Winter 2007

North Dakota Law

Rob Carolin
rob.carolin@email.und.edu

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The Molbert Room

Also inside:
The Art of Negotiation
Friends Forever
Thanks to Our Donors
Our law school is making significant advances on many fronts. Law student enrollment has grown 18% in the last two years, and our size is close to our realistic target of a student body of 245. We’ve shown even more remarkable growth in applications to our school. As law school applications nationally have declined, our applications rose 45% last year, and have doubled in the last two years.

Those numbers are a reflection of the quality of the program we have at UND, and we are beginning to tell the story of that program more effectively.

- Last year, we completely revised the Law School Catalog, so that we now have an attractive and informative promotional piece for prospective students and other constituencies.

- Recognizing that the web is the source of a significant proportion of the information that all of us receive, we have begun a substantial upgrade of the law school’s web site, aiming for timely information presented in a user-friendly format.

- We have brought to campus legal professionals and academics from around the nation and the world, enriching the life of the law school and spreading the word about the vibrancy of our community.

- Our faculty’s research is having an impact on our state and beyond, with their many books, articles, and presentations to academic and professional audiences serving as compelling evidence of the value that our school adds to the public.

- We have created the position of Director of Alumni & Public Relations so that our communications can be well coordinated and of professional quality.

This issue of our law alumni magazine is an important part of our effort to communicate more effectively. Law Matters, whose inaugural issue was published in early 2003, began the process of making periodic reports to our alumni about developments at the law school and acknowledgements of the accomplishments of our graduates. The positive response to that magazine has been demonstrated in many ways, helping our readers to feel a sense of involvement in what the school has been doing.

North Dakota Law, our new alumni magazine, has a new name and a new look, and just as significantly, a new focus. It is designed to work together with electronic newsletters and announcements that we will develop, so that each medium can be more carefully crafted to accomplish distinct goals.

Although there will be feature articles about the law school, North Dakota Law will be focused primarily on alumni. We will highlight accomplishments of our graduates and call attention to the many ways in which they support our school. We will also use the Fall/Winter issue to publish the list of our donors from the previous giving year. This issue thus includes information about contributions made to the law school between July 1, 2005 and June 30, 2006.

More timely news about events at the law school will be published on our web site and sent electronically to those of you who wish to receive such messages. We will use this method of communication to let you know of upcoming programs and to report on the achievements of our faculty, students, and staff.

When the entire communications package is up and running, we should be able to stay in touch with you in a way that lets you be fully engaged with the law school. The test, of course, isn’t what we want to say but what you want to hear, so I encourage you to keep in touch and let us know your reactions to what we’re doing and your suggestions for how we could communicate more effectively.

Paul A. LeBel
Dean
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School of Law Administration
Paul LeBel
Dean
Kathryn Rand
Associate Dean
Jeanne McLean
Assistant Dean

Editor, Rob Carolin
Director of Alumni & Public Relations

Cover Photo by Chuck Kimmerle
University of North Dakota Photographer

Vol. 1, Issue 1, January 2007
Giving Back

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alph Molbert didn’t like making speeches, but during his 50th law school class reunion, he had the opportunity to address his fellow classmates. It was a simple speech, not telling of his multitude of accomplishments in his successful legal and business career or even the accomplishments of his farm or family members. It was a simple speech of pride and gratitude—pride for his UND Law degree and the gratitude he had for UND Law giving him the opportunity to succeed in life.

The same pride was felt by his family during a special dedication ceremony for the Molbert Room knowing they had created an excitement among the students, faculty, and staff at the law school with their special gift. Lauris Molbert, son of Ralph and a 1983 UND Law graduate, talked about the rewarding feeling his family had from making the gift. He said, “I know it has been very fulfilling, we all want to do something significant in our lifetime. Being successful isn’t just having the biggest house or the nicest car, it is what you can give back. This is a great give back that

The University of North Dakota School of Law received a special gift from the family of Ralph Molbert, a 1941 law school graduate, to renovate Room 211 into a state-of-the-art classroom. The Molbert Room is equipped with high-tech instructional technology, provides a more conducive learning environment for its students, and is a dramatic improvement of the law school facility.

Giving Back In Memory of Ralph

Ralph Molbert didn’t like making speeches, but during his 50th law school class reunion, he had the opportunity to address his fellow classmates. It was a simple speech, not telling of his multitude of accomplishments in his successful legal and business career or even the accomplishments of his farm or family members. It was a simple speech of pride and gratitude—pride for his UND Law degree and the gratitude he had for UND Law giving him the opportunity to succeed in life.

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will make an impact on the law school and that will be great for the legacy of our dad.”

The gift was provided in loving memory of Ralph by his entire family including his wife Beverly (Steele, ND); son Lauris, ’79, ’83, and daughter-in-law Jane Grove (Fargo); daughter Karna (Molbert) Kornkven, ’81, and son-in-law Richard Kornkven, ’74 (Bottineau, ND); son Eric Molbert, ’89 (Bismarck); and daughter Kristi (Molbert) Benz and son-in-law Miles Benz (Steele, ND).

The room will serve as a fitting tribute to Ralph’s career and gratitude for his law degree. On a plaque that hangs in the room is a quote he often referred to. He said, “The door to this law school opens the door to many opportunities.” The family agrees that their dad would have been embarrassed by all the attention had he been at the dedication, but would be very proud of the room named in his memory.

