

**University of South Dakota School of Law**

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**From the Selected Works of Randall Gingiss**

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2013

# South Dakota Law Review Dedication to Randall J. Gingiss

Randall Gingiss, *University of South Dakota School of Law*



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## DEDICATION

Volume 58 of the South Dakota Law Review is dedicated to a great man, teacher, and friend—Professor Randall J. Gingiss. Professor Gingiss teaches Trusts and Wills, Estate and Gift Tax, Estate Planning, Financial Analysis for Lawyers, and Property at the University of South Dakota School of Law. Unfortunately for USD law students, Professor Gingiss will be retiring in May of 2013. Recognizing his many contributions during his 17 years of teaching at the USD School of Law, the Editorial Board of the *South Dakota Law Review* is honored to dedicate this volume to Professor Gingiss.

Professor Gingiss graduated from Amherst College in 1966 and the University of Michigan School of Law in 1969. Following law school, Professor Gingiss served in the Judge Advocate General's Corps of the United States Navy from 1969 to 1974. In 1980, Professor Gingiss received an LL.M. in Taxation from DePaul University, and in 1991 received an M.B.A. from the University of Chicago.

Prior to coming to South Dakota, Professor Gingiss practiced estate planning in Chicago, Illinois for over 20 years. He is a former co-chair of the Marital Deduction Committee of the Real Property, Probate and Estate Law Section of the American Bar Association and is former chair of the Estate and Gift Tax Division of the Federal Taxation Committee of the Chicago Bar Association. Professor Gingiss is also a fellow of the American College of Trust and Estate Counsel.

Professor Gingiss has been a consistent advocate for the Estate Planning field in South Dakota. His influence has led many students to become successful

practitioners in South Dakota, and beyond. In recognition of his teaching abilities, Professor Gingiss was awarded the John Wesley Jackson Award for outstanding law teacher in 2001. It is an honor and privilege to recognize Professor Gingiss again for his service and dedication to the law school and the legal community. The Editorial Board wishes Professor Gingiss the best, and extends a heartfelt “thank you” for the many lessons and laughs.

#### BARRY VICKREY†

About once a year, for reasons I won’t go into, I ask Randy Gingiss the same question: “What are the Yiddish words for my son’s father-in-law and mother-in-law?” Each year, Randy reminds me that my son’s father-in-law is my “machuten” and his mother-in-law is my “makheteneste.” In recent years, I have noticed that Randy adds the name of a standard Yiddish dictionary without saying, “You know, you could go look it up for yourself.”

This annual ritual reminds me of some of the qualities that have made Professor Randy Gingiss such a valuable member of the USD Law School faculty.

First, Randy knows a lot about many interesting things. Yiddish is one of them. He also knows a lot, for example, about Civil War history and about coffee. More importantly for the Law School and our students, he knows a lot about the areas of law he teaches, most notably wills, trusts, and estate planning.

Randy’s knowledge of the law includes both the theoretical and the practical. He understands the policies and principles that are the foundation of the law. But he also understands how the law is applied to real problems that clients encounter. He can teach not only why the law is what it is but also how to draft a document to accomplish a client’s objectives. From talking with students, I know how much they appreciate his ability to translate theory into practice.

Second, our annual ritual reminds me how generous Randy is about sharing his knowledge. Just as he always has time for my trivial question, Randy always takes the time to assist people who have questions about the subjects within his expertise. When I am teaching future interests in Property law, I can always go to Randy to help me think about how to teach students this challenging area of the law. When students ask him questions, Randy is both patient and thorough. Randy also takes the time to share his expertise with former students and other lawyers who need assistance in serving their clients. Helping lawyers who serve the citizens of South Dakota is one of the privileges of being a member of the USD Law School faculty; it is also a responsibility, one that Randy takes seriously.

Third, our annual ritual involving Yiddish words for extended family members reminds me of the intangible contributions Randy makes to the extended family that is the USD Law School. He cares for the Law School and

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† Professor of Law, University of South Dakota School of Law.

all of us who are part of it. His caring often exhibits itself in his involvement with students' extracurricular activities. When Randy is at a student function, it is apparent that he likes students and enjoys being with them.

One Yiddish word I know without asking Randy is "mensch." It is used as a term for a person of decency, integrity, honor, and trustworthiness. Randy Gingiss is a mensch. He has made the Law School a better place. He will always be an important part of our extended family.

CLINT SARGENT†

I was in my second year of law school at the University of South Dakota when Professor Gingiss arrived. I believe I was in the first Trust and Wills class he taught at USD. He immediately became a favorite of the students. His real world experience coupled with his encyclopedic knowledge of the subject matter and his quick wit were an infectious combination. He was certainly one of my favorite professors.

