorcycles vary from state to state, it is necessary to understand the laws of the state you are riding in. Here are five South Dakota motorcycle laws which every motorcycle operator in South Dakota should know.

1. SAFETY HELMET

When riding a motorcycle in South Dakota, a helmet is not required unless the driver is under the age of 18. If the driver is under the age of 18, a U.S. DOT helmet is required.

2. LICENSING

A driver of a motorcycle must obtain a motorcycle license. To qualify for a motorcycle operator's license, the individual must be 16 years of age or older and pass the required vision, knowledge, and driving portions of the exam.

3. PROTECTIVE EYEWEAR

Protective eyewear is required for motorcycle operators unless the windshield of the motorcycle is a sufficient design and height which protects the motorcycle driver.

4. HEADLAMPS

Motorcycles are required to have at least one functional headlamp, but there may be no more than two headlamps on a motorcycle.

5. HANDLEBARS

The shoulder height of the individual operating the motorcycle is the maximum height the handlebars may reach.

SEVEN IMMEDIATE "TO DOS" AFTER YOUR SOUTH DAKOTA MOTORCYCLE ACCIDENT

An unexpected motorcycle accident can leave you feeling a little bit frazzled. Here are seven "TO DOs" after a South Dakota motorcycle accident to make the situation a little less stressful.

1. STOP YOUR MOTORCYCLE AND GET OFF

Make sure that your motorcycle is stopped and turn off the engine. Take a minute to catch your breath. Check to make sure it's safe to get off your motorcycle.

2. STAY AT THE SCENE

Never leave the scene of a motorcycle accident until it's appropriate to do so. If you leave, especially when someone has been injured, you may face serious criminal penalties for being a hit-and-run driver.

3. MOVE TO A SAFE AREA

If you can, move your motorcycle out of the way. If this isn't possible, turn on your lights to warn other drivers that your motorcycle isn't moving any time soon.

4. CHECK ON THE OTHERS INVOLVED

Check on the other persons involved, including drivers, passengers and pedestrians, to make sure no one is hurt. Call 911 if anyone appears to be injured.

5. CALL THE POLICE

Even in minor motorcycle accidents, a police accident report can be valuable when dealing with insurance companies and other drivers. Cooperate fully and be polite, but avoid admitting fault or blaming others while at the scene. Let the police objectively review the events and determine who, if anyone, was at fault for the accident.

6. GATHER INFORMATION

Try to write down as much information as you can after the motorcycle accident, including:

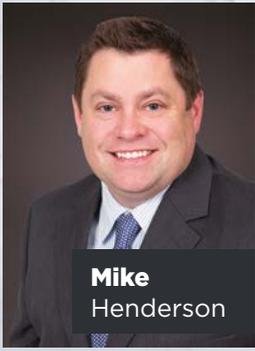
- Driver, passenger, and witness names, addresses, and email addresses
- License plate numbers
- Insurance company name, policy number, and telephone number for the other motorcycle(s) or vehicle(s) involved
- Description of motorcycles or vehicles involved (make, model, color)
- Contact information for any eyewitnesses
- Location of the accident
- Name, badge number, and telephone number of any investigating officer(s)

7. DOCUMENT THE SCENE

If you have a smartphone with a camera, take some pictures of the accident scene. The pictures may come in handy later in the case.



Download our *Sturgis (c) Motorcycle Rally Accident Handbook* FREE at SwierLaw.com/Reports.



Mike Henderson

MOTORCYCLE SAFETY IS EVERYONE'S BUSINESS

August is generally back-to-school time and it's when we are reminded to watch for kids and buses, but it's also a time to remember to watch for motorcycles. With Fall around the corner, the air is getting crisper and bikers' riding time is dwindling.

According to the South Dakota Department of Public Safety, during the last 10 years the **average** number of motorcycle-involved crashes is 511 and 22 deaths per year. The total number of accidents in 2016 is slightly lower at 475 and 22 fatalities. The numbers for 2017 are not in yet, but there is good news! We are all instrumental in creating safer roads for motorcyclists. Here are the three tips to help create safer roads for motorcyclists:

1. Be aware of motorcycles sharing the road.
2. Check your blind spot and look before you turn.
3. Give them room. If you have a motorcyclist in front of you, slow down and give them some extra space in front of you.

CALLING ALL HEROES!!

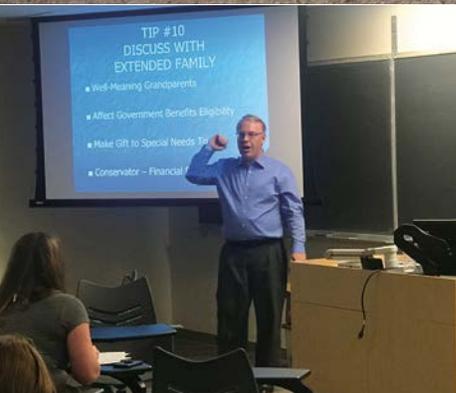


Do you know an outstanding local police officer, EMT, or fireman? If so, nominate that person for the Swier Law Firm Hero of the Game. Maybe you have a neighbor or co-worker who you think is a hero.