Benefit to the UND Law Community

The renovation of Room 211 will be far-reaching and will leave a lasting mark on the school, its students, and faculty. It has created an excitement within the law school—especially with the student body. “The extraordinary generosity of the Molbert family supports a dramatic improvement of the law school facility. As future generations of law students enjoy the benefits of the classroom made possible by this gift, they will have before them a permanent tribute to the professional accomplishments of Ralph Molbert and the generosity of his family,” said Paul LeBel, law school dean.

The family has already received several calls and e-mails from individuals connected to the law school telling them of the excitement and impact their gift has had.

Prior to its renovation, law students sat on hard wooden chairs, crowded into a narrow room with limited technology. In fact, a few of the students actually sat to the side and behind the professor. Their view of the front board and screens were limited.

Now law students have a spacious room where the professor is on a teaching platform. Projectors and screens in the front of the room and four 37-inch television screens were limited.
monitors staggered in the room allow those sitting farther back to see everything happening on the board. The students have already made the Molbert Room their new home. Many spend the entire day in the room as it provides a comfortable place to study between classes.

A challenge the school currently faces is that of infrastructure. When prospective law students came to visit campus in the past they would remark about the quality of people and the academic program, but a noticeable deficit was the classrooms. This gift has already changed that mentality, and the Molbert Room has become the center of attention and an attractive benefit for incoming students. “This gift will have a long-lasting effect on the recruitment of new students, effectiveness of the institution, and quality of the law school,” said LeBel.

The students are the main benefactors of the generous gift; in addition, it helps them understand the importance of giving back. “The Molbert family is leading by example, reminding us as future alumni that our contributions are important and benefit the students who follow in our shoes,” said third-year law student Liz Pendlay. The family hoped that this would be a benefit of their gift. “We hope other lawyers or graduates will take note and will respond with some additional gifts in order to help the law school continue to grow,” said Lauris.

**Ralph Molbert: A Man of Education and Hard Work**

As a young child growing up on the farm, Ralph learned the ethic of hard work and the importance of education from his parents. Ralph’s two sisters attended college, which was unusual for that time, and they had a library at home. His life was influenced by the Great Depression, and he experienced the harsh reality of the times firsthand. Ralph had been saving money at a local bank to purchase
a new bicycle, but lost his money when the bank failed due to the difficult economic times.

Ralph worked on the family farm and as a school teacher in rural Tappan, N.D., prior to his life-changing decision to attend UND. He knew a law school education would get him a good job, so he worked hard to take advantage of all the University had to offer. Every morning and evening he worked in the University’s cafeteria just to make ends meet. Ultimately, his hard work paid off as he earned his degree and was inducted into the Order of the Coif, the highest academic honor for law students. Ralph was proud of his accomplishment, and it meant so much to him he kept his Coif medal in his safe deposit box. At Lauris’ law school graduation he pulled it out and wore it with pride.

After graduation in 1941, Ralph went to Washington, D.C., to work in the Department of Labor for the Social Security Administration. He was in Washington only a short time due to the beginning of World War II. Ralph was not drafted because he was the only son in a farm family, so he decided to return home to help his aging parents who were losing their hired help to the war.

After returning, he set up a solo law practice in Tappan and continued to grow opportunities for himself with the establishment of an insurance agency and a tax service business. He served as state’s attorney in Kidder County, N.D., and by the 1950’s began his banking career at the State Bank of Burleigh County in Sterling, N.D.

Ralph knew he wanted to be his own boss, so he took a risk that would pay benefits in the future. He was a conservative man, so it was a big step for him to ride the train to Minneapolis to purchase the bank in Steele. Ralph invested with two other men, but he was the one who accounted for the majority of the money invested.

The word retirement was not part of Ralph’s vocabulary. He worked at his bank and farm right up to his passing in August 2006. His family believes, even though he lived to 91 years of age, life was too short for Ralph. He had a zest for life and was always up for
Each year we will print the donors in the Fall/Winter issue of North Dakota Law. If you have made a gift to the law school after June 30, 2006, your name will be listed in the next Fall/Winter issue.

Donor names are broken into two categories. The Dean’s Council list have made a gift to the Law School totaling $375 or higher during Fiscal Year 2006. UND Law alumni are designated by graduation year, and the listing includes those who contributed to the Annual Fund and those who made gifts to existing endowments. Every gift received by the law school, no matter the size, makes a big difference in our ability to provide opportunities for our students. Thank you from all of us for your continued support.

The donor recognition reports listed below are based on end-of-the-fiscal-year data as collected by the UND Foundation, which is the official recipient of the contributions that are made for the benefit of the law school. The individuals listed have made a gift or gifts to the UND Law School during the 2006 fiscal year from July 1, 2005 through June 30, 2006. If there are any errors or omissions that you detect, please e-mail us so we can include corrections in the next issue. A message could be sent to the Dean at lebel@law.und.edu or to Rob Carolin at carolin@law.und.edu. You can also call us at 701-777-2104.

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new challenges, such as taking up golf and hiking in his 80’s. He was also very proud of the fact he continued to operate a farm that was homesteaded in the Dakota Territory days.

His children were beneficiaries of Ralph’s values. “We knew we were going to attend college,” said daughter Karna, “he would assign us jobs on the farm in the summer and he had a few favorite sayings he liked to tell us.” Ralph liked to say “If you hoot like an owl at night, it is hard to soar like an eagle the next day; it’s easy to make money as long as you spend less than you make; and it is better to be a big fish in a little pond.”

Ralph always viewed his law degree as an opportunity to make the lives of others better, and he continued to give back during his lifetime. He organized fund raisers for the community when needed, helped individuals through hard times by giving them a loan or allowing them to take a break on a payment, and established academic scholarships at colleges to provide opportunities for young scholars. Although he worked in business, Ralph was always viewed as the town lawyer. People would seek him out for personal advice or legal help, and he was always willing to step in when needed.

