

SBAND Board of Governors

SBAND Office

April 25, 2015

Minutes



State Bar Association
of North Dakota

Members Present: Jack McDonald, President; Joseph Wetch; Nancy Morris; Aubrey Fiebelkorn Zuger; Daniel Traynor; Dean Kathryn Rand; Lee Grossman; Scott Jensen; Levi Andrist; Charles DeMakis; Zach Pelham; Darcie Einarson; Jeff Nehring; Tom Gehr; Connie Cleveland;
Staff Members Present: Tony J. Weiler, Jeanne Schlittenhard

President McDonald called the meeting to order at 8:32 AM.

Meeting Minutes January 24, 2015, January 27, 2015, and February 10, 2015 [Attachments #1]

Action: It was duly moved and seconded to approve the minutes as submitted. [S. Jensen / Z. Pelham] Motion carried.

Financial Statements and vouchers – December 2014 and January & February 2015 [Attachments #2]

Executive Director Weiler reviewed the financial statements. He and Secretary-Treasurer A. Zuger met and reviewed the financials. Mr. Weiler reported the auditors from Brady Martz will be in attendance at the June 2015 meeting for a report on the Audit of the 2014 financials.

Action: It was duly moved and seconded to receive the financial reports of December 2014 and January & February 2015 [J. Nehring / D. Einarson] Motion carried.

Review Rules of Professional Conduct – Proposed Amendments from Joint Committee on Attorney Standards [Attachment #3]

The Joint Committee on Attorney Standards has requested the Board's review and comment on the proposed amendments to the Rules of Professional Conduct. The amendments were reviewed in detail.

Recommendation / Conclusion: Overall, the Board agrees with the proposed amendments. Executive Director Weiler was asked to obtain further information regarding ABA Model Rule 5.5, North Dakota's Rule 5.5 on the Unauthorized Practice of Law and to provide North Dakota Rule 6.1 on Practice Pending Admission. This will be discussed further at a future Board of Governors Meeting prior to the annual meeting.

Action: No action taken.

Fleck v. McDonald et al – Reservation of Rights Issue

Action: It was duly moved and seconded to move into Executive Session. [C. DeMakis / J. Nehring] Motion carried.

Resume Open Session 11:05 AM

Action: It was duly moved and seconded to authorize counsel in Fleck v. McDonald et al, to engage in early settlement talks / mediation. [S. Jensen / A. Zuger]

Keller Policy Revisions [Attachment #5]

Action: It was duly moved and seconded to table discussions on a new or revised Keller Policy until a later scheduled meeting of the Board of Governors. [D. Traynor / C. Cleveland] Motion carried.

Board Recommendations - Appointment / Reappointments

Pattern Jury Instruction Commission

Two lawyers were considered for appointment / reappointment for two openings on the North Dakota Pattern Jury Commission: Dennis Johnson (Watford City) and Kevin Chapman (Williston)

Action: It was duly moved and seconded to appoint Dennis Johnson and Kevin Chapman to the North Dakota Pattern Jury Commission. [Z. Pelham / J. Nehring] Motion carried.

Judicial Conference

Three lawyers were considered for appointment to three openings on the Judicial Conference: Haylee Cripe (Dickinson); Rhonda Ehlis (Dickinson); and Ulysses Jones (Devils Lake).

Action: It was duly moved and seconded to appoint Rhonda Ehlis, Haylee Cripe, and Ulysses Jones to the North Judicial Conference. [Z. Pelham / J. Nehring] Motion carried.

Reports

Annual Meeting

Executive Director Weiler updated the Board on the Annual Meeting plans. Speakers have been confirmed and the many volunteers are planning a fun and exciting Annual Meeting in downtown Bismarck. Board members Zach Pelham, Levi Andrist, Dean Kathryn Rand, and Scott Jensen have been involved in the planning process, with Zach Pelham serving as chair of the Planning Committee. Director Weiler reminded the Board of Governors items and/or cash are needed for the Silent Auction.

Action: No action taken.

Client Protection Fund Committee [Attachment #7]

Action: It was duly moved and seconded to approve the recommendation of the Client Protection Fund Committee and pay the \$1,000 as requested in the claim against Attorney Tollefson. [L. Andrist / D. Einarson]

ND Bar Foundation Board of Directors appointment/reappointments

One North Dakota Bar Foundation Board member's terms expires in June 2015.

- Jack McDonald

Action: It was duly moved and seconded to reappoint Mr. McDonald to the Board of Directors of the North Dakota Bar Foundation. [Z. Pelham / J. Nehring] Motion carried. Mr. McDonald abstained from voting.

Awards 2015 [Attachments #8]

Distinguished Service Award

Action: It was duly moved and seconded to present posthumously, the Distinguished Service Award to James Fitzsimmons for his many years of commitment and dedication to justice for all in North Dakota. Motion carried.

Legislative Service Award

Action: It was duly moved and seconded to present the 2015 Legislative Service Award to Representative Kim Koppelman from West Fargo. Motion carried.

Liberty Bell Award

Action: It was duly moved and seconded to the Liberty Bell Award to Donna Pearson, Ph.D. for her many years of commitment and dedication to the We the People program. Motion carried.

Community Service Awards

Three recipients have been named to receive the Community Service award in their Judicial Districts: Ulysses Jones [NE Judicial District]; Peter Welte [NEC Judicial District] and Lyle Bopp [SE Judicial District].

Action: No action taken.

Law School Report

Dean Kathryn Rand reported the construction project is on time and on budget. The Law School is targeted to be entirely operational in the new building by August 17, 2015. There will also be a celebration during the 2015 Homecoming events in October.

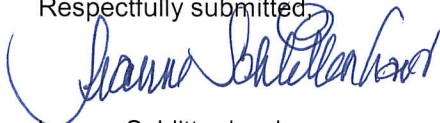
Action: No action taken.

Executive Director's Report

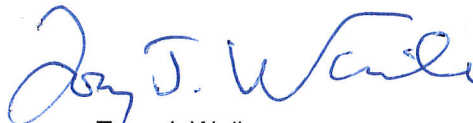
Executive Director Weiler reported that Andrea Collin has been hired as a full time staff person to work on the Gavel, website, and data base. Mr. Weiler continues to work with Sally Holewa, Supreme Court Administrator, on the surveying of SBAND members regarding Odyssey. Director Weiler reported that the IOLTA program has received a settlement amount of \$232,485.30 from a class action law suit involving Bank of America. The IOLTA Committee and NDBF Board of Directors will address the best way to grant some of this money to legal assistance entities.

There being no further business, the meeting was adjourned at 12:01 PM.

Respectfully submitted,



Jeanne Schlittenhard
Associate Director



Tony J. Weiler
Executive Director