



SBAND Board of Governors

SBAND Office / Telephone Conference Call

December 8, 2015

Minutes

Members Present: Joseph A. Wetch, President; Jack McDonald; Aubrey Fiebelkorn Zuger; Daniel Traynor; Darcie Einarson; Lee Grossman; Jeff Nehring; Peter Welte

Members Absent: Connie Cleveland; Meg Morley; Elizabeth Ebert; Carrie Francis; Dean Kathryn Rand; Zach Pelham; Charles DeMakis

Staff Members Present: Tony J. Weiler, Jeanne Schlittenhard

President Wetch called the meeting to order at 8:34 AM.

Update – Family Law Task Force

President Wetch discussed the email dated December 1, 2015, from member Arnold Fleck. Mr. Fleck's email is mostly his opinion on how the Family Law Task Force should be set up, and how it should proceed. Most of his email is a rehash of Measure 6 from the 2014 election. Wetch pointed out the shared parenting issue of Measure 6 has been defeated twice by the voters of North Dakota. At this time, however, he does not want to disband the Task Force, because it is looking at important issues.

D. Einerson stated one of the main proponents of the shared parenting initiative lives near her, and the issue is not likely to go away. She thinks it would be short sighted for the Task Force to ignore shared parenting, and that issue should be on the table. She believes the Task Force should hear opinions on shared parenting. The Task Force should at a minimum discuss shared parenting.

D. Traynor says the Task Force is a good idea, and it should go forward. Mr. Fleck is free to attend any Task Force meetings and provide information.

A. Zuger believes the Task Force does have balance, and in its makeup a shared parenting supporter is a member. Also, the core Task Force is not just family law attorneys, it has other stakeholders as well. The goal of the Task Force should not be to rehash the shared parenting issue, but to look at all issues family law related. Her concern relates to the funding of the Task Force.

P. Welte indicated the BOG needs to lead on this issue and give the staff at SBAND direction. He does not want the BOG to try to legislate for the exception instead of the rule. He believes there is a shared parenting voice on the Task Force, and it will look at that issue. He also indicated the BOG needs to take a position and suggested a resolution along the following lines: The Family Law Task Force is necessary to explore all issues related to the practice of family law. SBAND appointed members who share in a goal of improving the practice of law, and the quality of legal services in North Dakota. While shared parenting will be discussed, it is a public policy issue that SBAND will not support or work against. The Task Force will be responsive and analyze all issues in the family law area, and be representative of our practicing members.

Action: It was duly moved and seconded to consider Fleck's email a request for binding dispute resolution under the Keller Policy, and should be treated as such. [D. Traynor / J. McDonald] The motion carried 8-0.

P. Welte believes it important for the BOG to send a letter to the Task Force outlining the parameters of the work to be done. The Task Force should look at the need for change and addressing the entirety of family

law, and not be driven by any public policy or particular issue. While he believes shared parenting is a part of the overall family law discussion, and should be part of it, it cannot and should not be the sole focus.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jeanne Schlittenhard
Associate Director

Tony J. Weiler
Executive Director