The values that were so important to Ralph during his lifetime are reflected in the family gift of this room. Ralph was always very proud of his law school diploma and had a special place in his heart for UND.

Thanks to the generosity of the Molbert family, Ralph’s legacy will live in perpetuity at his school. Future generations of law students will have Ralph as an example to work hard and take advantage of the educational opportunities before them.

“*If you hoot like an owl all night, it’s hard to soar like an eagle during the day*”

*Photo: Dean LeBel begins a special dedication ceremony held October 6, 2006 during the UND School of Law Homecoming activities.*
Many people list the birth of a child as one of the most memorable days during their lifetime. For Katie Jendro, Meredith Larson, and Catherine Erickson, three members of the law class of 2006, childbirth is a memory they will share forever.

Jendro’s husband Cory, a member of the Minnesota National Guard, received word of his pending deployment to Kuwait one day prior to them finding out she was pregnant and only half way into her first year as a law student. Jendro’s friends vowed to help her through the pregnancy and law school until Cory’s return home. They were with her in the hospital when baby Lily was born and sacrificed their own time to help with care for Lily to allow Jendro to maintain her educational progress. In May of 2006, all three crossed the stage at commencement to receive their diplomas, forever tied together by the birth of a little girl.

Beginning a Lifelong Friendship

Flash back to August of 2003: three first-year students from different towns began their law careers at the University of North Dakota, not knowing just how their lives would ultimately be tied together forever. “We met during the first year of law school during new student orientation and in a study group for Constitutional Law,” said Jendro, “We just talked with each other and instantly became friends.”

It was one particularly hard day for Jendro during the Spring semester that sent this friendship into high gear. She had been called on in class to answer a question, but deferred and ultimately broke down in tears after class under the stress of her husband leaving, a new pregnancy, and the looming semester finals.

Although Jendro never specifically asked for help, Erickson and Larson both felt they had to do whatever it took to help their friend through a difficult time and help her meet her goal of continuing her legal education. Larson said, “I felt bad for her because law school is hard enough anyway, but it is even more complicated when your husband is gone and you’re expecting a baby.”

As time went on through the pregnancy the three grew closer and closer together. They were Orientation Leaders, took many of the same classes, and helped each other when needed. It was in the Fall semester, as the due date grew near, that Jendro asked for help for the first time. She wanted her two close friends to be in the delivery room with her. Jendro said, “Of course I knew neither of them had experience with having children, but I totally trusted both of them. When I knew Cory
was going to be gone, there was never a question of who I wanted in the delivery room with me.”

Both Larson and Erickson agreed right away, but as the date neared, both felt the nerves of an expectant father. “We didn’t know what to expect, or what she would be like; if she would be anxious or mad at us, we just didn’t know,” said Erickson. Neither had been through any of the prenatal training and neither had experienced childbirth in any form before agreeing to help. As the time neared they synchronized their schedules and were at the ready for the proverbial call.

**Lily Jendro Is Born**

On January 6, 2005, the call came. After a regular doctor appointment, it was decided they would induce Jendro. “I got the call,” said Larson, “so I called Catherine, and we both rushed to the hospital to meet her there.” Because it was unexpected, Erickson stayed in the room while Larson went back to Jendro’s home to get the bag she had packed and she even cleaned up the apartment and washed dishes knowing Jendro’s family members were on their way. All three planned to spend the night in the hospital together.

“The birth was weird—we just sat and waited, talked, and even ordered pizza,” said Erickson. “I had to watch a video about the epidural and Meredith asked a million questions of the nurse and doctor.” So many questions, that they reminded her that she was pursuing a law degree and not one in medicine.

When the time finally came, both Larson and Erickson realized they really were not ready for what was about to happen. Larson said, “Katie was just so calm, was under control, and looked so normal—it really helped us.” Larson was orchestrating the birth counting contractions and coaching Jendro through the breathing and pushing. “They told me to count to 10 when pushing, so when I reached 10 and they wanted her to keep pushing, I didn’t know what to do, so I went on to 11 and 12,” said Larson. Meanwhile, Erickson was capturing the birth on video.

It all happened so fast, and to her surprise, the doctor asked Larson to cut the umbilical cord and announce to Jendro that baby Lily was born. It was an emotional and proud time for all three. “Throughout the whole time, we were like two dads—I am sure they thought we were insane. We were videotaping everything and we took what seemed like 4,000 pictures,” said Erickson. Their goal was to document every moment of the birth for Cory.

Shortly after Lily was born, they were able to get Cory on the phone to share the wonderful news. Larson and her husband immediately set up a Web page with several of the photos taken that day so the proud father could show off his new baby.

**UND Law: A Community of Friends**

Lily was born on a Tuesday, and on Thursday of the same week, Jendro began a new semester of classes. Her classmates threw her a baby shower to help with getting the things she needed and were supportive in assisting with class outlines while faculty were understanding of Jendro’s situation as well. “It is an amazing community of friends and support,” said Jendro, “I never hesitated to go to anybody for support or for help with anything.” For Cory, it gave him peace of mind knowing of all the assistance his wife and new baby were receiving.

Larson and Erickson quickly realized their support was even more important now that Lily was part of the
family. Like many newborn babies, Lily was difficult to feed, had an erratic sleep schedule and was adding to the stress of law school for her mom. Again, the friends answered the call, going over two and three times a week to allow Jendro to catch up on studying or sleep. They would take a shift feeding Lily and assist with some of the daily chores at home. They provided an outlet for basic adult conversation and constantly built confidence in Jendro to know she could continue her education.

