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## Proceedings of the One Hundred Seventeenth Annual Meeting of the North Dakota State Bar Association

North Dakota State Bar Association

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PROCEEDINGS OF THE ONE HUNDRED SEVENTEENTH  
ANNUAL MEETING OF THE NORTH DAKOTA  
STATE BAR ASSOCIATION

OFFICERS

JOSEPH A. WETCH, JR. ....President  
DARCIE EINARSON.....President-Elect  
AUBREY J. FIEBELKORN-ZUGER.....Secretary-Treasurer  
JACK MCDONALD.....Immediate Past President  
TONY J. WEILER.....Executive Director

PROCEEDINGS

June 17, 2016

(Whereupon, the meeting commenced at 7:56 a.m.)

PRESIDENT JOSEPH WETCH: Good morning, everyone. Welcome to the general assembly for the 2016 State Bar Association of North Dakota meeting.

So at this time I would invite you all to stand for the Presentation of the Colors and the national anthem. The Color Guard this morning is Troop 13 from Holy Family Catholic Church. And I'll invite them forward with the Colors. (Presentation of the Colors commenced.) And I'll invite our singers forward. Alyssa Danielson, Makayla Scherrer, Kaitlyn O'Shea and Madison Sawyer. (Singing of the National Anthem commenced.)

PRESIDENT JOSEPH WETCH: Thank you, Alyssa, Makayla, Kaitlyn and Madison. Very well done, ladies. At this time, I would like to introduce the 2016 Planning Committee. If you're in the room, I'd just like you to stand and be recognized as I call your name. Brittney Blake, Cassie Scheving, Erin Zasada, Alyssa Albus, Jessica West, Tracy Kennedy and Zachary Boettner. And also we'd like to give you a special thanks to the University of North Dakota - School of Law, Dean Kathryn Rand, Rob Carolin and Bethany Moe. And also for the silent auction, we'd like to give a special thanks to Margi Lee and for her continued hard work in putting together which, I'm sure you'd agree with, a great event last night.

So at this time it's my pleasure to make the Outstanding Chair Award. Each year the State Bar Association awards an Outstanding Chair Award to one of the many chairpersons of the committees of the Association. This

year, it's my distinct pleasure to present the Outstanding Chair Award to Sheldon Smith of the SBAND Editorial Board. Sheldon, if you would come forward. He's not here. Okay. Sheldon is not with us, so we'll make sure that he gets his award.

At this time, I'd ask Levi Andrist to come forward and we'll make the Justice for All Awards. These are awards to those members of the Association who distinguish themselves by providing pro bono hours. Ready? Okay, we'll try and do this over the rain. If you would come forward when I read your name, up here onto the stage, and Levi will present you with your certificate. Tracy Laaveg, from Park River, 180.4 hours of service to the community for pro bono hours. Robert Keogh, from Dickinson, 126 Alexander Kelsch, from Mandan, 102 hours. William Wischer, from Fargo, 85 hours of pro bono service. Kristin Redmann, from Bismarck, 81.6 hours. Aubrey Zuger, from Fargo, 74 hours of pro bono service. Elizabeth Alvine, from Fargo, 70 hours of pro bono service. Isaac Zimmerman, from Napoleon, 61 hours. Katie Perleberg, from Fargo, 61 hours. Our own Levi Andrist, from Bismarck, for 56.6 hours of service. And William Guy, from Fargo, 50 hours of pro bono service.

Each year, as appropriate, the Association awards the Legislative Service Award. The award goes to those individuals who provide years of legislative involvement, serving at the state or federal level, they exhibit commitment to serving their constituents by actively participating in the legislative process and they balance the principles of justice and jurisprudence while serving the need of the public. This morning I'm pleased to present the Legislative Service Award to United States Senator Heidi Heitkamp. She's not able to be here in person, but she has a special message for the Bar Association and I think our able productions will play the message.

**SENATOR HEIDI HEITKAMP:** Well, thanks to the State Bar Association for selecting me to receive the Legislative Service Award this year. It is, it is an honor that I am so grateful for and I look forward to continuing the hard work that we do every day here that brought this honor to me. And so as I look at this award and I realize that for many years I was able to attend The Bar convention and, and it's kind of sad that on this day when I'm receiving this award that I'm not able to be there with you. And I have to admit, I'm a little sad because Alan Page is there and that would be absolutely wonderful to be able to meet this pioneer not only in football, but pioneer in human justice and, and in judicial thinking.

And so I have to tell you that this award not only from North Dakota, but from North Dakotans who decided to take the same oath I did over 30

years ago to promote justice and rule of law while serving all the people of North Dakota. When people ask me what I like most about being a United States Senator, without hesitation I tell them it's the honor and privilege to wake up every morning, go to work for all the people of North Dakota and fight particularly for rural and tribal America. There's been some real significant justice reforms that have taken place since I've come to the senate.

