



State Bar Association
of North Dakota

SBAND Board of Governors

The Loft Room
Radisson Hotel
Fargo ND

April 23, 2016

Minutes

Members Present: Joe Wetch, President; Jack McDonald; Charles DeMakis; Aubrey Fiebelkorn Zuger; Dan Traynor; Dean Kathryn Rand; Zach Pelham; Jeff Nehring; Kimberly Radermacher; Darcie Einarson; Christina Wenko; Meg Morley; Carrie Francis

Members Absent: Peter Welte; Connie Cleveland

Staff Members Present: Tony J. Weiler; Jeanne Schlittenhard

President Wetch called the meeting to order at 8:35 am.

Affirmation of new Board of Governors member – Kimberly Radermacher and Christina Wenko

President Wetch welcomed his appointees Kimberly Radermacher and Christina Wenko to the Board of Governors. As per the ByLaws of SBAND, he requested the affirmation of the Board members.

Action: It was duly moved and seconded to affirm the appointments of Kimberly Radermacher and Christina Wenko to the Board of Governors. [Z. Pelham / C. DeMakis]

Meeting Minutes January 23, 2016 [Attachments #1]

Action: It was duly moved and seconded to approve the minutes as written. [Z. Pelham / C. DeMakis] Motion carried.

Financial statements / check registers December 2015 and January & February 2016 [Attachments #2]

Executive Director Weiler reviewed the financial statements. The financial statements were reviewed with Secretary-Treasurer Zuger prior to the Board meeting. The Board discussed ways SBAND could use its financial resources [scholarships for law students, support of the rural justice program]. The Board will further discuss in the future.

Action: It was duly moved and seconded to receive the financial reports of December 2015, January 2016, and February 2016 [D. Traynor / J. Nehring] Motion carried.

Review Status of Rule 6.3 Notice of Status [Attachment #3]

President Wetch reviewed that in January 2016 the Board of Governors had responded to the Joint Committee on Attorney Standards stating concern on N.D. Rule of Lawyer Discipline 6.3.

Recommendation / Conclusion: The Board of Governors remains in opposition to the proposed rule. It was concluded that President Wetch should appear on behalf of the Board of Governors at the hearing scheduled for May 9, 2016.

Action: It was duly moved and seconded to authorize President Wetch to attend the hearing on Rule 6.3 to further advance the Board of Governors objection to a specified portion of Rule 6.3. [D. Traynor / C. DeMakis] Motion carried.

Joint Committee on Attorney Standards request for Board review on proposed amendments - Rules of Professional Conduct Rules 1.18, 1.7, and 1.15 - [Attachment #4]

President Wetch discussed proposed amendment to Rule 1.18, 1.7, and 1.15 changing "potential" client to "prospective client" in each.

Action: It was duly moved and seconded to approve proposed amendments to Rules 1.18, 1.7, and 1.15. [D. Traynor / Z. Pelham. Motion carried.

Joint Committee on Attorney Standards request for Board review on proposed amendments Rules of Professional Conduct Rule 1.2 - [Attachment #5]

President Wetch stated the proposed amendments to Rule 1.2 provides client consent must be in writing.

Action: It was duly moved and seconded to approve the proposed amendments to Rule 1.2. [C. DeMakis / J. McDonald] Motion carried.

Joint Committee on Attorney Standards request for Board review on proposed amendments – Admission to Practice Rules - [Attachment #6]

President Wetch stated the proposed amendments to the Admission to Practice Rules are regarded as generally unexceptional and directed at enhancing rule provisions concerning the admission to practice.

Action: It was duly moved and seconded to approve the proposed amendments to the Admission to Practice Rules. [C. DeMakis / A. Zuger] Motion carried.

Casemaker Contract Renewal - [Attachment #7]

Executive Director Weiler reported the importance of continuing to provide Casemaker as a member benefit. There will be new features of Casemaker to be announced in the near future. Dean Rand stated the Law School has new position open which will including assisting attorneys in the use of Casemaker. Dean Rand and Executive Director Weiler will work with Casemaker in this process.

Action: It was duly moved and seconded to approve the renewal of Casemaker. [D. Traynor / M. Morley] Motion carried.

SBAND By-Laws Revision - [Attachment #8]

President Wetch reviewed the By-Laws Revision addition of the ABA Young Lawyer Delegate. Executive Director Weiler reported the By-Laws revision has been published in the Winter Gavel and now requires Board approval. Mr. Weiler has met with Executive Committee members of the Young Lawyers Section. Four Young Lawyer Section members have applied or been nominated for the position to be elected by the General Assembly in June. Regarding financial support of this ABA Young Delegate, the Young Lawyers Section will support 25% and SBAND 75%.

Action: It was duly moved and seconded to approve By-Laws revision. [D. Traynor / C. DeMakis] Motion carried.

