



SBAND Board of Governors

UND School of Law
Grand Forks

February 23, 2019

Minutes

Members Present: President, Zachary Pelham; Aubrey Fiebelkorn-Zuger; Dan Traynor; Int. Dean Bradley Myers; Christina Wenko; Peter Welte; Hon. Michael Hurly; Jennifer Albaugh; Carrie Francis; Hon. Doug Bahr; Tonya Duffy; Taylor Olson

Members Not Present: Pat Ward; Andrew Askew; Darcie Einarson

Guest(s) Present: Diane Schull

Staff Members Present: Tony J. Weiler; Jeanne Schlittenhard

President Pelham called the meeting to order at 2:34 pm.

Meeting Minutes November 16, 2018; December 21, 2018; and February 5, 2019 [Attachments #1]

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

Financial statements–October, November and December 2018 [Attachments #2]

Executive Director Weiler reviewed the financial statements. Year-end revenues exceeded budgeted expenses by \$236,000. The financial statements were reviewed with Secretary-Treasurer Ward prior to the Board meeting. Brady Martz completed the annual audit of the SBAND financials the week of February 4-7, 2019.

Action: It was duly moved and seconded to receive the financial reports of October, November, and December 2018. [P. Welte / T. Olson] Motion carried.

Joint Committee on Attorney Standards – request for Board review and comment on changes to Admission to Practice Rule 3(A)(1)(a) regarding *Pro Hac Vice* Admission [Attachment #3]

Action: It was duly moved and seconded to table until the April 26, 2019 Board of Governors meeting. [M. Hurly / D. Traynor] Motion carried.

Dean Search Update

President Pelham welcomed Provost Thomas M. DiLorenzo and thanked him on behalf of the Board of Governors for taking time to provide an update on the Dean Search. Provost DiLorenzo thanked the Board for the invitation to engage in conversation and was pleased the Board of Governors was using the School of Law for its meeting. He reported on the completion of a successful search process for an internal Dean candidate (the he could not reveal yet) and thanked all those participating to define the future of the School of Law.

Provost DiLorenzo discussed topics recent budget cuts have had on the School of Law including ABA accreditation and student recruitment. He also talked about what steps have been taken to assist the School of Law, including out of state/country on-line offerings, the utilization of adjuncts, training for faculty, enhancing service to the community and state, improving bar passage rates, fundraising, and connections across campus, and finally gave an overall look at the future of the School of Law.

DiLorenzo stated clearly that the University is not going to cut the budget for the School of Law any further, and in fact, is looking at enhancements of up to 30%. He also stated he looks forward to a continued close relationship with the Bar Association and asked for our help in securing increased funding in the Legislature. He reported on discussions to form an Advisory Group to partner with the Bar Association regarding fund raising and other issues facing the School of Law. The Board of Governors expressed that the Bar Association is ready to help.

Increased Law School Funding

President Pelham stated this agenda item was added for the Board of Governor's discussion regarding the budget deficit for the School of Law as a result of recent cuts to the University of North Dakota budget. This deficit is affecting the number of tenure track professors at the school and will ultimately impact its accreditation and standing with the American Bar Association. Board Member Dan Traynor, who serves on the Board of Higher Education, discussed the recently failed search for a new Dean. This was due in large part to the budget issues and the lack of funding for tenure track faculty, and uncertainty with how the School of Law will be treated by the University in the future.

Recommendation / Conclusion: Following extensive discussion, the Board concluded that SBAND support an amendment to HB1002 (the Supreme Court budget) to increase civil filing fees in North Dakota by \$100, and the increase be specifically utilized for the benefit of the UND School of Law and added to the funding the School of Law receives from the UND general appropriation.

Action: It was duly moved and seconded to approve SBAND's support of legislative efforts to increase the civil filing fee to \$180, with the \$100 increase to be dedicated to the UND School of Law. [M. Hurly / D. Traynor] Motion carried. In tandem with this vote of support, SBAND Board of Governors members will encourage members of the State Bar Association to engage their legislators to support this legislation. [P. Welte / J. Albaugh]

Disaster Recovery Plan [Attachment #4]

President Pelham reported that while Admission to Practice Rule 3.2 addresses disasters in North Dakota, it is important for SBAND to be ready to assist attorneys who may become displaced as a result of a natural disaster and to be ready to help public. With the recent Watford City tornado, SBAND sent an email to members requesting volunteers to assist the public, pro bono, should there be a need. SBAND received responses from about 30 attorneys. In developing this Disaster Recovery Plan, SBAND looked at the Model Plan from the American Bar Association. The Disaster Recovery Plan is designed to be a tool for law firms to be prepared for possible disasters.

Action: It was duly moved and seconded to adopt the Disaster Recovery Plan. Any edits or suggestions can be submitted to Executive Director Weiler. [D. Traynor / J. Albaugh]. Motion carried.

Social Media Update

Executive Director Weiler reported SBAND has updated content on Facebook and Twitter. Staff is working on Linked-In and will also check on Instagram.

Action: No action required.

Board Appointments / Recommendations

Court Services Administration Committee

One attorney was considered for the opening on the Court Services Administration Committee: Tiffany Johnson-Vinje (Bismarck).

Action: It was duly moved and seconded to appoint Tiffany Johnson-Vinje to the Court Services Administration Committee. Motion carried unanimously.

Lawyer Assistance Program Committee

Attorney Jason Butts is completing an unfulfilled term and is eligible for two additional three-year terms.

Action: It was duly moved and seconded to reappoint Jason Butts to the Lawyer Assistance Program. Motion carried unanimously.

Update – Brennan Lawsuit

Executive Director Weiler reported the Brennan Lawsuit has been negotiated to settle for \$15,000. One half will be paid by North Dakota Insurance Reserve Fund and one-half paid by SBAND.

Action: It was duly moved and seconded to approve the settlement. [P. Welte / M. Hurly] Motion carried.

Update - Fleck Lawsuit

Executive Director Weiler reported he received the Appellant's brief, with SBAND's brief due on March 29, and amicus briefs due one week later. Oral argument is scheduled June 13, 2019. Mr. Weiler stated SBAND needs to consider forming a task force to look at the future of the association. Task force could include the President, a defined number of past presidents, Chief Justice, Kara Erickson, and defined court staff. This will be an agenda item for the April 26, 2019, Board of Governors Meeting.

Action: No action taken.

ABA Delegate Report

D. Traynor reported the mid-winter meeting was held in Las Vegas. Most significant item was a proposal on law school accreditations based on passage rates. More detailed information will be listed in the Spring Gavel. ABA Days will be held in Washington DC in April and the Summer ABA meeting will be in San Francisco.

Law School Report

Interim Dean Myers talked about the bar passage rates at UND School of Law. Dean Myers reported on some of the factors that play into those rates.

Executive Director Report

- 2019 Annual meeting planning is underway
- 2019 Awards – these will all be discussed at the April 26, 2019 meeting.
- The first High School Mock Trial Competition is scheduled for March 23 at the Burleigh County Courthouse. Three North Dakota High Schools will be participating. If Board members are interested in being a judge in the competition, please contact Executive Director Weiler.
- Casemaker has agreed to allow access to one computer in as many public libraries as SBAND chooses. Weiler is working with the librarians at the School of Law and throughout the state.
- Legislature is at cross-over
- President Pelham and Executive Director Weiler have attended most all the local bar association meetings

Other Business

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jeanne Schlittenhard
Associate Director

Tony J. Weiler
Executive Director