The two that stick out the most to me were the reauthorization of the Violence Against Women Act in 2014, which, ironically, you know, was something I fought for years ago, and the Justice Against the Victim of Trafficking Act that was signed into law last year. I think a lot of you will remember that when the original Violence Against Women Act was proposed and signed, I was serving as North Dakota's Attorney General. I can tell you firsthand that elevating domestic violence as an issue in such a public forum as the United States Congress and passing the original act, changed the lives of so many women and families across the country and in North Dakota. I fought hard to make sure that reauthorization included a provision that now provides additional protections for women in Indian country, while also allowing tribes to go after non-Native perpetrators of domestic violence and sexual violence.

The Justice Against Victims of Trafficking Act also was a landmark piece of legislation that brought the reality of what's happening in our very own backyards into public view. The law includes strong protections for survivors of sex trafficking and increased enforcement tools to go after traffickers and begin the process of aggressively addressing the horrible crime of human trafficking in this country. But we still have a lot of work to do and several major pieces of legislation remain unfinished. The, these pieces of legislation are critical to delivering justice not only in North Dakota, but really across the country.

So I'm going to tell you about a few of those. We need to reauthorize the Juvenile Justice and Delinquency Prevention Act. I've been working to reauthorize it and to continue the necessary programming and funding for juvenile offenders. And, more importantly, I've been working to take a long hard look at reform so we can do better and better serve juvenile offenders in the system so we can end really the cycle of recidivism. I've also been involved with the bipartisan group of my colleagues in the senate on criminal justice and sentencing reform. This sentencing reform would address concerns about sentencing treatment and reentry programs. You know, I think that everyone has to admit we have to stop using our jails as repositories for people who are mentally ill and for substance abusers.

We have to make sure the laws provide opportunities for those who can still be productive citizens. And we have to invest, and I will say this over and over again, if these programs are going to be successful, we have to invest in reentry programs. And that's really going to be one of the great challenges here as we move forward, making sure that we do not have folks who are just in and out of the cycle. If we're going to be successful with criminal justice reform, we have to be successful in transitioning offenders back into the system.

One of my true passions as the United States Senator is to change outcomes and provide increased resources in Indian country. Along with many of you, hopefully, there, I don't know if Judge Foughty is in the room, but I will tell you, he and I have spent countless hours in meetings and we continue to go to meetings because this issue is just so important. And the result of not having a justice system that protects children on the reservation is just so devastating. And that's why I just, you know, insisted that the FBI director, Comey, come out and actually see Indian country. Just last week, he was out to Ft. Berthold to talk with MHA tribal leaders, federal, state and local law enforcement officials, criminal justice professionals. I think it's imperative that the federal government honor its treaty obligation in Indian country and work to make sure that justice for Native Americans and in Indian country is no less than what any other citizen in this country expect and is guaranteed.

I will tell you, I, I, when I work on this issue, I always think of Chief Justice Erickstad, who really started the first state tribal court collaboration. And from that discussion, we have built the idea that this is everyone's problem, it's not just a problem in Indian country. Number one, the population is too migratory. What happens is we frequently say if we have a problem in Turtle Mountain that problem could move to Spirit Lake or it could move to Devils Lake or it could move to Bismarck. And so we're all in this together.

And I think Chief Justice Erickstad, who started this program and, and so ably led it, and now Donovan is, is carrying it, your work is so critical to support those efforts, to support pro bono work, to support public defender work, to get involved in this issue on the ground as we look very frantically for making good public policy.

So thank you again for this wonderful award. But more importantly, thank you for the work that you do each and every day to make sure the voices of all North Dakotans are heard and protected within our criminal justice and our justice system. I wish I could be there in person, I'm truly, truly honored and will continue to do the work that we started many years

ago, but do it knowing that I took an oath of office when, when I became a member of the North Dakota Bar, that said that I share the responsibility with all of you for providing a justice system that works for all the people of our state. So thank you again and have a great, great convention.

PRESIDENT JOSEPH WETCH: All right. Gail Hand, Senator Heitkamp's legislative director, is here to accept the award on behalf of Senator Heitkamp. If Gail would come forward. When, appropriately, the Association awards the Liberty Bell Award, which is to promote understanding of our form of government, to encourage greater respect for the law and courts and to stimulate a deeper sense of responsibility on the part of citizens regarding their duties as well as their rights. This morning, I'd like to call on our past president, Jack McDonald, to make a presentation of the Liberty Bell Awards. Jack. Here he comes.

