

SBAND Board of Governors

UND School of Law
Grand Forks

January 23, 2016

Minutes



State Bar Association
of North Dakota

Members Present: Joe Wetch, President; Jack McDonald; Charles DeMakis; Aubrey Fiebelkorn Zuger; Dan Traynor; Dean Kathryn Rand; Zach Pelham; Jeff Nehring; Lee Grossman; Darcie Einarson; Beth Ebert; Peter Welte; Meg Morley; Connie Cleveland; Carrie Francis

Staff Members Present: Tony J. Weiler; Jeanne Schlittenhard

President Wetch called the meeting to order at 1:37 pm.

Meeting Minutes November 23, 2015 and December 8, 2015 [Attachments #1]

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

Financial statements and vouchers – October and November 2015 [Attachments #2]

Executive Director Weiler reviewed the financial statements. The financial statements were reviewed with Secretary-Treasurer Zuger. Forty-eight percent (48%) of revenues are from license fees. SBAND needs to continue to be mindful of additional non-dues revenue.

Action: It was duly moved and seconded to receive the financial reports of October and November 2015. [P. Welte / D. Einarson] Motion carried.

Joint Committee on Attorney Standards – ABA Report on Lawyer Discipline System – Committee Report and Proposed Rule Amendments for Board of Governors Review - [Attachment #3]

President Wetch commended the JCAS on the deliberate consideration and good work on the proposed rule changes. He recognized SBAND Board Member Zachary Pelham for serving as the temporary member to represent the Board of Governors. Discussion was held regarding the investigatory power transferred from the Inquiry Committees to the Disciplinary Counsel. Rule 6.3 Notice of Status – Non-Compliance was discussed at length. The biggest issue was potential restraining of trade, and a possible issue of not being constitutional.

Action: It was duly moved and seconded to authorize President Wetch and Executive Director Weiler to respond to the JCAS with concerns regarding Rule 6.3 – Notice of Status – Non-Compliance. [Z Pelham / C. DeMakis] Motion carried.

Proposed By-Laws Amendment – ABA Young Lawyer Delegate [Attachment #4]

The proposed By-Laws Amendment added an ABA Young Lawyer Delegate to Section 11: Members of the House of Delegates of American Bar Association.

Recommendation / Conclusion: The Board discussed whether this ABA Young Lawyer Delegate would become a member of the Board of Governors. The Board also discussed the election process for the ABA Young Lawyer Delegate. It was concluded the ABA Young Lawyer Delegate would not be added to the

membership of the SBAND Board of Governors. It was also concluded that the SBAND Young Lawyer's section be involved in the selection process by submitting a list of candidates for election at the General Assembly at the Annual Meeting. The term of the first delegate will begin immediately after the election at the 2016 General Assembly.

Action #1: It was duly moved and seconded to approve the By-Laws Amendment (with amendments as listed above). [D. Traynor / K. Rand] Motion carried. The By-Laws Amendment will be announced in the spring 2016 edition of The Gavel.

Action #2: It was duly moved and seconded to authorize Executive Director Weiler to negotiate an appropriate split (SBAND / Young Lawyers Section) to financially support the ABA Young Lawyer Delegate. [D. Traynor / L. Grossman] Motion carried.

ND Continuing Legal Education Commission – Active Duty Military Policy- [Attachment #5]

Executive Director Weiler, who serves as Secretary of the ND CLE Commission, reported the submission for approval of this policy is subsequent to a request from a North Dakota attorney currently serving in active duty in the military. This rule is similar to Minnesota's.

Action: It was duly moved and seconded to approve Policy 1.22 – Active Duty Military Service. [D. Traynor / Z. Pelham] Motion carried.

ABA Resolution on Model Regulatory Objectives –[Attachment #6]

Executive Director Weiler referred the Board of Governors to the information regarding ABA Resolution on Model Regulatory Objectives. The information is distributed to the Board of Governors to provide direction to SBAND's ABA Delegate, Daniel Traynor, as this resolution will be presented to the ABA House of Delegates in February 2016.

Recommendation / Conclusion: Z. Pelham suggested SBAND take no position without obtaining the preference of the membership. D. Traynor suggested SBAND conduct a study on how to protect the public and the profession with the rise in agencies delivering legal services. D. Traynor stated he will consult with Chief Justice Gerald VandeWalle and report back to the Board of Governors.

Action: No action taken.

Justice for All Program Report Forms and Participation – [Attachment #7]

President Wetch stated this item was placed on the agenda as former Board of Governors member, Levi Andrist, has issued a challenge to the members of the Board of Governors to each qualify for the Justice for All Recognition Program at the 2016 Annual Meeting. President Wetch supports this challenge and encouraged all members to participate.

Recommendation / Conclusion: It was recommended the forms be revised to exclude the "subject matter". The Board concluded this might dissuade members from completing and reporting pro bono hours. Executive Director Weiler will revise the forms.

Action: No action taken.

March Board of Governors Meeting

It was the consensus of the Board to cancel the March 2016 Board of Governors Meeting. The Board of Governors is required to have a minimum of six meetings annually, and even without the March meeting, this requirement will be met.

ABA Delegate Report

D. Traynor reported several resolutions are on the agenda for the February 2016 ABA meeting, including ABA Resolution 105 on Model Regulatory Objectives. He will outline the highlights in an upcoming ABA Delegate Column in The Gavel.

Law School Report

Dean Rand thanked the members of the Board of Governors for traveling to Grand Forks to visit the Law School for this January 2016 meeting.

In addition, she reported on the following:

- The Fall Semester has been considered a normal semester. The transition to the new building was very smooth.
- The NDSUS is requiring budget cuts for all the individual colleges.

Action: No Action taken.

Executive Director Report

- 2016 Annual meeting planning is underway. Retired Justice Alan Page from Minnesota is booked for the Opening Session. ABA President Paulette Brown's schedule has not been finalized, but Executive Director Weiler anticipates her attendance. The Opening Night Social will be held at the Ralph Engelstad Arena. CLEs on Discipline, practice management, and Lawyer Assistance Program have been scheduled. Negotiation Ethics is the anticipated Vogel Lecture for Friday morning.
- Board members are asked to consider the 2016 awards. A reminder will be sent to Board members for decision(s) at the April 2016 meeting in Fargo.
- Executive Director Weiler asked for the Board's guidance regarding judicial surveys for the upcoming judicial elections.

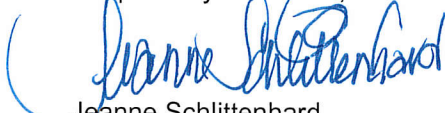
Action: It was duly moved and seconded to form a Judicial Survey sub-committee, chosen by President Wetch – to study the judicial surveys and make recommendations regarding improvements and/or changes to the judicial surveys. [A. Zuger / D. Traynor]. Motion carried. Board members Aubrey Zuger and Connie Cleveland volunteered to serve on this sub-committee.

- Brady Martz & Associates completed the audit of the 2015 financials for the Association and the Foundation.
- Lawyer Directory is anticipated to be released in mid-March 2016. Andrea Collin will be organizing this project.

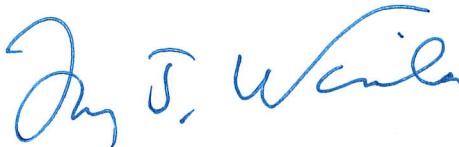
Other Business

There being no further business, the meeting was adjourned at 4:15 pm.

Respectfully submitted,



Jeanne Schlittenhard
Associate Director



Tony J. Weiler
Executive Director