



State Bar Association
of North Dakota

SBAND Board of Governors

Urban 42 – Delta by Marriott Hotel & Conference Center
Fargo, North Dakota

June 12, 2019
10:15 AM

Minutes

Members Present: Zack Pelham, President; Darcie Einarson; Aubrey Fiebelkorn Zuger; Pat Ward; Dan Traynor; Peter Welte; Tonya Duffy; Carrie Francis; Christina Wenko; Andrew Askew; Judge Mike Hurly; Judge Doug Bahr; Jennifer Albaugh

Guests Present: Michael McGinnis; Ted Sandberg

Staff Members Present: Tony Weiler; Jeanne Schlittenhard

Members Absent: Taylor Olson; Int. Dean Brad Myers

President Pelham called the meeting to order at 10:17 A.M.

President Pelham thanked outgoing Board Members Peter Welte, Darcie Einarson, and Brad Myers for their excellent work on the Board of Governors.

Meeting Minutes April 26, 2019 [Attachment #1]

Action: It was duly moved and seconded to approve the minutes of the April 26, 2019, meeting [P. Welte / C. Francis] Motion carried.

Community Service Awards

Three individuals are nominated for the 2019 Community Service Awards

- Debra Hoffarth (North Central Judicial District)
- Scott Sandness (Southeast Judicial District)
- Albert Wolf (South Central Judicial District)

Action: It was duly moved and seconded to award the 2019 Community Service Award to the three individuals nominated and listed above. [P. Ward / A. Zuger] Motion carried.

Financial Statements and vouchers March and April 2019 [Attachments #2]

Executive Director Weiler reviewed the financial statements.

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

Annual Review of Reserve Fund Policy [Attachment #3]

Executive Director Weiler reviewed the Reserve Fund report provided annually to the Board of Governors. The Reserve Fund was increased by \$94,104 for FY2018. The Board continues to consider how excess funds can be used to further the profession.

Action: It was duly moved and seconded to approve the Reserve Fund Policy for 2018 Funds. [M. Hurly / P. Welte] Motion carried.

Brady Martz 2018 Annual Report [Attachment #4]

Kristen Foss, CPA from Brady Martz & Associates led the audit team and presented the audit report to the Board of Governors, a copy was provided to all Board members. Ms. Foss reviewed sections of the report including the

Statement of Financial Position, Statement of Activities, Statement of Functional Expenses, Statement of Cash Flows, and Note to Financial Statements. A copy of the 2018 Audited Financials is available to all members and will be posted on the SBAND Website.

Brady Martz indicated a concern regarding the timeliness of adjusting entries by Anderson & Associates, P.C., in accordance with the annual audit. Anderson & Associates, P.C. has responded to the Board of Governors regarding the concern of the auditors. The Board of Governors discussed this and unanimously concluded there is no concern to address further.

Action: It was duly moved and seconded to receive the 2018 Audited Financial report. [P. Ward / D. Bahr] Motion carried.

Fastcase / Casemaker Discussion

Fastcase versus Casemaker. Executive Director Weiler requested Casemaker to submit renewal contracts, with numbers based upon a potential loss of mandatory status. Casemaker has submitted two renewal contracts. One for 3 years and one for 5 years. On both contracts, the monthly contract fee is significantly decreased from the current rate.

Action: It was duly moved and seconded that SBAND continue with Casemaker, renew for five years, and have Aubrey Zuger review the five-year contract before signing the contract. [P. Welte / D. Bahr] Motion carried.

Update on Foundation Liaison for the Law School

Executive Director Weiler indicated the Legislature recently passed increased funding for the School of Law in the amount of \$2.5 million for the next Biennium. The legislation also included a challenge grant in the amount of an additional \$250,000 on a two to one match basis. That is, the School of Law (with SBAND's assistance) must raise \$500,000 to receive the \$250,000. The legislation specifically mentions the Legal Clinic, and an Energy Law Professor. Both of those areas will be a renewed focus for the School of Law, and where the newly raised funds will be directed. Dean McGinniss and the School of Law faculty support these efforts and are behind the push to make these funds benefit UND Students. The UND Foundation will also be involved in helping raise funds, and they along with Dean McGinniss will identify donors to start working towards the goal of securing all the matching funds.

Action: No action required.

Appointments /Reappointments / Recommendations to the Court

- North Dakota CLE Commission [3 openings]
 - Sophia Morgan (eligible for reappointment)
 - Debra Hoffarth (eligible for reappointment)
 - Jennifer Grosz to replace Jessica Merchant

Action: It was duly moved and seconded to reappoint Sophia Morgan and Debra Hoffarth to the North Dakota CLE Commission. [D. Bahr / C. Francis] Motion carried

- North Dakota CLE Commission – Appointment of Chair

Action: It was duly moved and seconded to reappoint Adele Page as chair of the North Dakota CLE Commission. [P. Welte / J. Albaugh] Motion carried.

General Assembly Materials and Assignments of speaker announcements [Attachment #5]

Board members were provided a copy of the General Assembly materials for review. Speaker introductions were completed.

Action: No action taken.

Law School Update from Dean Michael McGinnis

Dean appoint McGinnis thanked the Board of Governors for the support of the UND School of Law during the Legislative session. He acknowledged the dedication of President Zachary Pelham, Executive Director Tony Weiler, Dan Traynor, Levi Andrist and many others for their support for additional funding for the School of Law. Dean appoint McGinnis announced two associate deans will be part of the leadership. Brad Myers as Associate Dean for Administration and Julia Ernst as Associate Dean for Academic and Student Affairs. He is excited with the opportunity to provide leadership for the School of Law and to continue working closely with SBAND.

ABA Report from Dan Traynor

Mr. Traynor reported that the ABA Annual meeting is scheduled for August 8-13 in San Francisco. Final agenda items for the House of Delegates not completed, so controversial issues have not been identified for him to report to the Board. The ABA continues to suffer budget constraints. The mid-year meeting will be rescheduled from Austin, TX to Chicago. The highlights of the Annual Meeting will be in the Summer Gavel.

Executive Director's Report

- The annual Board of Governors Planning Meeting is scheduled for September 20th in Bismarck
- Update on the *Fleck v. Wetch* case – Oral argument in the 8th Circuit Court of Appeals is scheduled for Thursday, June 13, 2019. Board of Governors will be kept up to date
- The SBAND Futures Task Force will meet in August or September

Other Business

There being no further business, the meeting was adjourned.

Respectfully submitted,



Jeanne Schlittenhard
Associate Director



Tony J. Weiler
Executive Director