MR. JACK McDONALD: Thank you very much. I, I'm the outgoing, outgoing, so after this award, I'm going to go out. The, as Joe said, my name's Jack McDonald, I'm the immediate past president of the Association and it is my distinct honor to present this award today. This award is, it's a little unusual for, for North Dakota this, for the Bar Association this year. Normally it's, it's given to an individual. And as Joe said, the individual—the guidelines are to promote understanding of our form of government, to encourage greater respect for law in the courts and to stimulate a deeper sense of responsibility on the part of citizens regarding their duties and their rights.

And as we discussed this award at our Bar Association meetings, we determined to make the award this year to North Dakota Girls and Boys State. And I know, I, I would hope, anyway, that many of you participated. I was supposed to go in 1957 to Boys State, I would have been the governor that year, but we had the famous tornado in Fargo, so they didn't have Boys State that year. And I've been talking to them ever since about trying to put my name in because I know I would have been governor, but, but, but they won't do it, they're a stubborn bunch and so—But North Dakota Boys State has been operating in Fargo and now in Wahpeton since 1938. It's got a lot of years.

North Dakota Girls State has been operating since 1947, it's got 69 years of operation. And as you know, they gather young men and women and they spend a week. North Dakota Girls State just got done about a week ago, here, in Grand Forks, they made use of the law school and other facilities. North Dakota Boys State is wrapping up today in Wahpeton. They'll have their closing ceremony later on this afternoon. And as each of you know, they organize the, the, the kids into different activities, they

organize them into cities and counties and they operate, they learn how to operate governments.

Of course, they, they elect a governor, they elect county officials, they have a court system where they elect supreme court people. They hold a mock trial. And so it just seems very fitting this year that we, we give out the award.

So, first of all, I'd like to call on, on, on Lauren Hillebrand and Catherine, Cat, Olson, on behalf of the North Dakota American Legion Auxiliary, Department of North Dakota, North Dakota Girls State. Catherine and Lauren. Okay. On behalf of the North Dakota Bar Association, we present these women with the Liberty Bell Awards. And on, accepting on behalf of the American Legion Auxiliary, Department of North Dakota, North Dakota Boys State is the deputy adjutant, adjutant, that's a hard word to say, I can't spell it, but I can say it, the North Dakota adjutant Dave Johnson. The other officials are in Wahpeton to close out Boys State, but Dave is here to accept for the Boys State. Dave. Okay. Thank you all very much.

PRESIDENT JOSEPH WETCH: Thank you, Jack. It's now my pleasure to introduce Aubrey Zuger, from Fargo, to make the presentation for the Distinguished Service Award. Aubrey.

MS. AUBREY ZUGER: Good morning. It is my privilege on behalf of the State Bar Association to present the Distinguished Service Award to Justice Mary Maring. The Distinguished Service Award is the most prestigious award that the State Bar Association bestows. And it honors a member of our profession who has provided outstanding service to the state and to the community for an extended period of time. And Justice Maring has done just that. Prior to retiring last year, Justice Maring was a Supreme Court Justice for twenty years.

While on the Court, she was a member of the Administrative Council, the Joint Committee on Attorney Standards, the Commission on Alternatives to Incarceration, the Juvenile Policy Board and the Joint Dispute Resolution Committee. Justice Maring also chaired the Joint Procedure Committee, the North Dakota Judicial Conference, the Juvenile Drug Court Committee, the North Dakota Judicial Education Commission and the Gender Fairness Implementation Committee. She helped even search for a new Law School Dean. Judge Maring frequently lectured on professionalism, the interplay between science and the law and she taught students about appellate practice, trial work, and domestic violence.

While she was in private practice, Justice Maring was the president of the North Dakota Trial Lawyers Association, the Northeast Central Judicial

District and the Clay County Bar Association. She was a member of our Board of Governors, as well as the Minnesota State Board of Governors. Those credentials, which I will note, don't come close to summarizing all of the boards and committees and commissions and task forces that she served on over the years.

She may not even know this, but I reached out to her secretary to get a copy of her formal resume that her secretary has kept over the years and there's 15 pages of presentations, speeches, committees and commissions that she served on. And that's single-spaced. It's pretty impressive. So those committees don't come close to explain all that she has done. And those credentials on her own would make her eminently qualified to receive this award.

But, of course, that isn't all. I clerked for Justice Maring nine years ago and it was a great experience and I often say probably the best job I'll ever have. But immediately next to her computer she had a sign and it had two words on it and only two words and those words were "everybody matters." And she's lived by those words. And that philosophy has guided her action as a Justice for nearly twenty years as she heard the cases that came before her and as an attorney for twenty years before that.

