



State Bar Association
of North Dakota

SBAND Board of Governors

SBAND Office

September 10, 2016

Minutes

Members Present: Charles DeMakis, President; Darcie Einarson; Aubrey Fiebelkorn Zuger; Dan Traynor; Meg Morley; Zachary Pelham; Kimberly Radermacher; Carrie Francis; Peter Welte; Connie Cleveland; Mike Hurly; Christina Wenko

Members Absent: Dean Kathryn Rand; Jeff Nehring; Joe Wetch

Staff Members Present: Tony Weiler; Jeanne Schlittenhard

President DeMakis called the meeting to order at 8:32 a.m.

Meeting Minutes June 15, 2016, June 17, 2016, July 20, 2016, and August 24, 2016 [Attachment #1]

Action: It was duly moved and seconded to approve the minutes as written. [D. Traynor / D. Einarson]
Motion carried.

Financial Statements and vouchers May, June, and July 2016 [Attachments #2]

Executive Director Weiler reviewed the financial statements and addressed any questions or concerns from the Board members.

Action: It was duly moved and seconded to receive the financials. [D. Traynor / Z. Pelham]

Legislative Policy – Review [Attachment #3]

Executive Director Weiler reported the Board of Governors has historically reviewed the Legislative Policy on an annual basis. It was concluded that an annual review and affirmation of the Legislative Policy is not necessary because of the SBAND Keller Policy. The legislative activities of the SBAND sections were discussed. It was recommended that Executive Director Weiler update the Legislative Policy to state the roles of the sections of SBAND regarding legislative activities.

Action: It was duly moved and seconded to direct Executive Director Weiler to update the Legislative Policy to outline the roles of the SBAND sections and how sections operate regarding legislation. Mr. Weiler will present the updated Legislative Policy at a future meeting. [D. Traynor / M. Hurly] Motion carried.

Annual Meeting [Attachment #4]

Executive Director Weiler reported 75% positive responses to the post Annual Meeting survey. SBAND staff and the Supreme Court staff have discussed a partnership in planning future annual meetings. In doing this, there would be CLE tracks planned by the Court and CLE tracks planned by SBAND. The Supreme Court has requested the CLE sessions remain at the hotel facility. The Ramada Plaza Suites in Fargo has been booked to accommodate this request. Social events will be planned off-site. Mr. Weiler reported conversations have occurred with the Indigent Defense Commission to consider partnering with SBAND and schedule their CLEs during the SBAND Annual Meeting. The Indigent Defense Commission has been responsive to this and will consider for 2018 in Bismarck.

The award presentations were discussed. The Law School Luncheon is the Annual Meeting event with the highest attendance. It was concluded the Distinguished Service Award, Legislative Service Award, Liberty Bell Award,

Community Service Awards, and years of service awards all be presented at the Law School Luncheon. The Board concluded Community Service Awards do not have to be district specific. It was recommended Awards and Recognitions should be an agenda item for Board of Governors meetings.

Action: No action taken.

Matter of Judicial Referee Positions NEC and NE Judicial Districts [Attachment #5]

Board member M. Hurly requested this issue be placed on the SBAND Board of Governors Agenda because of comments and concerns from his district. The two judicial referee positions were vacated because of the state's economic downturn.

Action: No action taken.

Board Appointments / Recommendations [Attachment #6]

Administrative Council

Tracy Peters [Fargo] is eligible for reappointment and is interested in serving an additional term. The Court requires three names be forwarded for consideration.

Action#1: It was duly moved and seconded to recommend Tracy Peters [Fargo], Daniel Traynor [Devils Lake], and Charles DeMakis [Minot] for the Court's consideration for appointment/reappointment to Administrative Council. [D. Traynor / M. Morley] Motion carried.

Joint Alternative Dispute Resolution Committee

Attorney Jennifer Stanley [Minot] volunteered to be considered for appointment.

Action: It was duly moved and seconded to appoint Jennifer Stanley to the Joint Alternative Dispute Resolution Committee. [D. Traynor / K. Radermacher] Motion carried.

Judicial Conduct Commission

Two lawyers were considered for appointment to the Judicial Conduct Commission: Parrell Grossman [Bismarck]; and Randy Bakke [Bismarck]

Action: It was duly moved and seconded to appoint Randy Bakke to the Judicial Conduct Commission. [Z. Pelham / C. Francis] Motion carried.

Report – Judicial Survey Subcommittee

A. Zuger reported on the subcommittee's work. Other states were contacted regarding the survey procedures used for judicial appointments and/or sitting judges. Even though survey response rate is low, it is the recommendation of the subcommittee to revise the Survey and continue to allow members to provide feedback on judicial appointments. The Judicial Nominating Committee and the Governor both consider the SBAND survey an important tool in the consideration of judicial appointments. The subcommittee modified the survey for the recent Northeast Central judicial appointment and believes it to be a better assessment tool. It was the consensus of the Board to continue the survey for judicial candidates with modifications as discussed.

Action: No action taken.

Executive Director Evaluation

Board members A. Zuger, C. DeMakis, J. Wetch, and D. Einarson were tasked with overseeing the Executive Director Evaluation. As last year, Board members, two identified committee members, and SBAND staff will be requested to provide input in the evaluation.

Action: No action taken.

ABA Report

D. Traynor reported on the Annual Meeting of the American Bar Association in August 2016. He stated his upcoming Gavel article will highlight events of the meeting. Andrew Askew is the ABA Young Lawyer House of Delegates representative elected at the SBAND Annual meeting in June 2016. He attended his first ABA Meeting in August along with North Dakota's House of Delegates representatives. ABA President Linda Klein appointed Mr. Traynor to the Standing Committee on Lawyer Referral and Information Services Committee.

Executive Director's Report

Budget (Discipline)

Executive Director Weiler reported on discussions with the Operations Committee and the Supreme Court Administrator. As a result of the state budget cuts, SBAND can release funds from reserve disciplinary funds which amount to around \$300,000 to be used for the Disciplinary Board and Judicial Conduct Commission operations in the upcoming biennium. The Board concluded there should be a written agreement with the Court to include a sunset provision for the amount of funding the upcoming biennium. The disciplinary fund issue can be re-evaluated prior to the next biennium.

NDIRF Insurance

Executive Director Weiler reported NDIRF will cover SBAND for one more year. Before renewal in 2017, Mr. Weiler will research what other states do regarding insurance to cover governance.

January Board Meeting

Executive Director Weiler reported he is working on details for a hockey game in Grand Forks.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Jeanne Schlittenhard
Associate Director



Tony J. Weiler
Executive Director