



SBAND Board of Governors

SBAND Office

November 21, 2015

Minutes

Members Present: Joseph A. Wetch, President; Jack McDonald; Charles DeMakis; Aubrey Fiebelkorn Zuger; Daniel Traynor; Dean Kathryn Rand; Zach Pelham; Elizabeth Ebert; Peter Welte; Carrie Francis; Connie Cleveland; Meg Morley

Members Absent: Darcie Einarson; Lee Grossman; Jeff Nehring

Staff Members Present: Tony J. Weiler, Jeanne Schlittenhard

President Wetch called the meeting to order at 8:34 AM. Additions to the Agenda will include committee appointments and reappointments for Court Services Administrative Committee and Joint Committee on Attorney Standards.

Meeting Minutes September 12, 2015 [Attachment #1]

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

Financial Statements and Vouchers - August 2015 and September 2015 [Attachments #2]

Executive Director Weiler reviewed the financial statements.

Action: It was duly moved and seconded to receive the financials. [C. DeMakis / J. McDonald] Motion carried.

Board Recommendations / Appointments [Attachments #3]

Disciplinary Board - Northeast Judicial District – Three lawyers were considered for appointment for the opening on the Disciplinary Board: Cameron D. Sillers (Langdon); Doug Goulding (Devils Lake); and Thomas Nikolaisen (Cando).

Action: It was duly moved and seconded to recommend Cameron D. Sillers, Doug Goulding, and Thomas Nikolaisen for the Court's consideration for appointment to the Disciplinary Board. [C. DeMakis / D. Traynor] Motion carries.

Disciplinary Board - Northwest Judicial District – One lawyer was considered for appointment for the opening on the Disciplinary Board. Mr. Ross Sundeen is eligible for an additional term and is interested in continuing to serve on the Disciplinary Board.

Action: It was duly moved and seconded to recommend Ross Sundeen for the Court's consideration for reappointment to the Disciplinary Board. [D. Traynor / P. Welte] Motion carried.

Court Services Administrative Committee

Michael J. Williams, Fargo, is eligible and has expressed interest in reappointment.

Action: It was duly moved and seconded to reappoint Michael J. Williams to the Court Services Administrative Committee. [C. DeMakis / Z. Pelham] Motion carried.

Joint Committee on Attorney Standards

Alex Reichert, Grand Forks, is eligible and has expressed interest in reappointment.

Action: It was duly moved and seconded to reappoint Alex Reichert to the Joint Committee on Attorney Standards. [Z. Pelham / M. Morley] Motion carried.

Family Law Section Task Force

Executive Director Weiler reviewed the formulation of this Task Force at the request of the Family Law Section and direction of President Wetch. The Task Force has conducted an initial meeting.

Action: It was duly moved and seconded to affirm the formation and support of the Family Law Task Force and to financially support the costs incurred by the Family Law Task Force at 50% SBAND / 50% Family Law Section. [C. DeMakis / Z. Pelham] Motion carried.

Request for approval of Indian Law Section [Attachment #4]

Executive Director Weiler has received a request to present to the Board of Governors the possibility of formation of an Indian Law Section. This request is a follow up to the Minority Justice Implementation Committee discussions. So far, approximately ten attorneys have expressed an interest in membership. The purpose for the section is to address the need for discourse and education in Indian Law and tribal legal issues. Dean Rand said with the new Indian Law Certificate Program, the UND School of Law is certainly supportive of formation and partnership with this section.

Action: It was duly moved and seconded to create an Indian Law Section of the State Bar Association of North Dakota, with section dues set by the section members in consultation with Executive Director Weiler. [D. Traynor / C. Cleveland] Motion carried.

ABA Young Lawyer Delegate [Attachment #5]

The ABA House of Delegates at its 2015 Annual Meeting adopted a proposed amendment of the ABA Constitution to provide an additional delegate to those delegations that did not have a young lawyer delegate prior to the 2015 Annual Meeting. North Dakota is one of those delegations that qualify for a young lawyer delegate in the House of Delegates.