It was with that focus that she heard cases at the Supreme Court, thousands of cases. And she, she heard those cases with the view that each of those cases was a real person and a person whose life will be greatly affected by the decision that was reached. It was with that viewpoint that she interacted with every committee member, every secretary, every attorney and every judge. It was with that philosophy that she trained twenty law clerks, not just about research and writing and oral advocacy, but about being part of the State Bar Association, its committees, its sections and about the legal profession. It was with that outlook that she went into communities, taught students, educated the, the public schools, all focused on improving access to the courts, educating the public and promoting the rule of law.

Justice Maring put her heart and soul into every case she heard, every project, every task that came to her. And I, and I will say that after working for her, she accepts nearly every request that she is asked, to be on any committee, any commission, to give any presentation. And she does this because everybody matters to her. And she was so generous and giving of her time and her talents throughout all these years. The courts are enhanced because of your dedication and innovations. The public is better because of all of your teaching about the court system and the rule of law. And our

profession is better because everybody matters to you. And you've been so willing to give up all of your time and talents over the years.

For all of these reasons I'm honored to present Judge Maring with the 2016 State Bar Association Distinguished Service Award.

JUSTICE MARY MARING: Thank you so much, Aubrey. Wow. I didn't expect that. Thank you all for this, for this honor, I, I deeply appreciate it. I, I do want to take a few moments at this point to talk about the State Bar Association. The mission of the State Bar Association is to promote justice and to serve lawyers and the people of the state of North Dakota. That mission is in line with our Rules of Professional Conduct and the North Dakota aspirations of professionalism and civility, which say about—which talk about the responsibilities of a lawyer. The Rules of Professional Responsibility say specifically that we are public citizens that have a special responsibility for the quality of justice. My reference to the rules and to the aspirations is meant to be a reminder to all of us that we have responsibilities that go beyond those owed to our clients and owed to the courts.

We have a responsibility to volunteer our time and energy to the various committees and sections of the State Bar Association. We are needed. Whether it is helping low-income people gain access to justice or helping members of our own profession that have addiction problems or serving on a committee that really seeks to improve our justice system. There are so many ways we can serve. I became a member of the North Dakota Bar Association, the Minnesota Bar Association, the Minnesota Women Lawyers and the American Bar Association in 1975 when I became a lawyer. In 1979 I was asked if I would serve as the Chair of the newsletter of the Young Lawyer Section of the Minnesota State Bar Association. And as a young lawyer, I was hesitant at first, but at the encouragement of one of my very good law school friends, Sheryl Ramstad, who is here with me this morning, I accepted that position.

That encouragement to take that step into some sort of a leadership position for a State Bar Association really started me on a path of service to both the Minnesota Bar Association and the North Dakota Bar Association. So I say to you, encourage other people to become involved in the Bar Association. You seasoned lawyers, please encourage newer lawyers to become involved in your Bar Association. And law firms, please encourage your lawyers and, and recognize the value to the law firm of involvement in the Bar Association. I was so fortunate that the very first law firm that I joined, which was over in Moorhead, Minnesota, not only encouraged my involvement, but supported it financially. No one does any of this alone.

There are always others who encourage us and believe in us. And I am one of those very lucky people who have had these people in my life, great parents, good friends, people who encouraged me to step into leadership roles. And then there's my partner of almost 41 years, my husband, David, who is my biggest supporter and fan. I left him alone, let me tell you, many Fridays, many weekends, with our two sons, to take care of them, while I was off at one committee meeting or another. Thank you, David.

I do believe that leadership is developed. And I encourage you all to grab all the opportunities that come your way to lead. Remember, you don't need to be the Chair and you don't need to be the president to be a leader. Our careers as lawyers are both challenging and rewarding. But I can tell you that they will be more rewarding if you step forward and serve our profession and our communities. So I challenge you to live up to your responsibilities to our profession. Forty-one years after graduating from law school, I can tell you, without reservation, that I'm proud to be a lawyer, I'm proud of the legal profession. And as David Peterson, from Bismarck, said, when he received this very award, and I quote, "I cannot imagine any other profession or occupation that could have been more enjoyable for me than this one." Thank you so very much.

**PRESIDENT JOSEPH WETCH:** Thank you, Justice Maring. It is the prerogative of the president of the Association to deliver an address at the annual meeting. Those before me have exercised their prerogative and have told you what the Association has accomplished over their past year. These are good comments when they are made because they inform you, the members of our unified Bar, about activities and actions taken by the Association. I, however, believe in the economy of words. I won't waste your time trumpeting the accomplishments of the Association, nor explaining the challenges, when you can read about them many times throughout the year in *The Gavel*. I will simply say that this has personally been a very gratifying year for me in service to the Association.

The able staff keeps the operation running smooth so that I and the rest of the Board of Governors can set policy. I thank you for the opportunity to serve and I hope that I can continue to do so in some small way in the future. Lastly, I'd like to thank my family, and particularly my wife, Lori, for her understanding and support over the past five years as I traveled to the various committee meetings and board meetings. Lori, would you stand, please. So thank you again. And now I would call on Chief Justice VandeWalle to deliver the update from the Chief. Chief.

