

PROCEEDINGS OF THE ONE HUNDRED AND TWENTY-FOURTH
ANNUAL BUSINESS MEETING OF THE STATE BAR ASSOCIATION
OF NORTH DAKOTA

GENERAL ASSEMBLY

TRANSCRIPT OF PROCEEDINGS

8:00 o'clock a.m.

June 16, 2023

Taken before: State Bar Association
of North Dakota

Taken at: Bismarck Hotel and Conference Center
Dakota Ballroom
Bismarck, North Dakota

Taken by: Erin Jostad, Court Reporter

(Whereupon the following proceedings were held to-wit:)

PRESIDENT JENNIFER JENSEN: Good morning, everybody. I'm going to call our 2023 Annual Business Meeting to order. At this time, we'll start with the national anthem. We have four singers from Century High School: Adyson Scherbenske, Tenley Nodland, Haley Metzger, and Megan Bassingwaithe. They will come up or stand there and sing our national anthem, whatever they prefer.

(National anthem was sung.)

PRESIDENT JENNIFER JENSEN: Thank you, ladies, that was beautiful. I'm supposed to give a speech at this time. So, I will keep it short and sweet. I'd like to thank everybody for their support and encouragement during this past year. It has been a true privilege to serve as your President. I learned a lot about what challenges we are facing specifically, and it was also nice to learn that our fellow states, in our Jackrabbit Bar at least, are facing many of the same issues. We're not alone, and all of us are working together to find a good resolution for everyone involved.

I'd like to specifically thank Tony for all of his support. My fellow Board of Governors: you are all amazing, and I look forward to serving as your Past President. I'd like to thank my family, too. You know, my kids really struggled going on some trips with me, and they had zero fun while I sat through some conferences. So, in any event, thank you everyone for your

support throughout the past year. We're going to skip over the update from the court and head right into the executive director report, which Tony will give.

EXECUTIVE DIRECTOR TONY WEILER: Morning, everyone. Thanks for being here. Many of you are what I call Bar Junkies, you come to all the annual meetings, and we appreciate it. We've had a good turnout. I've been your Executive Director for ten years now. This is the eleventh time I've been able to give this address, and it's gone fast. I'm fortunate to work with a great staff. It's hard to see up here but is anybody back there? Is Carrie here in the room? They don't like attention. Carrie Molander, you've seen throughout the conference, is fantastic and does a great job for us. And Jennifer, is Jennifer here? Is she in the back? Hi, Jennifer. Jennifer Hauge is an attorney who lives in Carson but is a staff attorney for us, and we're very fortunate to have her work with us. This is her first annual meeting, and she threatened that if I put any more work on her plate, it would be her last. That's a joke, she's great. So, we're lucky to have her. It's nice to have another lawyer in the office, someone who I can bounce things off from time to time that are legal, even though we don't deal with tons of legal issues.

It's important to note Jeanne's not here. This is probably the first time in twenty-one years that Jeanne Schlittenhard hasn't attended an annual meeting. Many of you know Jeanne. She's retiring and did not want to come to the annual meeting because we would put her to work. But you know, she's been my right hand for these ten years. Part of the transition at SBAND has been that Jennifer is going to take over some of her duties, primarily with the CLE commission. Instead of hiring someone else to come in as an assistant executive director because a lot of Jeanne's work is financially related, we will contract that work, our accounts payable, and the rest of the team, and I will take over more of that work. But it'll be a little different not having her here. There are a lot of small associations like ours or small businesses who contract out those types of services, and I think we'll be just fine doing that.

I want to thank Jennifer for a great year. We've had a lot of fun, accomplished a lot, and continued to help steer SBAND in the right direction. My Board of Governors members, those of you here, will you stand up, please? I want to thank all of you.

(Applause)

Paul didn't get the memo; he's supposed to sit up front. I'm just kidding, Paul. I want to thank all of you. You are very talented, dedicated lawyers. When we do our work, I sit in the room, and I think these people probably charge 300 dollars an hour, and they're all sitting here giving back to SBAND, to the profession, to their colleagues, and helping guide me in what we do. So, I want to thank all of you for what you do and for the support you give me and my staff in allowing us to do our job. Again, Jennifer, thank you

for our great year. It goes fast, and this one has as well, but thank you for guiding us. I think it was Judge Hagerty who told me the most coveted title in the Bar is Past President, so you have that now.

Then Taylor, thank you for stepping up to serve as President. I'm really looking forward to working with you. Your daughters are so cute. Thank you, girls, for being here and supporting your mom. And Jordan, thanks for allowing us all the time that you give of your partner to serve SBAND. I'm looking forward to our year together.