The norm at many law schools is an environment of intense competition as students do whatever it takes to receive the best grades and maintain the highest class rank. Knowing this makes this story even more unique. Throughout the time Cory was gone, Larson and Erickson sacrificed their own legal education to make sure their friend was on track with hers. “They would very selflessly do whatever it took to help me out,” said Jendro, “How do you say thank you to someone who helps in that way to go through the pressures of law school and help you through a tough time. I am abundantly thankful to them.”

All three felt the caring atmosphere and close-knit community of students and faculty at the law school allowed them to continue to make such a sacrifice of their time while helping each other.

**Friends Forever**

Graduation day came and, together with Lily and Cory, the three celebrated the completion of a degree that meant so much more than the piece of paper handed to them that day.

Frequent calls to each other to get updates on Lily, invitations to birthday parties and personal visits are a staple of the three friends since graduation. Larson and her husband are expecting their first child in January, so the three joke about kicking Larson’s husband out of the delivery room when the time comes.

The three friends have come full circle, and they once again find themselves in three different cities now pursuing legal careers. The difference is they will always have the birth of Lily as a seal on their lifelong friendship and their years at the UND School of Law.

* Photo: From left - Katie Jendro, Catherine Erickson and Meredith Larson at the UND School of Law commencement ceremony on May 15, 2006.
The Legal Writing program at the UND School of Law is undergoing a process of change to move beyond the basics of just writing. The new focus adds both experiential and collaborative learning experiences reflecting what happens in the regular practice of law on a daily basis.

As part of that change, our legal writing students participated in a mock negotiation process. Two students—Liz Krogstad, Redfield, S.D., and Jordan Schutzle, Bismarck, N.D.—had the experience of representing a client and coming to an agreeable solution as they learned the art of negotiation.
Legal Writing Program’s Expanding Focus

The Legal Writing program is being rewritten at the UND School of Law. Professor Kirsten Dauphinais, a national legal writing expert, joined the faculty last year with that goal in mind.

The American Bar Association is encouraging legal writing programs to move beyond just writing and put an emphasis on the essential lawyering skills needed in today’s legal environment. “We are doing a general overhaul of the legal writing curriculum to add more experiential and collaborative learning opportunities,” said Dauphinais, “Our program will emphasize reasoning, oral communication, theoretical approaches to solving problems, and teach students to think deeply about the facts of the case in front of them.”

The program now provides a platform for experiential learning—hands-on practical experience to do the tasks that lawyers do. Students are finding it exciting and are engaged in learning. Now rather than just writing a memo, they are on their feet making an oral presentation just as they would in their senior partner’s office.

The program teaches the practical skills needed to hit the ground running during their summer jobs or as they begin their legal careers.

The Negotiation Project

One of the critical lawyering skills implemented into the program is the art of negotiation.

Many people work on the paradigm that all cases end up in a court of law when, in fact, over half of the cases are settled before trial through a negotiation process. As a result, all ninety legal writing students participated in a real-life negotiation with the end result of producing a contract—the kind of contract that could stand up in a court of law.

The case assigned to the class was based on a real medical malpractice case Dauphinais worked on during her time as a law clerk. Dauphinais felt the malpractice scenario worked well because it had straightforward elements and required students to do outside research in preparation for their meetings. “It gives them an opportunity to experience another kind of research that lawyers do that is not traditional technically legal research,” said Dauphinais, “They have to be a jack-of-all-trades because they have to master the law and learn about the field to be able to effectively represent their client.”

Students were divided into two law firms, one representing the hospital and the other representing the
patient, and were assigned a partner from the opposite firm to complete the negotiation. Law students Liz Krogstad, representing the patient and Jordan Schutzle, representing the hospital, went head-to-head as they represented their clients and experienced the emotions and inner workings of the negotiation process.

**The Preparation**

In preparation for their individual negotiation efforts, class lectures were dedicated to the process, including a lecture from Federal Magistrate Karen Klein, ’86. They discussed the terms, strategies, types of contracts, and the ethics in negotiation. Each of the firm teams worked hard to prepare and gather information. Much like you would see in a regular law firm, they worked in a collaborative effort, delegated tasks and interviewed the clients to find out the details before heading into the negotiation.

Individually, both Krogstad and Schutzle did their own research, developed their strategies and set goals for their final settlement. Schutzle felt that the key to winning was preparation. He said, “I spent a considerable amount of time learning all aspects of our case. I prepared a quick reference time line, indexed all relevant cases, and bullet-pointed talking points.” He took all of his information and created a binder that was tabbed for quick reference during the meetings.

While Krogstad also did a great deal of preparation, it was more focused on the needs of her client. “We were taught in class, as the plaintiffs, how important it was to determine your starting point. If my initial settlement amount started too high, the relationship could be strained with my adversary. However, if I started too low I may not be able to get an appropriate settlement agreement for my client,” said Krogstad. She identified the list of needs important to her client and associated costs related to those needs.

**Head To Head**

With both sides prepared, the first of three negotiation sessions were set up through a formal contact like you would see in any legal negotiation. They met at a neutral site with information in hand ready to get the best deal for their client. Schutzle initially thought an aggressive “in your face approach” would give him the upper hand, but after consulting the book “Getting to Yes,” he changed his approach to a realistic, solution based strategy.