I went on to become his research assistant as a 3L. Getting to know him personally was an even greater joy.

I have stayed in contact with Professor Gingiss since starting private practice. I even hired him as an expert witness in a criminal case involving a complex tax avoidance scheme. Once again, he did not disappoint. He used his private practice experience and his vast theoretical knowledge to make very complicated concepts understandable to the common person.

PATRICK GARRY†

My first visit to Vermillion was on a cold, cloudy, rainy day in early May. I had come to Vermillion to interview for a visiting professor position at the law school. It was the first permanent academic job for which I had ever applied. Still remembering the mixed feelings of fear and awe I had possessed of law school professors during my own days as a student, I had no idea what to expect of this day, when I would be interviewing with the USD law faculty.

I started the day with breakfast. . .with Randy Gingiss. And before I even finished my first cup of coffee, I felt quite at home and quite relaxed. Randy had the kind of comfortable presence that made me feel as if I must have once been a very good friend of his and that we just hadn't seen each other for a while, and were just now catching up on old times and on the world around us. He exuded an easy-going manner that said the day ahead wasn't going to be any big deal, that there were no looming uncertainties and insurmountable obstacles ahead. And during that breakfast on my first day in Vermillion, I was introduced to one of the great storytellers I have ever met.

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I once told John Hagemann that I loved his stories. His answer, I still remember, was: “If you want to hear good stories, have Randy tell you his stories of Chicago.” It’s been said that what makes something great are the stories told about it. And when you listen to Randy tell stories about Chicago, you realize why it’s a great city—because its stories are so great. But then, I have known a lot of people from Chicago. I have known a lot of people from a lot of different cities. I have heard a lot of stories. But no one tells a better city story than Randy.

There have been social gatherings in which I found myself standing in small groups of people, all doing their best to try to keep the conversation moving. And there have been times when I have sat at lunch tables during university functions and the conversation is slow, subdued, and in need of a little spontaneous energy. It has been on those occasions when I have often been tempted to try to hand over the conversational reins to Randy and have him tell stories of Chicago. . .or of famous families fighting over contested estates. In my experience, there were not too many people who can make contested wills an exciting conversational subject. In my experience, someone who taught trusts and wills was not someone you’d like to sit next to at a party.

I practiced law with a lawyer who specialized in trusts and estates. He drove the same car for twelve years. Every day he brought to work the same lunch of a ham sandwich and a bag of Fritos. Vacations were spent attending to his stamp collection and visiting his grandkids, who lived twenty miles away. I don’t believe he ever got on an airplane. Before I came to Vermillion, this was my image of a trusts and estate lawyer. Randy changed all that.

During my first year in Vermillion, John Hagemann, Randy Gingiss and I made a tour of the local restaurants—local being everything within a thirty mile radius. Sitting with two prolific travelers, I received a world-class education in culinary geography. We went to a lot of the usual places, and ate a lot of the usual kind of food. But what I most remember was this little dive in a small Nebraska town. I was taken there because of its reputation for onion rings. The room was heavy with smoke; none of the chairs at the table matched; and there were no such things as waiters. And yet, here was Randy, straight from a late afternoon class, sitting in a dress shirt, suspenders and a tie. But even more striking was the fact that he was just as relaxed and at home as he was on that day when I had my first breakfast in Vermillion. Randy could tell a story anywhere, but he could also pull a chair up to any table and make you feel at home in any setting.

If Randy hadn’t become a lawyer, I think he could’ve been a good documentary producer, focusing on stories of his native Chicago. I think he could have told spellbinding, captivating stories about the great city in which he lived for so long. But once you hear the stories of his complicated and sometimes comic clients, you understand why he became a lawyer. And then, when you stop to appreciate how he told his stories, and the kind of detail he incorporated into those stories, you come to appreciate why he became a law professor.

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*IN DEDICATION*

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We at the University of South Dakota are lucky that Randy became a law professor, and we are lucky that he settled here in Vermillion. He brought to the school something truly unique. He taught students lessons and gave them insights they could not get anywhere else. And for me. . .well, among many other things, he showed me how a big city lawyer from Chicago could feel completely at home in a small town dive in Nebraska eating a basket of onion rings.

JOHN K. KONENKAMP†

One of the highlights for me in our Court's annual March session at the Law School is catching up with Professor Gingiss. When I see him, I am a student again. Always approachable, he holds a scholar's love of the law, with a wry grasp of its inherent limitations. And his interests and knowledge range far beyond what one might expect. Ask him, for example, the difference between a shlump and a shmendrik, and you're sure to learn much about the euphonic joys of Yiddishisms. To the many toils and foibles of our work, he brings humor, and thus sanity. Professor, you are a lamp. Live and be well.

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† Justice, South Dakota Supreme Court.