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September 28, 1987

[REDACTED]
[REDACTED]
[REDACTED]
Re: Ethics Committee Opinion - [REDACTED]
[REDACTED]

Dear [REDACTED]

This is to acknowledge your request for an opinion from the Ethics Committee of the State Bar Association of North Dakota in the above captioned matter. Your request was received on the morning of September 28, 1987, and because we had a meeting scheduled for that same morning it was taken up on that date.

While the Ethics Committee certainly appreciates your deferral of this matter for an advisory opinion, we feel we are prohibited from giving an opinion in this matter by the limitations of our own policies and procedures.

Paragraph 1A provides in pertinent part as follows:

"No advisory opinion will be issued to satisfy academic curiosity or to settle issues which have been presented to a court for determination."

In formulating the above position the Ethics Committee considered the very situation which your letter presents and we must decline from rendering an opinion in this matter. Our function is intended to be prophylactic and our purpose is to assist members of the bar in avoiding pitfalls before a real controversy is presented to a court for determination.

Again, we appreciate your bringing this matter to our attention but must refrain from issuing an opinion because of


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the above limitations. I am returning your file with this letter.

Sincerely,

Patrick J. Ward

Patrick J. Ward, Chairman
ETHICS COMMITTEE, State
Bar Association of North
Dakota

PJW:gb



August 10, 1983

LEGAL ASSISTANCE OF NORTH DAKOTA, Inc.

Administrative Office

RUSSEL BUILDING
4007 STATE STREET
BISMARCK, NORTH DAKOTA 58501
TELEPHONE: 701-222-2110

Ethics Committee
State Bar of North Dakota

Dear Ethics Committee:

Enclosed are the responses I sent to [REDACTED] and [REDACTED]. The committee was virtually unanimous in its recommendation on [REDACTED] and I have referred [REDACTED] letter to Jim Geyer, Chair of the Unauthorized Practice Committee.

The committee was divided on the matter presented by [REDACTED]. Based on letters I received and those I was able to reach by phone, the vote was virtually an even split.

I will be contacting the Attorney Standards Committee and asking for some historical and interpretive information on this issue and also recommending that the inconsistency be dealt with as soon as possible for future clarification. After receiving that information I will attempt to set up a conference call so that a final decision can be made among the current committee members.

As a last item of item of information, although I have not received anything in writing to date, I learned in a conversation with Beata Mertz at the SBAND office that Kermit Bye has made appointments to the Ethics Committee for 1983-1984. According to Beata, Vance Gillette and Doug Herman, whose terms expired in June will not be reappointed. However a number of new appointments were made bringing the size of the committee to twelve.

As soon as I get official confirmation of the names I will let you know. However, I'll take this opportunity to thank Vance and Doug for their input over the past three years and would appreciate any parting comments on how the committee can further improve its operations.

Thank you all for your time and consideration.

Sincerely yours,

Linda Catalano, Chair
Ethics Committee

LC:as
Administrative Office:

Administration
State Support Project
Legal Services Developer
for the Elderly

Regional Law Offices:

Bismarck — General Law Unit, Elderly Law Unit
Devils Lake — General Law Unit, Elderly Law Unit, Indian Law Unit
Fargo — General Law Unit, Elderly Law Unit
Minot — General Law Unit, Elderly Law Unit