Although that was his approach, the discussion did get heated and frustration was felt by both as they realized what each side was asking for was unrealistic.

*Photo:* Liz Krogstad argues for her client in the second of three negotiation sessions. Ultimately the two reached a settlement that was productive for both clients.
Krogstad said, “I felt extremely frustrated and even angry because I felt as though I was the only one having to give anything up in the negotiation. At times, I felt that my adversary was being extremely unfair and uncooperative.” Schutzle said, “I recall wanting to roll my eyes as I heard the exaggerated statements of the patient’s condition and the damages sought; it was a very frustrating situation at times.”

As the first session ended they realized not much progress had been made. As frustration subsided a few days later, a two-hour negotiation session had a positive tone and resulted in a give and take from both sides. Krogstad enjoyed the open and frank discussion in the second meeting which led to an agreeable settlement for both sides. Schutzle was pleased that during the entire negotiation period the approach was civil between the two negotiators. A final meeting to hammer out the language and final details of the agreement led to the formal, six-page contract of agreement.

The Results

Both Krogstad and Schutzle were pleased with the outcome of the negotiation. Schutzle arranged for a reimbursement for the amount of his surgery, settled at 10% of the desired amount for loss of enjoyment of life and consortium, and was able to secure a release of future claims against the hospital. Krogstad was able to obtain some excellent benefits for her client with a potential to amount to a very substantial award such as paying future medical expenses and was able to cover her client’s most pressing needs.

Both learned valuable lessons from participating in the process. For Krogstad, it built self-confidence knowing she “was capable of putting up a good fight” and helped her realize she may want to be involved in this area in the future. In her current job, it provided a solid foundation prior to monitoring negotiations happening in her firm and helped her further understand the process.

The negotiation helped Schutzle realize a strategy for future negotiations no matter what the situation. He said, “Prior to the exercise I was of the mindset that whoever was more stubborn would win, but soon realized that attitude gets both parties nowhere and that a truly good negotiator gets what he/she desires but also leaves the other party feeling the same.”

The Future Of Legal Writing

Dauphinais was pleased with the outcome. She said, “The students were all positive about this project and it gave them an opportunity to roll up their sleeves to do real lawyering activities.”

The future is bright for legal writing at the UND School of Law as students continue to have the opportunity to go beyond the basics. Continued enhancements include exploration of additional classes allowing students to specialize in an area of interest.
During the fiscal year of 2006, the UND School of Law received a total of nearly $556,000, in gifts from alumni and friends, compared to $192,000 in fiscal year 2005. The 2006 total comes from three areas of giving including annual giving of $67,000, endowment gifts of $425,000 and deferred gifts of $64,000.

The number of UND Law alumni who donated in fiscal year 2006 reached 387, or 13 percent of all law alumni. This is an increase of three percent over last year and continues to edge our law school closer to the national average for all law schools of 14.7 percent.

We continue to be able to increase opportunities here at the law school thanks to the generous support we receive from our alumni and friends. Each year we depend more on your support, so we are very grateful for the financial contributions that allow the school to make a difference in the lives of our students. Thank you!
Other Contributors

Theodore K Abe (69)
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Vicki & Kenneth Aldridge (84)
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Dennis L Anderson (82)
Jonathan H P Anderson (00)
Larry L Anderson
Norman & Susan Anderson (82)
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Verl & Lillian Clark
Conner, Shannon & Pinski, PLLP
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"The reality in legal education today is that private giving is the difference between mediocrity and excellence."

Dean Paul LeBel

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Tamara 94) & William Yon
Marjorie & Robert Young 82)
Jack Marcil

Jack Marcil has been, and continues to be, a generous supporter of the UND School of Law. He has used charitable giving options to support the school while planning for his retirement by establishing a series of deferred gift annuities. He also made direct gifts to establish an endowment in his name that provides an annual scholarship.

The Deferred Charitable Gift Annuity

Though this 65 year-old has no plans of retiring anytime soon, he has started to plan for when that time comes by looking at charitable planned giving options. The idea of establishing gift annuities immediately appealed to him. “The gift annuity is a great vehicle for anyone facing retirement because you’re helping UND and helping yourself,” said Marcil.

Jack used appreciated stock to fund several deferred gift annuities through the University of North Dakota Foundation for the benefit of the School of Law. Because he wanted the charitable deduction now and did not want to draw any income until after he retires, the deferred gift annuity was a perfect option. He was also able to save on the capital gain costs of his stock by using it to fund each annuity.

It was simple. He transferred ownership of the stock to the UND Foundation, and they used it to establish the deferred gift annuity. At a future point in time determined by Jack, he will start to receive an income for the remainder of his lifetime, some of which will be returned to him tax free. When he passes away, the charitable remainder of each annuity will be put into the endowment he established in his name, and Jack’s legacy will live forever at the UND School of Law.

Jack Marcil Scholarship Endowment

Jack made provisions that the charitable remainders of the gift annuities he had established would eventually create an endowment in his name. He decided though he wanted to set up the endowment during his lifetime to enjoy the positive effect it has had on the law school and its students.

He gave a direct gift to establish his endowment and has added to it each year to continue to build the principle. He established The Jack Marcil Scholarship Endowment, which provides a $1,000 annual scholarship to a third-year student demonstrating professionalism, skill, knowledge and ability in the area of trial advocacy.

Jack believes in the future of the University of North Dakota School of Law and hopes that by giving back, current and future students will benefit, just as he did.

