

# SOUTH DAKOTA

## Local litigation firms

### Highly recommended

Costello Porter Hill Heisterkamp Bushnell & Carpenter

Davenport Evans Hurwitz & Smith

Gunderson Palmer Goodsell & Nelson

Johnson Heidepriem Janklow Abdallah & Johnson

Lynn Jackson Shultz & Lebrun

### Recommended

Bangs McCullen Butler Foye & Simmons

Boyce Greenfield Pashby & Welk

Cadwell Sanford Deibert & Garry

May Adam Gerdes & Thompson

Murphy Goldammer & Prendergast

Woods Fuller Shultz & Smith

## Local litigation stars

### Scott Abdallah

Johnson Heidepriem Janklow Abdallah & Johnson  
Appellate, Complex Commercial Litigation,  
Insurance

### Robert Anderson

May Adam Gerdes & Thompson  
Employment Litigation, Government Liability,  
Insurance

### Edward Carpenter

Costello Porter Hill Heisterkamp Bushnell &  
Carpenter  
Commercial Litigation, Construction Litigation,  
Insurance

### Edwin Evans

Davenport Evans Hurwitz & Smith  
Health Law, Products Liability

### Thomas Fritz

Lynn Jackson Shultz & Lebrun  
Insurance, Personal Injury, Products Liability

### Scott Heidepriem

Johnson Heidepriem Janklow Abdallah & Johnson  
Civil Rights, Class Actions, Railroad, Personal Injury,  
Products Liability

### Michael Hickey

Bangs McCullen Butler Foye & Simmons  
Employment Litigation, Insurance, Personal Injury

### Steven Johnson

Johnson Heidepriem Janklow Abdallah & Johnson  
Commercial Litigation, Medical Malpractice,  
Products Liability

### Michael Luce

Murphy Goldammer & Prendergast  
Commercial Litigation, Personal Injury

### James McMahon

Murphy Goldammer & Prendergast  
General Civil Litigation

### James Moore

Woods Fuller Shultz & Smith  
Appellate, Commercial Litigation, Construction  
Litigation, Products Liability

### David Nadolski

Lynn Jackson Shultz & Smith  
Commercial Litigation

### Crisman Palmer

Gunderson Palmer Goodsell & Nelson  
Commercial Litigation, Insurance, Products Liability

### Ronald Parsons

Johnson, Heidepriem, Janklow, Abdallah & Johnson  
Appellate

### Gary Pashby

Boyce Greenfield Pashby & Welk  
Commercial Litigation, Construction Litigation,  
Insurance, Products Liability

### Steven Sanford

Cadwell Sanford Deibert & Garry  
Commercial Litigation, Insurance, Products Liability

### Gary Thimsen

Woods Fuller Shultz & Smith  
Employment Litigation, Insurance

### Thomas Welk

Boyce Greenfield Pashby & Welk  
Antitrust, Commercial Litigation, Employment  
Litigation, Health Law

## Future stars

Steve Oberg  
Lynn Jackson Shultz & Smith

Susan Sabers  
Fuller & Sabers



# South Dakota

In recent years South Dakota has experienced a rise in insurance litigation, especially in Sioux Falls and Rapid City. The agriculture and aviation industries have been steadily growing, and many law firms are adapting to meet the specialized needs of these companies.

## Highly recommended firms

### Costello Porter Hill Heisterkamp Bushnell & Carpenter

Costello Porter Hill Heisterkamp Bushnell & Carpenter has existed in Rapid City before South Dakota gained statehood, and the firm has maintained its stellar reputation throughout the years. The firm's attorneys represent clients in matters related to insurance, banking and construction litigation. The firm also has experience in tribal law and employment law in both South Dakota and nearby jurisdictions like Wyoming.

Senior partner **Edward Carpenter** represents plaintiffs and defendants at trial and on appeal in state and federal courts. His expansive practice includes commercial litigation, eminent domain, wrongful death, personal injury, and construction litigation. In February 2009, he obtained a jury verdict of nearly \$200,000 on behalf of a decedent's estate against an attorney who failed to adequately protect the deceased's interests regarding a series of loan transactions.

### Davenport Evans Hurwitz & Smith

For 70 years, Davenport Evans Hurwitz & Smith has enjoyed a lofty presence in Sioux Falls. This fast-growing firm is especially strong in insurance and employment litigation. The firm regularly counsels the South Dakota Life and Health Insurance Guaranty Association. With over half of the firm's attorneys specializing in litigation, Davenport also handles financial services, health care, and trust litigation. In addition to South Dakota, the firm is active in Iowa, Minnesota and Nebraska and its members are admitted to practice in the Tax Court, various federal district and circuit courts, and the U.S. Supreme Court. Clients include Allstate Insurance, Wal-Mart, and Sioux Valley Hospitals. **Edwin Evans** has a notable professional liability, professional malpractice, and personal injury practice. He has litigated matters for CNA Insurance, Midwest Medical Insurance, Sanford Health System, and The Doctors Company.

### Gunderson Palmer Goodsell & Nelson

Based in Rapid City, Gunderson Palmer Goodsell & Nelson has experience with class actions, insurance defense, products

liability, and complex civil litigation. For over 30 years, the firm has maintained a robust practice in western South Dakota and served a wide variety of clients from large national companies and financial institutions to real estate developers and school districts. The insurance practice boasts clients including GEICO, Allstate Insurance, and The South Dakota Guaranty Association. **Crisman Palmer** is well regarded in the insurance, products liability and banking areas. Palmer has also served as president of the State Bar of South Dakota and the South Dakota chapter of the American Board of Trial Advocates.