Action: It was duly moved and seconded to approve the Young Lawyer Delegate to represent the State Bar Association of North Dakota in the ABA House of Delegates and request that Executive Director Weiler return to the Board of Governors with the appropriate language for a By-Laws change. [D. Traynor / J. McDonald] Motion carried.

Lawyer Directory [Attachment #6]

The State Board of Law Examiners has decided to stop publishing the Directory of Judges and Lawyers. Executive Director Weiler reminded the Board that this was discussed at the June 2015 Board of Governors Meeting and was asked to report back to the Board regarding options for SBAND to publish this book(let). [See memo dated September 12, 2015, for specific information]. That memo is filed in the original minutes at the State Bar Association of North Dakota.

Recommendation / Conclusion: It was the consensus of the Board that although not all members use the Directory of Judges and Lawyers, many SBAND members do and consider it a member benefit. It was recommended to consider selling advertisements in the Directory to help with costs.

Action: It was duly moved and seconded to direct Executive Director Weiler to develop a plan to continue a Lawyer Directory publication for distribution to the members.

2016 Budget [Attachment #7]

Action #1: It was duly moved and seconded to continue to distribute \$100% of the Client Protection monies to the Client Protection Fund. The split of funds to Client Protection / Lawyer Assistance Program will continue to be reviewed annually. [P. Welte / C. Cleveland] Motion carried.

At this point in the meeting Executive Director Weiler and Ms. Schlittenhard were not present. The Board of Governors reviewed the proposed salaries for 2016. There were revision(s) in the proposals and these will be distributed to Executive Director Weiler.

Action #2: It was duly moved and seconded to approve the 2016 salary increases as discussed and provided to Executive Director Weiler. Motion carried.

Action #3: It was duly moved and seconded to approve the proposed SBAND 2016 Budget as presented with the revisions in salary(s) as discussed. Motion carried.

Law School Report from Dean Kathryn Rand

Dean Rand reported as a result of the UND budget shortfall, tuition increases will need to be assessed to keep providing high quality education. The UND School of Law has been requested to consider a 3% increase in 2016 and, more difficult, a 6% increase in 2017.

Dean Rand reported the Grand Opening was a great success and she thanked each of the Board members who were in attendance. The Supreme Court and the U.S. District Court hosted hearings in the new courtroom.

Dean Rand stated the UND School of Law is looking forward to having the SBAND Board of Governors members at the Law School for its January 23, 2016, meeting. Hockey tickets will be available to Board members and their guest.

ABA Delegate Update

D. Traynor reported the ABA Mid Winter meeting will be held in February 2016, in San Diego. Paulette Brown is the current ABA President with her emphasis on a couple of initiatives: Main Street ABA and ABA Everyday. Mr. Traynor stated information on these two initiatives will be in the ABA Delegate section of the Fall 2015 Gavel magazine. SBAND is still hoping to have President Brown at the 2016 SBAND Annual Meeting in Grand Forks.

Executive Director Report

- Executive Director Weiler updated the Board of Governors on Fleck vs. McDonald et al. Mr. Weiler has submitted the Dues Opt-Out and Keller Compliance Notice to the State Board of Law Examiners to be included with the dues statements to be sent out this month. Executive Director Weiler indicated the lawsuit is settled with respect to Claim #1, and SBAND is now in compliance with Keller v. California. The lawsuit will continue on Count #2 regarding "opt-in" and Count #3 regarding de-unification. Weiler also stated that the \$100K policy limit under SBAND's NDIRF Policy has almost been met and SBAND will be responsible for Randy Bakke's attorney fees going forward.

D. Traynor, on behalf of the Board of Governors, recognized and thanked Executive Director Weiler, Jack McDonald, Aubrey Zuger, Joe Wetch, and Randy Bakke and the SmithBakke Law firm for the good work done on behalf of the State Bar Association of North Dakota in the lawsuit.

There being no further business, the meeting was adjourned at 11:43 AM

Respectfully submitted,

Jeanne Schlittenhard
Associate Director

Tony J. Weiler
Executive Director