**CHIEF JUSTICE GERALD VANDEWALLE:** You will notice I don't have a script, which is troublesome for a person my age, but I'm going to

try to—the “economy of words.” First of all, congratulations to all the award winners, particularly Justice Maring, my former colleague and friend, I’m delighted you received the award. Secondly, with regard to the State of Judiciary, you can see it every day on the website. And I want to acknowledge Justice Sandstrom and his efforts and Mike Schaefer for bringing the news, the news of Judiciary to you on the website. My best act was to get out of their way and let them roll with it. And so I’m not going to deliver a State of Judiciary. I do want to thank the Bar Association for its support over the years.

One of the jewels, I think, of our system in North Dakota is our joint committees. And this year, in particular, the Joint Procedures Committee and the Attorney Standards Committee, Justice Sandstrom were very, very busy. And I want to acknowledge and thank them for their work. They did tremendous work. And all of you, I thank for your service on the, on the various committees, the court committees and the joint committees. Yes, it’s a jewel, I think, in our system of law in North Dakota. When I travel outside the state, I realize that the relations between The Bar and the bench is not as good as it is in North Dakota and I don’t intend to take it for granted and I do thank you for it.

The last thing I have to say, and I have to eat a little—last year I crowed to you about the new positions, four new judges, twenty-some new positions the court got. Today I’m eating that crow, because we’ve had to keep some of those positions vacant. And I ask your patience as we struggle to meet the budget reductions. And I think going into the future we’re still going to have to do that. So I again ask your patience with our, our system as we struggle to, to accomplish the reductions in the budget that we’re faced with. Again, thank you very much for your cooperation, for your support of The Bar, of the bench and The Bar. Thank you.

**PRESIDENT JOSEPH WETCH:** Thank you, Chief. And now I would like to call on our own executive director, Tony Weiler, to present the executive director report. Tony.

**EXECUTIVE DIRECTOR TONY WEILER:** So the, the hashtag for the meeting is now (indicating) “economy of words”. We can all use that. That’s thanks to Dean Rand, I—one of the other ones she’s, she’s given us in the last few years with the law school is: you value engineering. And I’ve always loved that one, too, so—I, I will, I, I just will take a few minutes, thank you, I, I hope everyone is having a great meeting. I want to thank Joe for a great year.

This is—I’ve been in, in this job now for three years and 17 days, but who’s counting. I’ve enjoyed every minute of it, really, other than being a

federal defendant, that wasn't so much fun. It, it really has given me some street cred, though, and, and I'm hoping it helps my rap career.

It, it's, it's been a great year, Joe, thank you. Lori, thank you. I do know how much work it is to serve these roles and appreciate that it takes an effort of the entire family to do that I want to welcome Charles. Charles, I'm looking forward to a good year. Charles jokes with me sometimes that things are going to change. You know, that's exactly what an executive director wants to hear from their leadership. But I, I think he's kidding. I don't know. I want to thank the Board of Governors.

The Board of Governors members, if you're here, would you please stand. Thank you. Thank you. We have a, we have a fantastic board. When I took this job, just over three years ago, one of my greatest concerns was working for a board of directors, a 14-person board at the time, and it's now 15 because of the new district, and especially working for a board of 15 lawyers. But I found it to be very rewarding. And, and one of the greatest aspects of this job is getting to work with lawyers. I don't get to work against lawyers anymore, but I appreciate so much the energy and the effort that lawyers bring to all of the committees that we have, all of the work that we do. And, quite frankly, Mary, thank you. Your speech was exactly what I try to stress to people about what we do in the Association and how we do things. And, and really, you and Dave and Maring Williams, and all of my mentors that I've had really, starting with Justice Sandstrom, Jack McDonald and Dave Maring, that just really believe in service to the profession, believe in the Association and what we do.

So thank you, I really appreciate it. I, I want to thank my staff, Jeanne, Carrie. They sometimes hide at these things, but they're both here. The, the staff at the Association is, is fantastic, as you know. Jeanne Schlittenhard is, is the associate ED. Carrie's our CLE director. These meetings, we want you to think they're just easy and seamless and, go well, but they are tons and tons of work. And I, I want to thank them, because they do a great job and they make me look a lot better than I probably should. But the annual meetings have been great the last few years. And coming to Grand Forks, I was a little concerned about the movement and going down to the law school and using the Chester Fritz. And, I mean, I don't generally doubt Dean Rand, but I was a little concerned about it. And she's like: Tony, it's going to be fine, we can do this, we can do this and we can do this. And I was still skeptical. And then I realized she, she built a law school in 15 months, I mean, how can I, how can I question you.

