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FOUNDED IN 1898

SERKLAND, LUNDBERG, ERICKSON, MARCIL & MCLEAN, LTD.

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GARY A. ROCKNE
OFFICE MANAGER

June 22, 1992

*ALSO LICENSED IN MINNESOTA

Dear [REDACTED]

RE: May 20, 1992, Request for Opinion

The Ethics Committee of the State Bar Association of North Dakota has met and considered your letter of May 20, 1992, requesting an opinion of the Ethics Committee.

It is the opinion of the Ethics Committee that there would be no specific prohibition under the Code of Professional Responsibility from your listing mediation as a service provided by your firm. We would point out, however, that any advertising of mediation services would have to comply with applicable North Dakota law and administrative code provisions. It is beyond the scope of the Ethics Committee to comment on restrictions that may be present in statutes or regulations outside of the Code of Professional Responsibility. In other words, it was the opinion of the Committee that under the Code of Professional Responsibility only, there would not be a prohibition from your firm listing mediation services as a service provided by the firm.

If you have any questions regarding this, do not hesitate to contact me.

Very truly yours,

Paul F. Richard
Chairman, Ethics Committee
State Bar Association of North Dakota

PFR/tmr

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GARY A. ROCKNE
OFFICE MANAGER

June 22, 1992

*ALSO LICENSED IN MINNESOTA

Sandy Tabor
Executive Director
State Bar Association of North Dakota
P.O. Box 2136
Bismarck, ND 58502

Dear Sandy:

RE:

Enclosed please find a letter I have written to [REDACTED]
regarding her request for opinion.

For preparation of the minutes for the meeting held on June 11, 1992, you should know that the meeting was called to order at approximately 7:40 a.m. and adjourned at about 8:10 a.m. Present at the meeting were Alice Senechal, Murray Sagsveen, Michael Maus and myself. It was the consensus of those present that there was nothing under the Rules of Professional Conduct which prohibited [REDACTED] firm from listing mediation services as a service provided by the firm.

It was the opinion of the Committee, however, that we should indicate to [REDACTED] that it is beyond the scope of the Committee to comment on whether there may be any prohibition under other statutes or regulations. In other words, from the standpoint that the Rules of Professional Conduct only, the Committee could not see where there would be a prohibition from listing mediation services as a service provided by the firm.

If you need any additional information concerning this, please don't hesitate to give me a call.

Very truly yours,

SERKLAND, LUNDBERG, ERICKSON,
MARCIL & McLEAN, LTD.

Paul F. Richard

PFR/tmr



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May 20, 1992

Paul Richard
Chairman, Ethics Committee
SBAND
P.O. Box 6017
Fargo, ND 58108

RE: Advertising by lawyers - mediators

Greetings:

Recently [REDACTED] and I completed 40 hours of training in family mediation. Our trainers were Steven and Marilyn McKnight from the Erickson Mediation Institute which is located in Edina, Minnesota. This is a certified organization known nationally for its expertise in training family mediators. Our office would like to inform the public that we are certified family mediators.

We have read Administrative Rule 28 which states in Section 2 that a mediator may not advertise that he or she has been certified or qualified by the District Court or the Supreme Court. Our query is this, can we advertise family mediation in the yellow page advertisement we will take out this year? We understand that we cannot say we are certified or qualified by the Courts in North Dakota. What we want to do is mention family mediation in our list of services we can perform.

Time is of the essence since we want to put the information in the yellow pages. An answer to our query soon would be appreciated.

Thank you.

Sincerely,
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]