One other thing I just would like to talk about is the lawyer assistance program. We talk about it a lot, and it's in every Gavel magazine. We know our profession struggles with addiction and mental health issues. Our speaker today at 9:15 a.m. will talk about wellness, Patrick Krill. Yesterday we had Judith Rush talk about wellness. It's important, and we don't want it to just be lip service. Our lawyer assistance program has gotten busier and busier, and we don't have the capacity. I don't have the capacity to spot issues when we're talking to lawyers who are struggling. I tell people I could barely spot a legal issue. That's why I became your executive director. It's hard for me to spot other issues, and so we're contracting with a social worker, Kris Hall. We're going to make the lawyer assistance program better. She can help us do intake interviews with clients, do mentor support, and help guide the committee, a committee of volunteers: three lawyers and three lay people who don't have the time or the capacity to make that program what I think it could be. And so, through the support of your Board of Governors and the money we have in discipline, we're going to make that program a lot better, so look for that.

Yesterday in one of the seminars, we were asked: what are two things you'd really want to accomplish? I'd like our lawyer assistance program to be a better program to help more people, along with our member assistance program. We have a member assistance program where you can get eight free hours of counseling—you, your family, direct family members. It's very under-utilized, and I'd like for both of those to just be better programs. The second thing would be pro bono. We just aren't doing enough. We started a free legal answers. Jen Hauge was a big part of that, and she still is the administrator. You can go in and help someone on a very limited basis. It doesn't form an attorney-client relationship. I encourage you to look at free legal answers: sign up, take a case, and answer the question if you want. We just need to help more people.

Finally, thank you, Justice Bahr. Doug is ruling off the Board and served great time on the Board. He was, when he first came to the Board, I'm not sure, were you a district court judge when you came on? No? So, it's a great recruiting tool. You get on the Board of SBAND, you become a judge, and then you become a justice. I think you can become an Article III Judge like

Judge Traynor. It's a great recruiting tool for SBAND, right? You want to be a judge, get on the Board. So, anyway, Doug, thank you for all your service, we will miss you and I enjoyed my time with you immensely.

I'll finally wrap up by just saying again, thank you. I hope you've enjoyed the conference. I want to thank Shannon and our team that does all this, all of our media, they're fantastic. Thank you, guys. I think they're all guys, other than Shannon. I appreciate all you do. I hope you've enjoyed the conference. We take what you say about the annual meeting, so fill out the surveys. There are things we can control, and there are things we can't. What I try to focus on is the content, making sure that you get value for your time in coming here and continue to support us. So, I appreciate it. I appreciate being your executive director. I've told people I will do this job as long as you will have me. I continue to be challenged by it, and I continue to be fulfilled by the work that we do. Thank you for being here.

(Applause)

PRESIDENT JENNIFER JENSEN: All these guys up here are way taller than I am, even with heels on. Thank you, Tony. Next, I'll call our Treasurer, Rob Manly, to give the SBAND financial report.

TREASURER ROBERT MANLY: Good morning, everyone. Thanks for getting up early for today's meeting. I'll keep things brief. This is the financial report given annually. My job as treasurer is to present you with the numbers coming out of last year's audit. Again, not the most exciting thing but Tony and his staff do a wonderful job of making sure that your dues are going to the right places and that we're acting financially responsibly. So, I'll try to again be brief. All the numbers that I'm going to provide you are all on the SBAND.org website. If you want to nerd out and dig in, that's where you can go for this.

First off, the audit. As I mentioned, the 2022 was completed. It reflects total year-end liabilities and net assets of approximately 2.97 million dollars compared to assets and liabilities of 2.87 million dollars in 2021. This includes 1,464,634 dollars in restricted cash assets and 1,288,035 dollars in unrestricted assets, including 22,000 dollars in equipment, and an inventory of 7,847 dollars. Net assets for the organization were 2,752,669 dollars, compared to 2,752,435 dollars in 2021.

As far as revenues, the Association's 2022 total revenue was 1,489,381 dollars compared to 1,480,969 dollars in 2021. Fifty-one percent of that total revenue was from license fees. Seventeen percent is legislatively mandated for the operation of our disciplinary system. As far as expenditures, our total expenditures for 2022 amounted to 1,489,147 dollars compared to 1,318,328 dollars in 2021. This includes total disciplinary expenses of 258,112 dollars and general and administrative expenses of 1,340,712 dollars.

As far as future budgets are concerned, all association expenses are closely monitored by the Board of Governors to guarantee that the membership receives the best value for their dollar.

The Board tracks all spending through detailed monthly financial reports to ensure that the Association continues to provide the quality services and programs that our members have come to expect. As I mentioned previously, to the extent you have any questions whatsoever, I know Tony and his staff will be more than happy and gracious about answering them. That's your financial report for the year, have a great weekend everybody, thank you.