An Expert Mediator and Arbitrator

Jack Marcil graduated from the UND School of Law in 1968 and spent one year as Assistant Attorney General for the State of North Dakota. He has worked as a trial lawyer in Fargo, North Dakota since 1969 and is now senior managing partner at Serkland Law Firm. He is certified as a Civil Trial Specialist by the Minnesota State Bar Association and has been certified as a Trial Advocate by the National Board of Trial Advocacy since 1980. He is also qualified as a neutral Arbitrator and Mediator in Minnesota and North Dakota, and has spoken at many seminars on the subject of Arbitration and Mediation. Jack is a past president of the Cass County Bar Association and the State Bar Association of North Dakota.

In 2006, Jack was recognized by Law Dragon Magazine in the category of arbitration and mediation as among the top 500 judges or arbitrators in the country, and he was also recognized in the 2006 edition of the Best Lawyers in America.

Photo: Jack Marcil and 2006 Jack Marcil Scholarship recipient Katie Weinlaeder at the scholarship presentation ceremony.
New Giving Option: Make a Tax-Free IRA Charitable Gift

We have great news for IRA owners who are age 70½ or older. In fact, this is some of the most exciting news affecting charitable giving in years! If you are like many individuals, your IRA has increased in value over the years and you have more income than you may need. The IRA rollover gift is a simple and easy way to provide for the UND School of Law, while not increasing your taxable income.

If you are at least 70½ years of age and own an IRA, you may now transfer a gift of up to $100,000 from your IRA to the UND Foundation for the benefit of the law school absolutely tax-free!! With the IRA gift, your donation will not be included in your taxable income, and no income tax deduction will apply.

Up until recent passage of the Pension Protection Act of 2006, such IRA withdrawals would be subject to income tax. Now, thanks to this new legislation, IRA owners who meet the minimum age requirement of 70½ may make tax-free gifts to qualified charitable organizations such as the UND Foundation of up to $100,000 per year in 2007!

Qualified charitable transfers must come only from IRAs (not 401 (k), 403 (b), SEP-IRA or Simple IRA plans). However, for some donors it may be possible to establish a new IRA and then roll over assets from another plan to the new IRA. This IRA may then be used to make qualified charitable gifts.

Here is How It Works

Martha was a frequent donor. Her retirement plan had grown substantially and she had almost $450,000 in her IRA. Since Martha has all of the income she currently needed, she decided to make a gift of $5,000 from her IRA to support UND. Martha called her custodian and requested a transfer of part of her minimum distribution amount. It was easy for Martha to make the gift, and she liked the fact that she could help UND without increasing her taxes.

You Can Give More

Perhaps you have already made cash gifts this year up to your federal limit. Your charitable deductions for cash gifts are limited to 50 percent of your adjusted gross income for a given year. If you desire to give even more within the same year, this IRA rollover gift allows you to transfer excess funds from your IRA. Ultimately you can give more without paying any more in tax.
1 The Law Women's Caucus was named the outstanding student organization at UND for their programming and service work.

2 Three student teams faced off with three faculty teams in the annual trivia challenge. This year's winning team was the faculty team of James Grijalva, Robert Pfeffer, and Tom Lockney.

3 Jean Migabo Kalere, Professor at the Catholic University Law School in Leuven, Belgium, made a special visit to the UND School of Law in early October. He addressed the challenges for the International Criminal Court in the Democratic Republic of Congo.

4 Second and third-year students served as orientation leaders to assist the new students making the transition to life in law school.

5 The law men's team won its eighth consecutive Malpractice Bowl with a 19-7 victory over the Medical School team. For the second year, the women held their own game. Unfortunately, the Medical School women defeated the law team 19-6.
The School of Law was privileged to host the North Dakota Supreme Court in October. The court heard two cases in the Baker Court Room and judged the finals of the student Moot Court competition.

The Honorable Myron H. Bright, senior status judge on the U. S. Eighth Circuit Court of Appeals, lectured about the case of James Dean Walker regarding the Writ of Habeas Corpus.

The student Moot Court winners were second-year students from Bismarck, N.D., Christopher Rausch and Peter Zuger. This year’s competition involved sixty teams who battled through a week long competition.
1960s

Jay D. Mondry, 1964
retired on November 1, 2006 after fifteen years as judge of the Hubbard County District Court. He has spent the majority of his career in Park Rapids, MN including serving as Hubbard County attorney from 1971 to 1979. Mondry also served on the Governor’s Crime Commission and the National District Attorney’s Association’s Golden Standards Committee. He took an active role in the civic leadership of Park Rapids during his career as an active member of the Lions Club, the county parks and recreation board, the local Ducks Unlimited, the local Heart Association Fund and his church. He is an avid UND and Notre Dame sports fan, and will enjoy retirement fishing, hunting and spending more time at his Florida home.

1970s

Paul Godlewski, 1973
was recently honored with Bemidji State University Alumni Association’s 2006 Outstanding Alumni Award. He was honored on October 13th, 2006 at the 35th Annual Alumni Award Ceremony. He was recently named one of Minnesota’s “Top 40 Personal Injury Attorneys” and selected as a 2006 Minnesota “super lawyer” for the ninth consecutive year. He was also elected to the Brain Injury Association of Minnesota’s board of directors. Paul is currently a partner in the Minneapolis law firm of Schwebel, Goetz & Sieben, P.A.

Ron Hilden, 1976
retired as judge of the Southwest Judicial District on November 1, 2006. He was elected to the position in 1994, 1998 and 2004. Prior to that he was a Stark County judge from 1983-1994.

Wayne Stenehjem, 1977
was reelected in November 2006 to his third term as the North Dakota Attorney General. He was sworn in as the State’s 29th Attorney General in January 2001, and since has been reelected in 2004 and now again in 2006.