Indian Law Section By-Laws Approval [Attachment #9]

Executive Director Weiler provided the section By-Laws for the Board's approval. The inclusion of non-SBAND members is included in the language of the By-Laws.

Action: It was duly moved and seconded to approve the Indian Law Section By-Laws. [D. Traynor / C. Francis] Motion carried.

Board Recommendations - Appointment / Reappointments [Attachments #10]

Joint Alternative Dispute Resolution Committee [1 openings]

Action: It was duly moved and seconded to appoint Sandra Kuntz (Dickinson) to the Joint Alternative Dispute Resolution Committee. [Z. Pelham / D. Einarson] Motion carried.

Judicial Conference [1 openings]

Two individuals have applied or were nominated for appointment to the Judicial Conference [Jordan Moe, Jamestown and Lee Grossman, Fargo]

Action: It was duly moved and seconded to appoint Lee Grossman (Fargo) to the Judicial Conference. [A. Zuger / K. Radermacher] Motion carried.

Reports

Annual Meeting

Executive Director Weiler updated the Board on the planning progress of the 2016 Annual Meeting. CLE sessions include technology, a session supported by the Lawyer Assistance Program, The Vogel Law Lecture on Professionalism and Ethics. The key note speakers are former Minnesota Supreme Court Justice Alan Page and ABA President Paulette Brown. The local committee has been working diligently and the 2016 SBAND Annual meeting is shaping up to be "**A GRAND EXPERIENCE**".

Awards 2016 [Attachments #11]

Distinguished Service Award

Action: It was duly moved and seconded to award the 2016 Distinguished Service Award to the Honorable Mary Maring, former North Dakota Supreme Court Justice. [Z. Pelham / A. Zuger]

Legislative Service Award

Action: It was duly moved and seconded to award the 2016 Legislative Service Award to U.S. Senator Heidi Heitkamp. [K. Radermacher / M. Morley]. Motion carried.

Liberty Bell Award

The Board discussed the 2016 Liberty Bell Award. The American Legion and its Auxiliary – Boys and Girls State was suggested. There was discussion regarding awarding this to an entity versus individual.

Action: It was duly moved and seconded to table the decision regarding the Liberty Bell Award and the Board of Governors will re-convene in approximately 10 days to discuss [C. DeMakis / Z. Pelham]

Community Service Awards

District Representative Board members were encouraged to consider candidates for their respective districts.

Action: It was duly moved and seconded to table the decision regarding the Community Service Awards and the Board of Governors will re-convene in approximately 10 days to discuss [C. DeMakis / Z. Pelham]

ABA Delegate Report

D. Traynor reported on the ABA Mid-Winter meeting in San Diego as well as ABA Day in Washington D.C. Mr. Traynor continues to outline the highlights in the ABA Delegate Column in The Gavel, including an interview with ABA President Paulette Brown.

Law School Report

Dean Rand distributed a document outlining the strategic priorities as well as possible areas of reduction, subsequent to the budget adjustments as directed by President Schafer. A copy will be included in the original

minutes located in the office of the State Bar Association of North Dakota. Priorities identified include enhancing quality of academic program (J.D.); sustaining growth in national reputation; and promotion of student success. Dean Rand also reported that budget reductions have been identified and she reviewed these with the Board of Governors.

Action: No action taken.

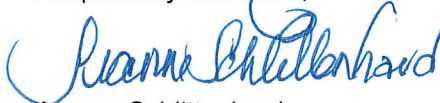
Executive Director Report

- Update on U.S. Supreme Court Case Friedrichs v. California Teachers Association.
- Executive Director Weiler presented an update on the SBAND Staff. The Communication / Website Coordinator position remains unfilled. SBAND has a contract with Clearwater Communications to work on the Gavel. This will be continually monitored. Current staff is taking on additional responsibilities. Executive Director Weiler will be adjusting salaries accordingly, the Board was in agreement with his recommendations and supports his decision(s) regarding the adjustment of decreased staff at the SBAND office.
- SBAND has been notified that North Dakota Insurance Reserve Fund (NDRIF) will not renew the Governance Liability policy. Executive Director Weiler is researching options to replace. [It is to be noted that Board member Z. Pehlman dismissed himself from the room during this discussion]
- Lawyer Directory costs should be finalized in the next several months. SBAND will look at advertising options for 2017.
- There are several openings on the Inquiry Committees for non-lawyer members. Board members who have recommendations were asked to discuss these with Executive Director Weiler.
- The North Dakota Bar Foundation's IOLTA program is anticipated to receive approximately \$785,000 from the Bank of America Settlement. The Bar Foundation Board and the IOLTA Committee will be addressing this issue and Executive Director Weiler will keep the Board of Governors informed.
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Other Business

There being no further business, the meeting was adjourned at 11:26 am.

Respectfully submitted,



Jeanne Schlittenhard
Associate Director



Tony J. Weiler
Executive Director