



State Bar Association
of North Dakota

SBAND Board of Governors

Faculty Conference Room – 2nd Floor
UND School of Law
Grand Forks, North Dakota

November 23, 2019
2:00 PM

Minutes

Members Present: Aubrey Fiebelkorn-Zuger, President; Zack Pelham; Carrie Francis; Dan Traynor; Dean Michael McGinniss; Ted Sandberg; Andrew Askew; Taylor Olson; Jennifer Albaugh; Tonya Duffy; Debra Hoffarth; Christina Wenko; Judge Mike Hurly; Judge Doug Bahr

Members Absent: Pat Ward

Staff Members Present: Tony Weiler; Jeanne Schlittenhard

President Zuger called the meeting to order at 3:04 PM

Meeting Minutes September 20, 2019

Action: It was duly moved and seconded to approve the minutes of the September 20, 2019 meeting. [C. Francis / Z. Pelham] Motion carried.

Financial Statements September 2019

Executive Director Weiler and Secretary-Treasurer Ward reviewed the financial statements prior to the meeting. There were no concerns with the financials.

Action: It was duly moved and seconded to receive the financials. [D. Bahr / T. Duffy] Motion carried.

Joint Committee on Attorney Standards request for review and comment – Referral re: Rules 4.4 and 5.1, N.D. Rules for Lawyer Discipline and Request re: Rules 3.1 and 3.2, N.D. Rules for Lawyer Discipline

Dean McGinniss, chair of the Joint Committee on Attorney Standards summarized the proposed changes to the N.D. Rules for Lawyer Discipline. The amendment to Rule 4.4(D) includes clarification that reciprocal imposition of admonition or reprimand may be imposed by the Disciplinary Board at the direction of the Supreme Court. Amendments to Rule 3.1 clarifies procedural rules on respondents' service of pleadings to hearing panels when a transfer to disability inactive status has already been ordered in another jurisdiction where the lawyer is licensed to practice.

Action: It was duly moved and seconded that the Board of Governors support the revisions to Rules 4.4 and 5.1, and Rules 3.1 and 3.2 of the N.D. Rules for Lawyer Discipline. A letter will be sent to the Joint Committee on Attorney Standards. [D. Traynor / M. Hurly] Motion carried.

2020 Budget

The SBAND Executive Committee has reviewed the 2020 SBAND Budget and has presented to the Board of Governors. Executive Director Weiler reviewed the Revenue and Expense Budgets and addressed any questions or concerns from the Board.

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. Motion carried by consensus of the Board

At this point in the meeting Executive Director Weiler and Ms. Schlittenhard were not present. The Board of Governors revised the proposed salaries for 2020.

Action #2: It was duly moved and seconded to approve the proposed SBAND 2020 Budget with salaries as revised and presented for the records. Motion carried by consensus of the Board.

Board Appointments / Recommendations

Disciplinary Board – Southwest Judicial District

Three attorneys are considered for recommendation to the court: Jared Gietzan (Dickinson); Amanda Engelstad (Dickinson); and Jennifer Grosz (Dickinson).

Action: It was duly moved and seconded to recommend Jared Gietzan, Amanda Engelstad, and Jennifer Grosz for the Court's consideration for appointment to the Disciplinary Board. [Z. Pelham / C. Francis] Motion carried.

Judicial Conference

There are two openings on the Judicial Conference. Larry Richards and Lee Grossman are eligible for reappointment and have expressed an interest in continuing to serve as members.

Action: It was duly moved and seconded to reappoint Larry Richards and Lee Grossman to the Judicial Conference. [D. Traynor / T. Sandberg] Motion carried.

Joint Alternative Dispute Resolution Committee

Three attorneys were considered for the two openings on the Joint Alternative Dispute Resolution Committee: Sandy Kuntz (eligible for reappointment); and Joanne Ottmar and Judge Daniel Narum.

Action: It was duly moved and seconded to reappoint Sandy Kuntz and to appoint Joanne Ottmar to the Joint Alternative Dispute Resolution Committee. [D. Traynor / T. Sandberg]. Motion carried.

High School Mock Trial March 2020

President Zuger requested Board members encourage high schools in their judicial districts to participate in the High School Mock Trial (HSMT) and to continue encouraging the North Dakota youth to consider a profession in law. She stated if any Board member is interested or knows of attorneys interested in serving as judges for the HSMT, please let her or Executive Director Weiler know.

Recommendation/Conclusion: SBAND will continue to promote the HSMT with a goal of additional schools each year. SBAND should consider a contribution to assist the winning team with travel costs to the national competition.

Action: It was duly moved and seconded to sponsor the winning team with a \$5,000 donation for travel costs to the national competition. The North Dakota Bar Foundation should also consider a sponsorship. [D. Traynor / M. McGinniss] Motion carried.

Law School Update from Dean Michael McGinniss

Dean McGinniss updated the Board on Law School activities including student activities, homecoming, visit by the Supreme Court, and events honoring Chief Justice Gerald W. VandeWalle and Penny Miller, both who have contributed so much for the profession.

Dean McGinniss reported on the fundraising activities and accomplishments with regards to the state match; he is confident of meeting the goal as set by the state match.

ABA Delegate Report from Dan Traynor

Mr. Traynor encouraged Board members to consider applying for ABA Committee membership. Those interested or know of North Dakota attorneys interested should contact Mr. Traynor for further information and assistance. The ABA 2020 Midyear meeting will be held in Austin, TX. Mr. Traynor will include information in the 2020 Winter Gavel edition.

SBAND President's Report

President Zuger indicated that this summer is the 100-year celebration of the 19th Amendment. The ABA has an exhibit that can be rented for display at annual meetings promoting the anniversary of the 19th Amendment. SBAND is looking into including this at our 2020 Annual Meeting. She indicated that board members consider the elections for 2020, in particular, President Elect. Members interested in running for President Elect should contact Executive Director Weiler for a petition. President Zuger encouraged board members to consider candidates for the SBAND Awards. Recipients will be chosen at the April 24, 2020 Board of Governors meeting.

Executive Director's Report

- Executive Director Weiler updated the Board of staff issues
- He presented update on Fleck v. Wetch
- Staff evaluations will be conducted after the salary adjustments for 2020
- 2020 Annual Meeting is scheduled June 9-11, 2020

Other Business

There being no further business, the meeting was adjourned.

Respectfully submitted,



Jeanne Schlittenhard
Associate Director



Tony J. Weiler
Executive Director