Mark V. Larson, 1979
recently received national certification from the National Board of Trial Advocacy as a Civil Trial Specialist. In order to receive the certification he had to pass an extensive exam, demonstrate proficiency in trial practice and pass a peer review. Larson has the Larson Law Firm, P.C. in Minot, N.D.

1980s

David A. Dunlavey, 1980
has been elected to serve on the Maine State Bar Association Board of Governors as the Governor of District Eleven. He currently practices at Phillips, Olore, Dunlavey and York in Presque Isle, Maine

Mary Birk, 1980
was elected to a three-year term on the Board of Directors of the Colorado Judicial Institute (CJI). She is currently a partner in the Denver office of the national law firm of Baker & Hostetler LLP.

Nancy Sullivan, 1980
joined the Parsinen law firm in Minneapolis, MN in June of 2006 as a partner “of counsel.” Nancy works extensively with employee benefits, advising small- and mid-size employers regarding all aspects of retirement and welfare benefit plan design, operations, IRS/DOL compliance, and fiduciary responsibility. Nancy also drafts prototype plan documents for employee benefit programs, specializing in 401(k) plans, and manages the implementation and service of these programs.

1990s

Mary Birk, 1990
was honored to serve on the Board of Directors of the Colorado Judicial Institute (CJI). She is currently a partner in the Denver office of the national law firm of Baker & Hostetler LLP.

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Mary Birk, 2006
was elected to the Board of Directors of the Colorado Judicial Institute (CJI). She is currently a partner in the Denver office of the national law firm of Baker & Hostetler LLP.
Grant H. Shaft, 1986
was recently appointed by N.D. Gov. John Hoeven to serve on the State Board of Higher Education for a four-year term effective July 1, 2007. Shaft is a partner and shareholder in the law firm of Shaft, Reis & Shaft in Grand Forks.

1990s

Jon Backes, 1990
was recently appointed by N.D. Gov. John Hoeven to serve on the State Board of Higher Education for a four-year term effective July 1, 2007. Backes is a partner and shareholder in the law practice of McGee, Hankla, Backes and Dobrovolny in Minot, North Dakota.

Angelique Eagle Woman, Wambdi A. WasteWin, 1998
is a new officer with the Minnesota American Indian Bar Association. She was installed at the organizations Annual Meeting in September 2006.

W. Harvey Skees, 1998
Was recently nominated as a Minnesota "Super Lawyer" and is routinely contacted to collaborate on high profile or prominent cases. He is a Senior Litigation Attorney with Gerald Miller & Associates, P.A. in Minneapolis, MN and has well over 1,000 representative cases spanning from criminal law to related civil proceedings.

2000s

Ross Arthur, 2005
graduated in May 2006 from New York University School of Law with an LL.M in Taxation. He currently works as a tax associate in State & Local Tax for PricewaterhouseCoopers LLP in New York City.

Joel McFarlane, 2006
joined the Twin Cities law firm Winthrop & Weinstine, P.A., in September 2006, as an associate in the Business and Commercial Litigation practice areas. While still in law school, Joel gained valuable legal experience as an intern with one of the firm's clients. As an intern, Joel worked closely with Winthrop & Weinstine attorneys to deliver a favorable outcome for that particular client.
The Honorable H.F. “Sparky” Gierke
Class of 1966

retired as Chief Judge of the United States Court of Appeals for the Armed Services on October 1, 2006. He retires after a distinguished forty-year career serving the armed forces, his state and the nation.

Gierke earned his Bachelor of Arts degree in 1964 from the University of North Dakota and continued on to earn a Juris Doctor degree in 1966. After graduation from law school, he served as Judge Advocate in the United States Army from 1967 to 1971. In 1967, he graduated from the Basic Course at the Judge Advocate General’s School of the Army. In 1969, he returned to the JAG School to attend the Military Judge Course. Following completion of the Military Judge Course, he was selected to serve as the full-time military Judge in Vietnam where in the course of his 12-month tour, he presided over more than 500 courts-martial. He was awarded the Bronze Star, Air Medal, Vietnam Service and Vietnam Campaign medals for his service in Vietnam.

After completing his Army service, Gierke returned to his home state of North Dakota and began an active and varied practice of law. He was elected as President of the North Dakota Bar Association in 1982. Governor Allen I. Olson appointed him to fill a vacancy on the Supreme Court of North Dakota in 1983. He was subsequently elected twice to continue his service on the Supreme Court.

In 1991, he accepted President George H. W. Bush’s appointment to the United States Court of Military Appeals, which in 1994 became the United States Court of Appeals for the Armed Forces. On October 1, 2004 he was elevated to position of Chief Judge.

His public service has been recognized in many ways. He was awarded an honorary Doctorate Degree from UND in 2005 and was honored with the Sioux Award, the University’s most prestigious award. Three Governors of North Dakota have presented him with a variety of awards for his outstanding accomplishments and contributions to the state. He has also received a variety of awards from the American Bar Association. He most recently received a Distinguished Service Award from the General Practice, Solo and Small Firm Division of the ABA. His contributions to the military justice system were recently recognized by the Judge Advocates Association with the presentation of their highest honor, the Chief Justice Marshall Lifetime Achievement Award.

Gierke has been very active in veterans’ organizations. In 1983, he became the first Vietnam veteran to serve as the North Dakota Department Commander of the American Legion. From 1985 to 1986, he served as a National Vice Commander and, in 1988, became the first Vietnam veteran elected to serve as National Commander of the American Legion.