So, Dean, thank you to you and your staff. I think, generally I get the complaints and I haven't had any this meeting. Not looking for any. But

we—it's, it's been great. I think this has been a very good annual meeting. I appreciate it. I appreciate the law school, the, the law school's help, so thank you, Dean Rand.

DEAN KATHRYN RAND: Thank you.

EXECUTIVE DIRECTOR TONY WEILER: I know, Charles, “economy of words”, I'm getting to, I'm getting to be a little bit long here. I do want to stress the things that we do at The Bar that, that I hope that adds value to you in your profession, in our profession, the committees that we have, the member benefits, Casemaker, the lawyer referral service, Gavel, lawyer assistance program, member assistance, all of our committees. And, again, Mary, thank you for what you said.

I really, really stress to you that, that if you help us by joining committees, doing the work that we do, I, I think you'll find it very rewarding. And I do want to also thank all of our sponsors, many of which are your law firms and many of which are, are partly the sponsors that were here at the annual meeting. If you see them, thank them. They're all listed in your, in your program. And, finally, I'm going to end with, we, we have memorials coming up. But Bob Snyder went to every single Bar meeting, at least that was his claim, I think it was true, in, in, in his years of practice, I think he made 36 straight or 37 straight. And I—he—the first couple when I was here, he, apparently he didn't care for them that much, at least that's what he told me. But the very last one, he said, he said: this one was better. You know, this one was good.

And so I hope if, if we could just keep getting better at the annual meetings and what we're doing at the Association, that's, that's, that is what we'll try to do and so I do really enjoy being your executive director. I really enjoy the job. And if you have comments, questions, concerns, please reach out to me. I'd love, I'd love to hear from you, good, bad or ugly. And thank you very much for being here.

PRESIDENT JOSEPH WETCH: Thank you, Tony. And now I will call on Aubrey Zuger again to deliver the treasurer's report. Aubrey.

MS. AUBREY ZUGER: I will be brief. We are in a great financial position and we have been for the last several years. The audited financial statements are in your packet. If you have any questions regarding those financial statements, please ask Tony, he's incredibly intelligent and can answer any questions you have. Or please, please feel free to ask me if you have any questions as well.

Brady Martz did perform an audit and have given us another clean opinion. The treasurer's report reflects that 2015 was a strong year for us financially. Revenues were up about \$65,000 over 2014. That is primarily

because of license fee income. Expenditures were down about \$80,000 over 2014, leaving our net assets to be in excess of 266,000 over 2014. So, as I said, great financial position. Looking forward to next year. If you have any questions, please let us know.

**PRESIDENT JOSEPH WETCH:** Thank you, Aubrey. Next are the Committee Section and Task Force Reports. We're not going to go through each one of those because there are quite a few. The materials are—the reports are actually found in your materials, so I would invite you all to look at the materials and read over the reports of the various committees. At this time, I would invite Jack McDonald back to the stage for the report of the North Dakota Bar Foundation. Jack.

And as Jack approaches the podium, here, I'm going to actually surprise him a little bit with a, a little gift from the Board of Governors. Jack and I went on the Board of Governors at the same time, in 2011. And his last official meeting was on Wednesday morning. Jack has served very ably as a Board of Governors at—on the Board of Governors and as the president of the Association and he's been a guiding hand to the rest of us with his quick wit and especially his insight and wisdom that he has imparted to all of us. So in a small appreciation for all of your years of service on the Board of Governors, Jack, we have this clock for you, which I hope you'll accept as our thanks.

**MR. JACK McDONALD:** Well, thank you very much, Joe, and thanks to the members. I, I lied to you, I'm not really that outgoing, I'm back again. The—I appreciate this very much, it wasn't expected and so I'll be able to put it on my desk and always remind myself of the good times I had on the, on the SBAND Board. I'm really here today—actually, I'm here right now on behalf of the North Dakota Bar Foundation. And as you know, the Bar Association runs the Foundation, which is a nonprofit organization.

We basically fund two—have two roles. One is to administer the IOLTA fund, interest out of lawyers' trust accounts, and, and the other one is to fund public service activities that promote the, the rule—the understanding of law and public service. As you know, well, all of you know, in the past years, we've been kind of—or I've been coming here before you and giving report and, you know, the interest, the IOLTA accounts have gone down, down, down, down, until there's practically nothing.

When I first started doing this, we used to have a hundred thousand dollars or so in interest in I—in IOLTA funds and now we're down to—you know, last year it was \$34,000, this year it was \$42,000. Which isn't bad,

but it's not, it's not a hundred thousand dollars either. We generated \$42,000 in 2015 from IOLTA prog—revenues. And the IOLTA committee, which is a, which is a great committee, Dave Peterson, Krista Andrews, Timothy Priebe, Bethany Andrist and Mary Van Sickle, operate as members of our, of our IOLTA committee and I want to thank them very much. This year, they're going to have two grants, one is to Legal Services of North Dakota and the other one is to the Southern Minnesota Regional Services that direct legal services to the poor.