(Applause)

PRESIDENT JENNIFER JENSEN: Thank you, Rob. Tony's going to come up and give a report from the North Dakota Bar Foundation.

EXECUTIVE DIRECTOR TONY WEILER: Hey, I'm back. Rob, thank you. Rob and I go through the finances before every board meeting, and he has a lot of good, pointed questions about our finances. We try to run a tight ship. We have good reserves because we operate at SBAND like we operate at home. We try to stay within our budget, and our membership numbers have been strong.

When you hear the numbers of how much money we have, and it is a significant amount, some of it is restricted funds. So, the discipline and client protection funds, none of that we can really touch. The nice thing is that the Lawyer Assistance Program efforts we're making can be funded through discipline, so we'll use some of those roll-up dollars. Also, the Board created an investment committee, and we hired First International Bank and Trust's investment department put some of our money to work. We can only use your money to discipline the profession or improve the practice of law, but the Board over the next year I think is going to take a look at ways to do more with the funds we have. I will tell you that for the longest time, probably for almost all the time I've been your executive director, we've been under the threat of lawsuits that could de-unify us or make us not a mandatory Bar. We would've needed that money to survive. I'm less fearful about those lawsuits these days.

As far as the Bar Foundation goes, in 2021, we determined that we were going to grant 200,000 dollars over the next four years—'21, '22, '23, and '24—50,000 dollars a year because we have money in the foundation. The Board of Governors and I felt that if the foundation has money, it should spend that money and put it to good use. So, in the last year 50,000 dollars total was granted to Legal Services North Dakota, North Dakota Humanities Council, the North Dakota Human Rights Coalition, the North Dakota Court Improvement Program, and the High Plains Fair Housing in different amounts. The grant applications will come out soon. If you know of a non-profit that could benefit from some funds, they should apply for the program.

While it's somewhat limited as we want it to be legally related, we'll take a look at any project. One of the projects we got two years ago was to pave a parking lot. That's not going to be within the purview of the foundation, but others will.

The foundation still is in very good shape. The foundation has around 450,000 dollars, but again we're still dedicated to 100,000 dollars over the next year and '24. That gives us a chance to try and raise more money, like the great foundation silent auction and benefit last night. Those of you that attended and bought stuff, thank you very much. The foundation is in good shape financially, but we're looking at ways to spend the money of the foundation to help people do better, and we'll continue that.

That's all I have on the foundation. If you ever want to talk about any of this or if you ever want to see any of the reports on our finances, it's all on our website. We're very transparent about that; it's all out there. If you ever want to talk SBAND finances which is really fun, just give me a call. Thank you.

PRESIDENT JENNIFER JENSEN: Next, we will go through the Justice For All Attorneys. Murray Sagsveen has an estimated 1,250 hours of pro bono service. I'd like to just take a quick moment to like give Murray a round of applause because that is amazing.

(Applause)

Paul Murphy from Carrington has 168 hours. Deborah Hedger from California has 95 hours. Stacy Moldenhauer from Bismarck has 94.6 hours. Heather Krumm from Mandan has 89 hours. Logan Caldwell from Bismarck has 88.6 hours. Anaya Gayle from Salt Lake City, Utah, has 69.1 hours. Morgan Tuss from Billings, Montana, has 68.7 hours. Robert Keogh from Dickinson has 62.5 hours. Tracy Laaveg from Park River has 61.3 hours. Levi Andrist from Bismarck has 60 hours. Susan Johnson-Drenth from Fargo has 60 hours. Michael Nobis from West Fargo has 58 hours. Debra Linder from Minneapolis has 56 hours. Warren Epperly has 55 hours. Mark Privratsky has 54 hours. Kylee Overson has 52.9 hours. Please join me in giving those attorneys a round of applause for their pro bono legal service.

At this time, I'd call President-Elect Taylor Olson up here to give the in-memoriams.

PRESIDENT-ELECT TAYLOR OLSON: Good morning. Actually, the first thing I'm going to do is the resolutions. Resolution number one is a resolution of appreciation. Whereas President Jennifer Jensen and her family have served the State Bar Association of North Dakota during the past year at a great personal sacrifice to themselves and their family. Whereas the State Bar Association of North Dakota has been greatly improved and enriched due to her efforts. Now, therefore, be it resolved that the State Bar Association of

North Dakota commend President Jennifer Jensen and her family for their dedicated efforts.

