



State Bar Association
of North Dakota

SBAND Board of Governors

SBAND Office
Bismarck, ND

November 12, 2021
3:00 PM

Minutes

Members Present: Hon. Doug Bahr, President; Carrie Francis; Jennifer Albaugh Rob Manly; Hon. Daniel Traynor; Dean Michael McGinniss; Tonya Duffy; Taylor Olson; Debra Hoffarth; Jordan Selinger; Brady Pelton; Joshua Frey; Katie Bertsch

Members Absent: Ted Sandberg; Paul Myerchin

Guests Present: Dr. Eric Link, UND Provost (via ZOOM)

Staff Members Present: Tony Weiler; Jeanne Schlittenhard

President Bahr called the meeting to order at 3:02 PM.

UND Provost Dr. Eric Link addressed the Board of Governors and updated the Board on the activities on the dean search for the UND School of Law. He acknowledged Dean Michael McGinniss and the outstanding leadership he has displayed during his tenure as Dean of the School of Law. Dr. Link also noted the importance of having SBAND Board member Taylor Olson as a member of the Dean Search Committee. The UND School of Law Dean Search Committee is being assisted by Anthem Executive Search Firm. An external stakeholder Zoom call will be held on Tuesday, November 16, 2021, and a survey to be distributed to UND Alumni. Feedback information will be collected, and the Board will be updated at the February 5, 2022 Board meeting in Grand Forks.

SBAND Board member Taylor Olson challenged Board members to consider individuals who might serve well as the next UND School of Law Dean. Ms. Olson will work with SBAND to send out a survey to the membership to gather information on candidates.

Meeting Minutes October 1, 2021 [Attachment #1]

Action: It was duly moved and seconded to approve the minutes of the October 1, 2021, meeting with minor correction noted. [T. Duffy / T. Olson]. Motion carried.

Financial Statements September 2021 [Attachments #2]

Executive Director Weiler reviewed the financial statements and has 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. [M. McGinniss / B. Pelton] Motion carried.

2022 Budget

The SBAND Executive Committee has reviewed the 2022 SBAND Budget and has presented the budget to the Board of Governors. Executive Director Weiler reviewed the Revenue and Expense Budgets and addressed any questions or concerns from 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 2022.

Action: It was duly moved and seconded to approve the proposed SBAND 2022 Budget with salaries as discussed and approved by the Board. Motion carried by consensus of the Board. [R. Manly / J. Frey]

Board Appointments / Recommendations

Disciplinary Board – Northeast Judicial District

Three attorneys are considered for recommendation to the court: Cassey Schmiess (Devils Lake); Beau Cummings (Devils Lake); and Joshua Frey (Towner).

Action#1: It was duly moved and seconded to recommend Cassey Schmiess (Devils Lake); Beau Cummings (Devils Lake); and Joshua Frey (Towner) for the Court's consideration for appointment to the Disciplinary Board. [C Francis / T. Duffy] Motion carried.

Action#2: It was duly moved and seconded to reconsider the previous motion and recommend Cassey Schmiess (Devils Lake); Beau Cummings (Devils Lake); and Jonathan Yunker (Devils Lake) for the Court's consideration for appointment to the Disciplinary Board. [D. Traynor / D. Hoffarth] Motion to reconsider carried.

North Dakota Bar Foundation Board of Directors

One attorney is considered for the opening on the North Dakota Bar Foundation Board of Directors – Carrie Francis.

Action: It was duly moved and seconded to appoint Carrie Francis to the North Dakota Bar Foundation Board of Directors. [D. Hoffarth / J. Selinger]. Motion carried.

Joint Alternative Dispute Resolution Committee

Two attorneys were considered for the opening on the Joint Alternative Dispute Resolution Committee: Scott Jensen (Grand Forks) and David Barrett (Bismarck).

Action: It was duly moved and seconded to appoint Scott Jensen to the Joint Alternative Dispute Resolution Committee. [J. Albaugh / D. Traynor]. Motion carried. Note: Executive Director Weiler will contact Mr. Barrett to discuss committees on which Mr. Barrett would be interested to serve.

Joint Committee on Attorney Standards

One attorney was considered for the opening on the Joint Committee on Attorney Standards: Paul Myerchin (eligible for reappointment).

Action: It was duly moved and seconded to reappoint Paul Myerchin to the Joint Committee on Attorney Standards. [T. Olson / J. Selinger]. Motion carried.

Lawyer Assistance Program

One attorney was considered for the opening on the Lawyer Assistance Program: Jason Butts (eligible for reappointment).

Action: It was duly moved and seconded to reappoint Jason Butts to the Lawyer Assistance Program Committee. [M. McGinniss / T. Duffy]. Motion carried.

SBAND Investment Policy

Executive Director Weiler reported to the Board that he received a phone call from an SBAND member who was concerned about SBAND's Edward Jones Investments in that some of the funds are invested in banks that appear to be outside of the United States. SBAND and the North Dakota Bar Foundation have worked with Marlin Peterson, Edward Jones in Bismarck for the past 20 years. The Foundation established an investment strategy that has proven successful and similar strategy has been utilized with SBAND investments at Edward Jones.

Recommendation/Conclusion: The Board concluded an Investment Policy should be considered and possibly authorizing an Investment Committee.

Action: It was duly moved and seconded to table the SBAND Investment Policy discussion until February 5, 2022. Executive Director Weiler will present an Investment Policy draft at that time. [D. Traynor / D. Hoffarth]. Motion carried.

Law School Update from Dean Michael McGinniss

Dean McGinniss updated the Board of Governors on the activities of the UND School of Law.

- The Gerald W. VandeWalle Court Room dedication took place during homecoming. Renderings of the court room renovation can be found online at the UND School of Law website.
- Dean McGinniss reported on the recent Supreme Court visit. The Justices visited the classrooms and conducted two oral arguments on campus.

ABA Report from Hon. Daniel Traynor

Judge Traynor stated the agenda for the Seattle meeting is being finalized. He mentioned his upcoming column in the Winter 2022 Gavel will include information from an ABA survey on areas such as the practice of law and the effects of COVID-19 and women in the practice of law.

SBAND President's Report from Hon. Doug Bahr

- President Bahr and Executive Director Weiler will visit local bars in the upcoming months. If Board members have issues to feature during these visits, please let him know.

Executive Director's Report

- Executive Director Weiler provided an update on staff activities
- Staff reviews will be conducted in December
- Next Board of Governors Meeting will be in Grand Forks February 5, 2022 with hockey game to follows. Dr. Link and his wife Laura will be guests of the Board for the hockey game

Other Business

There being no further business, the meeting was adjourned.

Respectfully submitted,



Jeanne Schlittenhard
Associate Director



Tony J. Weiler
Executive Director