Upon his retirement from the court Gierke assumed responsibilities as the Distinguished Jurist in Residence and Coordinator of Lawyering Skills and Values at the Dwayne O. Andreas School of Law at Barry University in his hometown of Orlando, Florida. Gierke’s wife Jeanine is the Human Resources Director at Arnold Palmer’s Bay Hill Club and Lodge in Orlando. The Gierkes have six children and ten grandchildren.

Photo: Gierke’s wife Jeanine and son Todd unveil a portrait of the judge at the retirement ceremony honoring his long and distinguished career.
UND Law Hosts National Indian Law Conference

The Pedagogy of American Indian Law conference brought many of the nations Indian Law experts, like Frank Pommersheim pictured here, to the UND School of Law on October 13 and 14. The two day conference encouraged Indian law scholars and teachers to learn from each other. Some of the panel topics included Teaching the Marshall Trilogy and Teaching Treaties. This conference also looked at the Indian law canon from law and literature, multidisciplinary, and clinical perspectives. In other words, it provided a chance for Indian law teachers to reflect on the last 30 years and compare notes.

Seven Inducted Into Order of the Coif

Seven members of the Class of 2006 were inducted into the Order of the Coif at a ceremony during Homecoming in October. The newest members include Sara Behrens, Minot, N.D.; Jonathan Carpenter, Fortuna, N.D.; Luke Hanson, Wauwatosa, Wl; Meredith Huseby Larson, Valley City, N.D.; Kirsten Sjue, Williston, N.D.; Donna Smith, Grand Forks, N.D.; and Nicholas Thornton, Jamestown, N.D. The UND School of Law is a one of the original members of the prestigious Order of the Coif beginning inductions in 1924.

Pomeroy Delivers Commencement Speech

Earl Pomeroy, member of the U.S. House of Representatives for North Dakota and a 1979 graduate of the University of North Dakota School of Law, delivered the main address at two UND winter commencements on Friday, December 16. Pomeroy, pictured with UND President Charles Kupchella, was recently reelected to his eighth term in November. Pomeroy was named to the powerful Ways and Means Committee in the 107th Congress, a position he still holds today.

Degnan & Silverman Scholarships Awarded

Each year scholarships are awarded from two endowments held in the UND Foundation. The scholarship named for Sam Silverman, a 1939 UND Law graduate, and the Degnan scholarship set up in memory of Tom Degnan a prominent Grand Forks attorney, by his daughters. This year's recipients are pictured above from the left Silverman scholarship recipients Leah duCharme, Mark Western, Pat Maddock, Degnan recipients Erica Schively, and Ashley Samuelson. Each year Pat Maddock, a 1964 law grad and friend of both Degnan and Silverman, presents the awards.

Twin Cities Alumni Social A Big Success

About fifty people enjoyed an alumni social at the home of Jim '85 and Teresa Lodoen. Dean Paul LeBel joined the alumni and law school staff in an evening of socializing and music by the Lodoen children and Professor Tom Lockney. A wide range of alumni attended including several members of the Class of 2006. A mini 1985 reunion broke out as seen above. From the left, Class of 1985 members Greg Wolsky, Gary Kanwischer, Jim Lodoen, Christian Preus & John Hatling. A special thank you from the school to Jim and Teresa for their hospitality.
FA


While serving as a Fellow at Temple, Professor Traylor Schaffzin also earned her LLM in Legal Education. She received her J.D. from Temple in 2000 and her B.A. from LaSalle University, also in Philadelphia, in 1997.

Professor Traylor Schaffzin teaches Professional Responsibility and Trial Advocacy. She focuses her research on the intersection of evidence, civil procedure, and professional responsibility.

Patti Alleva Receives Teaching Award

The Rod and Betty Webb Professor of Law Patti Alleva was awarded the UND Foundation/Lydia and Arthur Saiki Prize for Graduate or Professional Teaching Excellence at the 123rd anniversary of UND Founders Day in February 2006. “Winning the award was both humbling and inspiring,” said Alleva. “I felt at once extremely honored and thankful to be recognized, as well as sincerely motivated to become an even better teacher.”

According to Dean Paul LeBel, Alleva has demonstrated an ability to effectively teach across a wide range of the law school curriculum from first-year courses to more specialized upper-level classes.

“Professor Alleva’s outstanding teaching is the result of a combination of multiple factors, including natural talent, great respect for and ability to connect with students, mastery of her areas of expertise, and a genuine concern that her students develop both the technical skills and the professionalism that will enable them to act with competence and compassion in their careers,” LeBel said.

This is the second time Alleva has won this prestigious award. Among other achievements, in 2003, she was selected as one of ten University faculty for an interdisciplinary program funded by the Bush Foundation to investigate issues of teaching and learning.

Dauphinais Makes Poster Presentation

Professor Kirsten Dauphinais was selected for a poster presentation at the Association of American Law Schools annual meeting in Washington, D.C. in January. Her presentation addresses the problems caused by eyewitness error and suggests possible solutions.
Tell Us Your Story. . .

Please send us any stories, memories or photos from past Malpractice Bowl games to be used in future publications.

Send your information via e-mail to:
alumni@law.und.edu

or mail to:
UND School of Law c/o Rob Carolin,
215 Centennial Drive, Stop 9003
Grand Forks, 58202-9003
Dean Olaf Thormodsgard’s Retirement Ceremony In 1962.

Participants in the ceremony included from left: Edward Devitt, Ronald Davies, Olaf Thormodsgard, Arly Bjella, and James White.