



State Bar Association  
of North Dakota

## **SBAND Board of Governors**

SBAND Office  
Bismarck, ND

September 23, 2022  
4:00 PM

### **Minutes**

**Members Present:** Jennifer Albaugh, President; Hon. Doug Bahr; Taylor Olson; Rob Manly; Hon. Daniel Traynor; Dean Brian Pappas; Debra Hoffarth; Ted Sandberg; Joshua Frey; Katie Schmidt; Ashley Lies; Hernando Perez; Erica Hovey

**Members Absent:** Jordan Selinger; Paul Myerchin

**Staff Members Present:** Tony Weiler; Jeanne Schlittenhard

President Albaugh called the meeting to order at 4:03 PM.

### **Affirmation of Presidential appointment of Hernando Perez, District Representative Northwest Judicial District**

President Jennifer Albaugh introduced Hernando Perez. Mr. Perez is her appointment to serve on the Board of Governors as the District Representative for the Northwest Judicial District to replace Taylor Olson who was elected by the SBAND membership as the President-Elect.

**Action:** It was duly moved and seconded to affirm President Albaugh's appointment of Hernando Perez to the Board of Governors. [D. Bahr / T. Sandberg] Motion carried.

### **Meeting Minutes June 15, 2022, and June 17, 2022**

**Action:** It was duly moved and seconded to approve the minutes of the June 15, 2022, and June 17, 2022. [T. Olson / J. Frey]. Motion carried.

### **Financial Statements and vouchers April, May, and June 2022**

Executive Director Weiler reviewed the financial statements and met with Secretary-Treasurer Manly prior to the meeting. No areas of concern were identified.

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

### **Update on SBAND Investment Committee**

The SBAND Investment Committee conducted their initial meeting on August 30, 2022. The SBAND Investment Committee consists of SBAND President Jennifer Albaugh, SBAND Secretary-Treasurer Rob Manly, Mike Tschider, ark Larson, and Tim Richard. The committee member terms were determined. The committee discussed the goals as determined by the Board of Governors, discussed the SBAND financials, and will look to hire an Investment Manager. Request for Proposals (RFP) will be sent to several financial entities and the committee will meet again following receipt of the requested RFPs. Committee member Mike Tschider will provide information to Executive Director Weiler for the RFP requests. The SBAND Investment Committee will report to the Board of Governors and make recommendations.

**Action:** No action taken

#### **Recommendation from the Client Protection Fund Committee**

Three claims were received regarding one attorney, now disbarred, in the amounts of \$750, \$1,800, and \$2,000. The claims were for unfinished legal work on immigration processes. The Client Protection Fund Committee has reviewed the three claims and are recommending to the Board of Governors that these three claims be paid in the amounts listed above.

**Action:** It was duly moved and seconded to approve the recommendation of the Client Protection Fund Committee. [D. Traynor / T. Sandberg] Motion carried.

#### **Recommendations from the North Dakota CLE Commission**

##### **Policy Revision: Policy 4.3 Exemptions from Filing**

Judges, including federal judges, full-time magistrate judges, and federal administrative law judges (ALJs) are exempt from filing under the rules. Members of the United States Congress are exempt from filing under the rules for any calendar year in which they serve in an elected capacity.

**Recommendation / Conclusion:** It was recommended that the verbiage be amended to ....the United States Congress and the United States Senate. In addition, it was recommended that the ND CLE Commission in the future take up the reconsideration regarding state legislators and allowing CLE exemptions as well.

**Action:** It was duly moved and seconded to approve the revision to Policy 4.3 with the amendment as recommended by the Board of Governors. [D. Traynor / D. Bahr]

##### **Policy Revision: Policy 1.5 Self-Study**

###### **Self-Study.**

Individuals may claim no more than 30 hours of credit by self-study during a reporting period. The Commission will not pre-approve self-study materials.

**Recommendation / Conclusion:** The ND CLE Commission revisited this policy and voted to recommend to the SBAND Board of Governors that the self-study limit be raised to 30 hours, to keep closer in line with Minnesota rules. This will be effective beginning with Reporting Group 3 who report in 2023.

**Action:** It was duly moved and seconded to approve the revision to Policy 1.5 regarding self-study hours. [D. Traynor / T. Olson]

##### **Policy 4.5 Active Duty Military Service**

A lawyer called to active duty military service who requests an extension of time to complete CLE requirements because of active duty military service shall be granted an extension of at least six months from the date of return from active duty status. Upon request, the Commission shall grant a waiver of a late filing fee or a notice of non-compliance fee assessed because of the lawyer's active duty military status.

**Action:** It was duly moved and seconded to approve the new policy, Policy 4.5, regarding active duty military service. [D. Bahr / D. Traynor]

#### **SBAND Board Recommendations – State Board of Law Examiners**

Eight attorneys were considered for the opening on the State Board of Law Examiners. According to [Chapter 27-11](#) of the North Dakota Century Code, SBAND is required to submit a list of at least 3 names to the supreme court for appointment by the court. The Board reviewed the current board members including demographic locations.

**Action:** It was duly moved and seconded to forward the following individuals for the court's consideration in appointment to the State Board of Law Examiners: Conor Kennelly, Zachary Pelham, and Scott Porsborg. [[T. Sandberg / J. Frey with D. Traynor abstaining from the vote]

### **SBAND Appointment / Reappointment – Judicial Conference**

**Action:** It was duly moved and seconded to reappointment Jordan Moe to the Judicial Conference. [D. Traynor D. Bahr] Motion carried.

### **SBAND Executive Director Evaluation Process**

Secretary-Treasurer Rob Manly agreed to again oversee the process. He will send evaluation forms to Board members and staff.

**Action:** No action required

### **Law School Update from Dean Brian Pappas**

Dean Pappas updated the Board of Governors on the recent activities of the UND School of Law. He stated he is looking forward to working closely with the SBAND Board of Governors. Dean Pappas enjoyed the SBAND Meet and Greet event last evening and commented that the event was very valuable.

### **ABA Report from Hon. Daniel Traynor**

Judge Traynor reported he will be taking the state delegate position on the ABA House of Delegates. He stated he has much appreciated his time on the SBAND Board of Governors as the SBAND ABA Delegate. Please refer to the upcoming Gavel magazines for further information.

### **SBAND President's Report from Jennifer Albaugh**

- President Albaugh reported on the swearing in ceremony which took place today.
- President Albaugh and Executive Director Weiler will be traveling to visit local bars over the next several months.

### **Executive Director's Report**

- Executive Director Weiler reported on plans for improving the Lawyer Assistance Program.
- He provided an update on staff activities.

### **Other Business**

There being no further business, the meeting was adjourned.

Respectfully submitted,



Jeanne Schlittenhard  
Associate Director



Tony J. Weiler  
Executive Director