



State Bar Association
of North Dakota

SBAND Board of Governors

SBAND Office
Bismarck, ND

October 1, 2021
4:00 PM

Minutes

Members Present: Hon. Doug Bahr, President; Carrie Francis; Rob Manly; Hon. Daniel Traynor; Dean Michael McGinniss; Tonya Duffy; Taylor Olson; Debra Hoffarth; Jordan Selinger; Brady Pelton; Joshua Frey; Paul Myerchin; Katie Bertsch

Members Absent: Jennifer Albaugh, Ted Sandberg

Guests Present: Nicholas Thornton, Chair Joint Committee on Attorney Standards

Staff Members Present: Tony Weiler; Jeanne Schlittenhard

President Bahr called the meeting to order at 4:00 PM.

Meeting Minutes June 16, 2021 [Attachment #1]

Action: It was duly moved and seconded to approve the minutes of the June 16, 2021 meeting. [R. Manly / T. Duffy]. Motion carried.

Financial Statements and vouchers April, May, June, July, and August 2021 [Attachments #2]

Executive Director Weiler reviewed the financial statements and has met with Secretary-Treasurer Manly prior to the meeting. No areas of concern were identified.

Action: It was duly moved and seconded to receive the financials. [M. McGinniss / T. Olson] Motion carried.

Joint Committee on Attorney Standards request for review – Nonrefundable retainers, fixed fee, and minimum fee agreements – Rule 1.5 and Rule 1.15 - Rules of Professional Conduct

Committee Chair Nicholas Thornton requested to update the Board on the work of the Committee regarding amendments to Rules 1.5 and 1.15 of the Rules of Professional Conduct regarding nonrefundable retainers, fixed fees, and minimum fee agreements. As a review, these revisions were presented to the SBAND Board of Governors in 2013 and the Board at that time had objections to the proposed rule changes. In 2020, Justice Crothers asked the Joint Committee on Attorney Standards to revisit the revisions and the JCAS is now asking the SBAND Board of Governors to comment prior to advancing the amendments to the Supreme Court.

Recommendation / Conclusion: JCAS member and SBAND Board member P. Myerchin commented the amendments are important for economic and fairness issues to both attorney and client. Dean McGinniss added that in the future it should be considered to add an "in-writing" clause to the Rules.

Action: It was duly moved and to approve the amendments to Rules 1.5 and 1.15 of the Rules of Professional Conduct. [D. Hoffarth / M. McGinniss]

A Petition of the State Bar Association of North Dakota for constituent organization status of the Foundation of Energy and Natural Resources Law (f/k/a Rocky Mountain Mineral Law Foundation)

Executive Director Weiler received a request for SBAND to be a constitution to the organization status. This participation represents a continuous interest in promoting scholarship and education in mineral or natural resources law.

Action: It was duly moved and seconded to send the petition on behalf of SBAND for constituent organization status of the Foundation of Energy and Natural Resources Law. [D. Traynor / B. Pelton]

Higher Logic – online community

Executive Director Weiler reported on conversations with the associates of Higher Logic and the benefits of the online community tool for SBAND, particularly of value to the section members. The annual fee is \$12,000 and if SBAND commits now, the installation fee will be waived. Mr. Weiler stated the Higher Logic application will coordinate well with the SBAND database - yourMembership. Sections will benefit in communication with other section members. SBAND could also expand to allow SBAND membership this online community communication tool. continuous interest in promoting scholarship and education in mineral or natural resources law.

Recommendation / Conclusion: Mr. Weiler stated this is an annual commitment. After discussion, the Board concluded that Executive Director Weiler and the SBAND Staff work with Higher Logic in a manner to roll out the program in January of 2022.

Action: It was duly moved and seconded to continue to work with the Higher Logic associates and support the payment of the online community application. [B. Pelton / C Francis]

SBAND Section Updates

Executive Director Weiler updated the Board on the 11 sections, their activities, and their financial statuses. He stated he is working with each of the 11 sections with the goal of each section sponsoring a seminar/webinar each year.

Action: No action taken.

SBAND Retired Members Update

Executive Director Weiler reported he is working with SBAND Staff to identify and thank retired members who have been long time SBAND members.

Recommendation / Conclusion: After Board discussion on whether to apply a Retired Membership fee or not, the Board concluded that long time SBAND members who are retired should be identified as such and no membership fee imposed. These members should receive the SBAND Gavel magazine and News from SBAND emails. Executive Director Weiler will adjust the budget if needed once the Retired Membership has been identified.

Action: No action required.

SBAND Executive Director Evaluation Process

Secretary-Treasurer Rob Manly agreed to again oversee the process. He will be identifying committee/section chairs to be involved in the evaluation and will send evaluation forms to Board members, staff, and identified committee/section chairs.

Action: No action required

Appointments /Reappointments / Recommendations to the Court

North Dakota Bar Foundation Board of Directors

No formal applications were received. This will be added to the November 12, 2021 Agenda.

Action: No action taken.

Law School Update from Dean Michael McGinniss

Dean McGinniss updated the Board of Governors on the activities of the UND School of Law.

- First Semester enrollment is 88 (44 male / 44 female) and is the highest in-state enrollment, highest GPA, and largest class in 5 years

- Homecoming is October 22nd and there will be a CLE Course and the dedication of the Gerald W. VandeWalle Courtroom
- Provost of UND announced the members of the UND School of Law Dean Search Committee

ABA Report from Hon. Daniel Traynor

Judge Traynor stated SBAND should invite ABA President Reginald Turner to the 2022 Annual Meeting. The midyear ABA Meeting is scheduled to be back to "normal" format. Please refer to the resolutions before the House of Delegates in upcoming *Gavel* magazines.

SBAND President's Report from Hon. Doug Bahr

- Board members please refer to the distributed 2022 Calendar for SBAND Board meetings and plan accordingly
- February 5, 2022, the Board will meet in Grand Forks and attend the hockey game that evening

Executive Director's Report

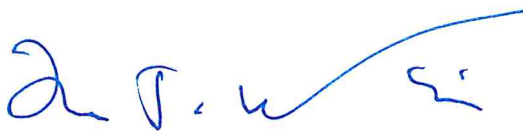
- Executive Director Weiler provided an update on staff activities
- The Indigent Defense Commissions June seminar will possibly be held in conjunction with the SBAND 2022 Annual Meeting
- Executive Director Weiler reported on the 2021 Jackrabbit Bar conference. At this conference, he updated attendees on the unified bar lawsuits

Other Business

There being no further business, the meeting was adjourned.

Respectfully submitted,


Jeanne Schlittenhard
Associate Director



Tony J. Weiler
Executive Director