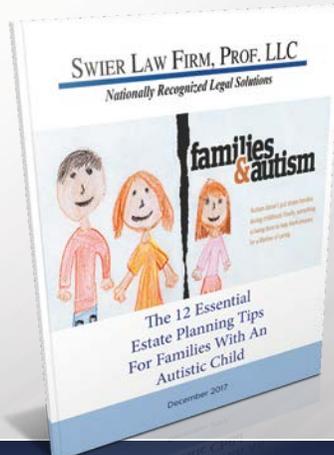
If so, nominate that person for the Swier Law Firm Hero of the Game at SwierLaw.com/Hero!

Each hero honored will receive up to four (4) tickets to a Sioux Falls Canaries home game during the 2018 season, be recognized during the game, and a swag bag full of goodies!



LIGHTING THE WAY CONFERENCE

Swier Law Firm was honored to be a featured speaker at the 11th Annual "Lighting the Way" Autism Conference at Augustana University on June 14. Scott Swier presented *The 12 Essential Estate Planning Tips For Families With An Autistic Child* to the conference attendees. You can download the book free of charge at SwierLaw.com/Autism.



Attendees of Scott's presentation were given free information including a zip drive with articles and information about Special Needs Trusts. Let's face it, none of us want to have a conversation about our death or a severe disability, but for those of us with kiddos who have special needs, it is an important conversation to have. We have extra zip drives - if you would like a zip drive free of charge or to purchase a hard copy of our book at a reduced price, please reach out to us at 605.275.5669 or email our Executive Director, Sara Travis, directly at Sara@SwierLaw.com.

BLUEBERRY COCONUT BAKED OATMEAL

Attorney Taylor Hayes loves to start his day off with a family breakfast - and baked oatmeal is a family favorite. This easy recipe can be baked during the weekend and refrigerated for a week of quick breakfasts. Just pull a square of baked oatmeal from the fridge and warm it for 30 seconds in the microwave. You will have a delicious, healthy way to kick start your day. If blueberries are not your thing, substitute for your favorite fruit.

INGREDIENTS:

- 1 large egg
- 1/4 cup brown sugar
- 1 teaspoon pure vanilla extract
- 1/2 teaspoon salt
- 2 cups unsweetened coconut milk
- 3 tablespoons melted coconut oil
- 2 cups rolled oats
- 1/2 cup unsweetened coconut
- 1 teaspoon baking powder
- 1 1/2 cups frozen blueberries

DIRECTIONS:

1. Preheat oven to 350 degrees.
2. In a large bowl whisk together egg, sugar, vanilla, and salt.
3. Add in coconut milk and oil and whisk until combined.
4. Stir in rolled oats, unsweetened coconut, baking powder, and blueberries.
5. Pour into a 8x8 baking pan, sprayed with cooking spray, and baked for 40 minutes. Let cool for 5 minutes then cut into 9 pieces.
Optional: serve with a drizzle of pure maple syrup.



4 THINGS EVERY SOUTH DAKOTA BUSINESS SHOULD KNOW ABOUT CYBER LAW



Scott
Swier

WHAT IS CYBER LAW?

Cyber Law, which may be classified as "Computer Law," is one of the most recently developed legal fields as a result of the ongoing growth of computer-based technology. This type of technology relies heavily on the Internet and online activities. As a result, regulation and oversight of this type of activity has been expressed in the spectrum of Cyber Law. Cyber Law is a broad legal field that consists of a variety

of avenues and jurisdictions, including the ethical and moral use of the Internet for lawful and legal purposes.

WHAT IS A COMPUTER VIRUS?

Within the scope of Cyber Law, a computer virus is a program created to infiltrate a computer terminal belonging to another individual or business with the intent to cause damage, harm, and destruction of virtual property.

WHAT IS SPYWARE?

Spyware is a computer program that facilitates the unlawful collection of data and allows its user to improperly access personal and private information belonging to another individual.

WHAT IS PHISHING?

Phishing is a criminal act of fraud involving the illegal and unlawful attempt to obtain restricted, unauthorized, and privileged information through means of fraudulent and communicative requests. Spam is defined as a digitally-based criminal instrument, which involves the unsolicited transmission of electronic communication with intent of committing fraud.

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Scott Swier

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Sugarland Tickets Give-Away

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SUGARLAND TICKETS GIVE-AWAY



Do you know who is performing at the Denny Sanford Premier center August 16? It's SUGARLAND! This is their first tour since 2011 and we could not be more excited. *You guessed it...we are having another giveaway!* We have four tickets so we are giving away a pair of tickets to two lucky winners on Monday, August 13.

IT'S EASY TO ENTER:

- (1) Go to Facebook.com/SwierLawFirm
- (2) Like our **PAGE**
- (3) COMMENT with the name of a song you want to hear them perform live
- 4) SHARE the contest post to your page!!

TIM AND FAITH CONCERT TICKET WINNER:

Congratulations to **Kim Olson** for winning two tickets to July's hottest concert in Sioux Falls - Tim McGraw and Faith Hill's Soul2Soul Tour. We wanted to make sure Kim will be ready to sing along so we threw in Tim and Faith's latest CD! *We are excited for you and hope you had a great time!*