(Applause)

Resolution number two. Whereas the businesses and organizations that graciously sponsor portions of the 2023 Annual Meeting and those that participated as sponsors and exhibitors are: North Dakota Association for Justice, North Dakota CLE Commission, North Dakota Lawyer Assistance Program, Vogel Law Firm, Ltd., ALPS, ABST Law, First International Bank and Trust, Fredrikson & Byron, Maring Williams Law Office, P.C., Serkland Law Firm, Bismarck-Mandan Convention and Visitors Bureau, Brady, Martz & Associates, P.C., Crowley Fleck PLLP, Eide Bailly LLP, Starion Bank, GA Group, PC, Clearwater Communications, Fastcase, Image Printing, and The Title Team. Whereas without their participation and financial support, the 2023 Annual Meeting of the State Bar Association of North Dakota would not have been the success that it was. Be it further resolved that the above be thanked for their gracious support.

(Applause)

Next, we have the memoriams. I'm not going to go through and read them. I'm just going to ask everybody to take a moment and read through the names to remember all the attorneys we've lost this past year.

(Music playing)

(Names listed: Berta L. Anstrom, Harold P. Bensch, Wallace D. Berning, Matthew James Costinett, George T. Dynes, Dean A. Frantsvog, Grae Brian Gannon, Paul E. Grinnell, Michael M. Herrick, Bruce R. Howe, John E. Jacobson, Illona A. Jeffcoat-Sacco, Todd Allen Kraft, James F. Lester, Michael R. Lochow, Joseph R. Maichel, Garry A. Pearson, Fred C. Rathert, Donald Anthony Sauviac, Jr., Mark G. Schneider, Marian Maloney Stine, Morris A. Tschider, and Robert W. Wirtz.)

PRESIDENT JENNIFER JENSEN: Next order of business is the election of Secretary/Treasurer. Under the SBAND Constitution, specifically in Article 4.7, candidates for President-Elect or Secretary/Treasurer shall be nominated by petition signed by at least five other members of the Association and received by SBAND fifty days prior to the general assembly meeting. The only candidate to do so for Secretary/Treasurer is Rob Manly. Notice was previously published in the Gavel and online in February.

Do I have a motion to reelect Rob Manly as Secretary/Treasurer?

(Motion from the floor.)

PRESIDENT JENNIFER JENSEN: Do I have a second?

FROM THE FLOOR: Second.

PRESIDENT JENNIFER JENSEN: All those in favor?

(Responses of "aye.")

PRESIDENT JENNIFER JENSEN: All those opposed?

(No response.)

PRESIDENT JENNIFER JENSEN: Motion carries. Rob, congratulations, you made it.

Not to be repetitive, but under the SBAND Constitution found specifically in Article 4.7, candidates for President-Elect shall also be nominated by petition, signed by at least five other members of the Association, and received by SBAND fifty days prior to the general assembly meeting. That notice was previously published in the Gavel and online in February. The only candidate to submit a petition was Ted Sandberg from Grand Forks.

Do we have a motion for Ted to become President-Elect?

(Motion from the floor.)

PRESIDENT JENNIFER JENSEN: Oh, two of them. Would any of you like to second?

DEB HOFFARTH: Second.

PRESIDENT JENNIFER JENSEN: Thank you, Deb. All those in favor?

(Responses of “aye.”)

PRESIDENT JENNIFER JENSEN: All those opposed?

(No response.)

PRESIDENT JENNIFER JENSEN: Motion carries. Congratulations Ted. Those roller dog stickers did the trick, I think.

At this time, I'd ask President-Elect Taylor Olson to come back up and say a few words.

PRESIDENT-ELECT TAYLOR OLSON: Typically, at the end of this annual meeting, when the outgoing president is handing everything over, we like to present them a gift on behalf of the State Bar Association of North Dakota and the Board of Governors. We want to thank Jennifer for her year. We have a gavel with her name on it, indicating the year that she was president, and we got a golf bag for her as well.

(Applause)

PRESIDENT JENNIFER JENSEN: Thank you, everybody. Taylor is going to be an amazing president, and I know from personal experience as well that she loves hugs. So, give her all of the hugs in the next year. In any event, that is all of the business that we had to deal with today so I would adjourn our 2023 Business Meeting. Thank you.

COURT REPORTER'S CERTIFICATE

I, Erin Jostad, CERTIFY that I transcribed the foregoing transcript from the digital recording provided to me. I further state that I was not present during these recorded proceedings, and I am only the transcriber of the digital-recorded hearing. I FURTHER CERTIFY that the foregoing and attached typewritten pages contain an accurate transcription of the proceedings, to the best of my ability, then and there taken. The foregoing certification of this transcript does not apply to the reproduction of the same by any means, unless under the direct control and/or direction of the transcriptionist.

Erin Jostad

Dated this 10th day of July 2023