Now the one kind of bright thing that happened this year and it's, it's, it was kind of unexpected in a way, and I can say well, it's due to my hard work and, and efforts on behalf of the Bar Association, but we received, we received two awards from a national legal settlement. And the first donation was \$233,485.30. And that came from the Bank of America, reached a settlement with the United States Justice Department over the foreclosure problems a few years ago. You all remember the foreclosure issues and things and there were some lawsuits. And, and as a part of this settlement, Bank of America was required to make donations to all 50 Bar Association organizations, legal aid associations. So our—and it's, it's based on a population basis. And so the first award was granted, was \$233,000. So that's a lot better than our \$42,000 we generated before. The, the, the caveat on that is that it needs to be—that the use can be limited and it has to be limited to federal legal aid organizations in the state for foreclosure prevention and assistance in community redevelopment assistance. And so we're going to be working now in The Foundation to determine what that is.

Dean Rand just said she started a new program at the law school called assistance in committee redevelopment assistance and she'll have that as a major, but—no. So we're, so we're going to, we're going to be working on, on how to develop that and maybe do—find out which organizations of the legal aid can help, can help us, because we only have one in North Dakota, so it wasn't too hard to figure out which legal aid organization it is. And even the better news is that, about a couple weeks ago, Tony just received word that we got the, we got the second wave of the donation and that was \$785,000. So now we've gone from \$42,000 to a million dollars. And we don't know what to do with the million dollars, so we got to—so—But, anyway, we'll, we'll work our way through that. And I want to thank everyone again who's made donations. Things like our, our auction last year. We've had efforts from the, the, the Bar Association, Bar Association Quilters Association has made quilts, we get those donations, we get everything.

Over the year, we actually received \$66,000 in donations. And, of course, many of you, through your law firms, make donations. And so part of our funding that we use for our other services, we always support levels of lawyer education and public education. We, the Bar Foundation, supports the, the funding of the school law in honor of Professor Lee. In addition, the Bar Foundation gives scholarships to the Law Review case note, comments. They give homecoming scholarships to the top first-year law students and we give a grant to the School of Law for its public service internship programs. So there—we are active. I do want to end by thanking the members of the North Dakota Bar Found—oh, and one other thing we have, we, we do administer, you remember back in 2010, the, the association created a, a Bar Foundation pro bono fund, to, to help in pro bono public service efforts. And we have served as the repository for that, to collect these funds. And so far, since 2010, we've collected \$125,052.83.

I'm, I'm not sure where the 83 cents came from, but we're going to figure that out later on. The, the Foundation members, in addition to myself, Jack Marcil is the Vice Chair, Wally Goulet, Charles DeMakis, the Honorable James Hill, Joe Wetch, Tim Priebe, Kathryn Rand, Paul Richard, Hon. Lolita Romanick, Ben Thomas and Robert Thomas. I want to thank them all very much. And thank you very much for the award.

**PRESIDENT JOSEPH WETCH:** Thank you, Jack. At this time, we have a few resolutions from the Association. There are resolutions in your materials, mostly for the, thanks to the local committees, the sponsors and exhibitors. I won't read them here because of time constraints, but I would encourage you to look at those in the materials. At this time, we'll move on to the memorials. Each year the Association honors those who have gone before—I'm sorry? Oh. Charles has something to say. I'll invite Charles forward.

**MR. CHARLES DeMAKIS:** Thanks, Joe. He was so modest he didn't want to—his resolution of appreciation read. Resolution Number 1 of the State Bar Association of North Dakota. Whereas, President Joseph Wetch, and his wife, Lori Wetch, have served The Bar, State Bar Association of North Dakota during the past year at a great personal sacrifice to themselves and their family. And, whereas, the State Bar Association of North Dakota has been greatly improved and enriched due to their efforts. Now, therefore, be it resolved that the State Bar Association of North Dakota commend President Joe Wetch and Lori for their dedication and efforts.

**FROM THE FLOOR:** Here, here.

PRESIDENT JOSEPH WETCH: I thought we could just move on to memorials. Thank you, Charles.

MR. CHARLES DeMAKIS: You're welcome.

PRESIDENT JOSEPH WETCH: So as I was saying, each year the Association does honor those who have gone before us. I will read their names and our production company will put their names up on the, on the screens for you. Elroy Arnason, Donald Becker, Harold Bergquist, Francis Breidenbach, Thomas Burgum, August Draeb, Vance Hill, the Honorable Maurice Hunke, the Honorable Dwight Kautzmann, O'Gorman King, Jr., Terry Knoepfle, Byron Kuenzel, the Honorable Lawrence Leclerc, Mary Elizabeth Longie Goodell, Elizabeth Maxwell, Maya Ogren, Paul Rohde, Arline Schubert, Robert Snyder, Ronald Splitt, Arthur Stokes, David Tilden, Hans Walker, Jr., and Edwin Zuern.