### Johnson Heidepriem Janklow Abdallah & Johnson

A boutique firm of eight attorneys, Johnson Heidepriem Janklow Abdallah & Johnson is recognized for its strong plaintiffs' litigation. The firm also has a thriving appellate practice, which has provided counsel to the South Dakota Coalition of Schools, American Family Mutual Insurance, and Midwest Copier Systems. In 2008, the firm successfully represented the construction firm C & W Enterprises in an appeal from an injunction to prevent South Dakota state courts from enforcing an arbitration award of more than \$1.25 million dollars. The appeal was argued in the Eighth Circuit Court of Appeals in St. Louis, Missouri.

**Scott Abdallah** excels at trial and appellate litigation and receives referral work from numerous firms in the region. **Scott Heidepriem** excels in employment, class action, and medical malpractice work. Peers also consider **Steven Johnson** and **Ronald Parsons** to be "excellent lawyers."

### Lynn Jackson Shultz & Lebrun

Lynn Jackson Shultz & Lebrun maintains offices in Sioux Falls and Rapid City and is recognized for its ability to tackle commercial, intellectual property and securities cases. The firm prides itself on offering a full-service practice. Representative clients include Gateway Computers, Black Hills Power, Allstate Insurance, MDU Resources Group, and Farm Bureau Mutual Insurance. **David Nadolski** focuses on business, commercial, real estate and creditors' disputes matters.

**Thomas Fritz** excels in civil litigation, negligence and products liability matters. **Steve Oberg** is favored by clients for his personal injury, construction, and transportation work.

## Recommended firms

### Bangs McCullen Butler Foye & Simmons

Bangs McCullen Butler Foye & Simmons has represented clients in South Dakota, North Dakota, Nebraska, Minnesota, and Missouri since the 1880's. The firm's strength lies in health care matters, with an emphasis on professional liability defense. Recently, the firm's practice in tribal affairs has received praise. The firm has represented clients across numerous industries including agriculture, advertising, financial services, mining, journalism and utilities. **Michael Hickey** stands out among peers for his work in employment, mining, water and insurance litigation.

### Boyce Greenfield Pashby & Welk

Based in Sioux Falls, Boyce Greenfield Pashby & Welk boasts a formidable 16-person team of experienced litigators that have appeared before state courts and government agencies. **Gary Pashby** is commended for his commercial, construction, insurance, products liability, and personal injury practice. Peers say that his mediation and arbitration skills are exceptional. **Thomas Welk** has been practicing for 30 years. Prior to joining the firm in 1979, Welk served as the chief deputy in charge of litigation in the South Dakota Attorney General's Office. He excels in the fields of banking, class actions, shareholder dispute, and estate litigation.

### Cadwell Sanford Deibert & Garry

With a history stemming back to 1890, Cadwell Sanford Deibert & Garry litigates in the insurance, real estate, healthcare, bankruptcy and products liability areas. The firm may have a modest base of ten attorneys but its team is recognized for its enduring presence in the region. The firm's commercial practice has garnered praise, specifically in relation to its securities and franchise dispute cases. Named partner **Steven Sanford** focuses on commercial, insurance, and products liability litigation; a competitor calls his practice "exceptional."

### May Adam Gerdes & Thompson

Established in Pierre, May Adam Gerdes & Thompson focuses on state government issues. The firm was formed in 1881, and is one of the oldest in the state. The firm has experience litigating commercial, criminal defense, lender liability, bankruptcy, products liability, and employment disputes. The firm also excels at Native American law. Clients include General Motors, South Dakota Medical Association, and State Auto Insurance Group.

**Robert Anderson** has a vibrant employment practice, specifically with respect to worker's compensation, insurance defense and coverage issues. He also tackles matters pertaining to products liability and motor vehicle litigation. He is a member of the bar of numerous Native American tribal courts, including River Sioux Tribe, Sisseton-Wahpeton Sioux Tribe, Lower Brule Sioux Tribe, Crow Creek Sioux Tribe, and Rosebud Sioux Tribe. Past clients include the Bank of Hoven, Phillip Morris, and RJ Reynolds.

#### **Murphy Goldammer & Prendergast**

Murphy Goldammer & Prendergast has rapidly established a strong presence in the region since its inception in 2003. Peers have praised the quality of the firm's defense work, namely in the areas of tort liability, government liability and employment law. **Michael Luce** stands out among his peers for his notable civil defense practice. He is admitted to the South Dakota District Court and the Eighth Circuit Court of Appeals. A former South Dakota Assistant Attorney General, **James McMahon** is lauded for his strong courtroom skills.

#### **Woods Fuller Shultz & Smith**

From its Sioux Falls office, Woods Fuller Shultz & Smith maintains a diverse practice, including civil rights defense, products

liability, professional liability, personal injury, and aviation law. Within the professional liability practice, the firm has represented architects, accountants and engineers. In the field of aviation law, the firm counts Associated Aviation Underwriters, Phoenix

appellate practice. A member of the firm since 1976, **Gary Thimsen** handles aviation, civil rights defense, and government liability matters. Although he focuses on representing public entities, he has considerable civil litigation expertise.

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Aviation Group, and Southeast Aviation Underwriters among its clients. Minnehaha County, the city of Sioux Falls and the State of South Dakota have utilized the firm's civil rights defense services. The firm's team includes members of the American Board of Trial Advocates, Defense Research Institute, and the American College of Trust.

**James Moore** is recognized for his experience in government liability and civil defense. He also maintains a healthy

#### **Susan Sabers at Fuller & Sabers**

Susan Sabers and her partner Bill Fuller are the named partners of the three-person litigation team Fuller & Sabers. The firm was formed in 2006 to serve clients in the areas of commercial, employment, personal injury, trade secrets, and insurance litigation. A competitor has called Sabers “a force to be reckoned with” due to her strong litigation work.