At this time, the next thing on our agenda is the election of the House of Delegates, Delegates position for the young lawyer representatives. We have four candidates for the position. If you're in the room, I would ask you to stand. Meredith Childress. Andrew Askew. There's Andrew. Sarah Scholler. I don't see Sarah. Jennifer Albaugh. Okay. So the way we're going to handle this is we're going to do a show of hands. I'll read off the names and then it'll be in the opinion of the Chair who wins and the secondary person who is going to confirm it is going to be Peter Welte. So all those in favor of Meredith Childress, please raise your hands. All those in favor of Andrew Askew. All those in favor of Sarah Scholler. And all those in favor of Jennifer Albaugh.

Okay, in the opinion of the Chair, Mr. Askew has won the position of the young lawyer representative for the House of Delegates.

As many of you know, the delegate for the state of North Dakota for the American Bar Association is Daniel Traynor. I personally know Dan, he puts many, many hours into attending the meetings of the American Bar Association and represents the state of North Dakota very ably. However, at this time it is required that we do elect an ABA delegate. So at—I would entertain someone from the audience to make nominations at this time. Yes.

MS. REBECCA THIEM: Rebecca Thiem. I hereby nominate Dan Traynor.

PRESIDENT JOSEPH WETCH: Rebecca Thiem has nominated Dan Traynor for the position of ABA delegate. Is there a second?

FROM THE FLOOR: Seconded.

FROM THE FLOOR: Seconded.

PRESIDENT JOSEPH WETCH: It's been seconded. So moved and seconded that Dan, Daniel Traynor becomes the ABA delegate. Any discussion? (No response).

PRESIDENT JOSEPH WETCH: All of those in favor, signify by, signify by saying aye. (Responses of "aye").

PRESIDENT JOSEPH WETCH: Any opposed? (No response).

PRESIDENT JOSEPH WETCH: Motion carries. Congratulations, Dan. I know, I know that you'll do a great job for us again this year. Next is the election of the President-Elect. Darcie Einarson is, I think, the only candidate. I know Darcie from her years of service on the Board of Governors and I think she'll be a great president. But at this time we do need somebody from the floor to nominate Darcie Einarson.

MR. LAWRENCE KING: I nomi –

PRESIDENT JOSEPH WETCH: Nom–

MR. LAWRENCE KING: I nominate Darcie Einarson.

PRESIDENT JOSEPH WETCH: And the Chair recognizes Lawrence King who has nominated, nominated Darcie Einarson for the position of President-Elect. I see a hand.

MR. RICHARD OSLOM: I'll second that nomination.

PRESIDENT JOSEPH WETCH: Dick Olson from Grand Forks seconds the nomination. Is there any discussion on the motion? If –

HONORABLE LISA McEVERS: It's Darcie Einarson.

PRESIDENT JOSEPH WETCH: Beg your pardon?

HONORABLE LISA McEVERS: Her name is Darcie Einarson not Einarson.

PRESIDENT JOSEPH WETCH: Oh. Thank you for the correction, Judge. All these years I've been calling her Einarson, she's never corrected me. Thank you, Darcie. All those in favor signify by, signify by saying aye. (Responses of "aye").

PRESIDENT JOSEPH WETCH: Any opposed? (No response).

PRESIDENT JOSEPH WETCH: Congratulations, Darcie. So at this time I would call President DeMakis forward. My last official act. I will now hand the gavel to Charles, wish him well for his year. And I hope you all congratulate me on Charles taking over the president—or congratulate Charles on taking over as the president. Hey, I'm done.

MR. CHARLES DeMAKIS: Hey, Joe, just a second, we have a, we have a little gift for you for your year of service as President of the Association. You and I came onboard at, at the same time as well, so it's, it's been a joy working with you.

PRESIDENT JOSEPH WETCH: Thank you, Charles.

MR. CHARLES DeMAKIS: There being no further business, we are adjourned.

(Whereupon, the proceedings were concluded at 8:56 o'clock a.m.)

#### REPORTER'S CERTIFICATE

I, Joy Filipski, a general shorthand (Stenograph) reporter, 2100 South Columbia Road, Suite 204, Grand Forks, North Dakota, do hereby certify that the foregoing 52 pages of typewritten material constitutes a full, true and correct transcript of my original Stenograph notes, as they purport to contain, of the transcript of the proceedings reported by me at the time and place hereinbefore mentioned.