



1-1-2015

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

North Dakota State Bar Association

Follow this and additional works at: <https://commons.und.edu/ndlr>



Part of the [Law Commons](#)

Recommended Citation

North Dakota State Bar Association (2015) "Proceedings of the One Hundred Sixteenth Annual Meeting of the North Dakota State Bar Association," *North Dakota Law Review*. Vol. 91 : No. 1 , Article 8.
Available at: <https://commons.und.edu/ndlr/vol91/iss1/8>

This Proceedings is brought to you for free and open access by the School of Law at UND Scholarly Commons. It has been accepted for inclusion in North Dakota Law Review by an authorized editor of UND Scholarly Commons. For more information, please contact zeineb.yousif@library.und.edu.

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

OFFICERS

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

PROCEEDINGS

June 19, 2015

(Whereupon, the meeting commenced at 7:45 a.m.)

MR. McDONALD: Good morning, everyone. I'd like to call the meeting to order. If you guys can keep on eating or going out to get our vegetarian breakfast, if you want to, and keep eating. But we're going to have to start the meeting because we have other plans later on today with some CLEs. I just want to urge you to stay around for the CLEs. We have the Mark Vogel lecture coming up right after our meeting, here, this morning.

Then, we have "A History of North Dakota" after the Mart Vogel lecture: A very entertaining show put on by Steve Stark, a cartoonist from Fargo, and the Fargo Forum's cartoonist. So I hope you plan to stay around. Both of those will be right in this room after the meeting.

So we'll call the meeting to order. We're going to have the Presentation of Colors and the National Anthem. The Presentation of Colors are by Troop 73 of Bismarck, and the National Anthem will be sung by Kathryn Tyler of Bismarck. So if you want to stand for the Presentation of Colors. (Presentation of Colors commenced.) (Singing of the National Anthem commenced.)

MR. McDONALD: Okay. Thank you very much, Troop 73. And thank you very much, Kathryn. We'll get going right away again with the business portion of our meeting. But first, what I want to do is: They've been such a big help, and they've done a tremendous job. I want to introduce the Planning Committee for this Bar Convention. And the co-chairs were—and I wish the Planning Committee, if those members are

here, if they would just stand, and we can give them applause at the end. Co-chairs were Zach Pelham and Levi Andrist. If they would rise. Judge Charlie Miller, David Maring, Jack McDonald, James Cailao, Jennifer Verleger, Jim Hoy, Judge David Reich, Kara Johnson, Peter Welte, Rebecca Binstock, Ross Espeseth, Scott Jensen, and Shane Goettle. Let's give them a round of applause. They did a heck of a job. And the silent auction: I want to thank all of you who attended the silent auction last night. I think it went very well. It was a little different: In a new location. We didn't have a sit-down dinner again, like we didn't have last year. But we just had heavy hors d'oeuvres in a nice setting: In the Atrium. The big planners of that were Margi Lee and Holly Crothers, so—the wives of Judge Gary Lee and Judge Dan Crothers.

The next item is the Justice For All Awards. We're going to ask Levi Andrist to prepare—present these. He did prepare them later on. And the—I'll call the people's names, and if they are here, if they want to come up and get the awards from Levi; and if they're not here, we'll just mail them their awards. So the Justice For All Awards: The first winner is Alexander—the top winner, I guess, is Alexander Kelsch of Mandan, with 285 hours. And this is of pro bono work. In second place, the former winner for years and years and years: Bob Keogh of Dickinson, with 181.40 hours. Third is Jessica Hibl of Cavalier. There's Bob Keogh. Congratulations, Bob. Okay? Oh, okay.

So Jessica Hibl of Cavalier had 175.5 hours. Kristin Redmann of Bismarck had 126.4 hours. Stacy Moldenhauer of Bismarck had 117.60 hours. Isaac Zimmerman of Napoleon: 108 hours. Tory Jackson of Minneapolis: 105.25 hours. Tracy Laaveg of Park River had 65.25 hours. Tasha Gahner of Fargo: 55 hours. And Larry Richards of Grand Forks had 50 hours. So let's give them all a big hand.

As far as the President's Address is concerned: When I started out to say something today, I was thinking back. Some of those—those of you who are closer to my age and stuff may remember Ernie Banks who played for the Chicago team, the Cubs, in the '50s and '60s. And Ernie's favorite expression all the time was, "What a beautiful day for baseball. Let's play two!" And I was kind of thinking that that's the way we have it here now: What a great time we have in North Dakota right now for lawyers. And it's a great time to be a lawyer in North Dakota, and I'm very happy to have been able to be the president of a Bar Association during this time. We now have nearly 2900 lawyers, registered lawyers in North Dakota. When I first started getting involved with the Bar Association, we were running around 1100 and 1200. There was some serious talk as to whether we'd even be able to have enough lawyers to provide the dues to provide the

services that SBAND wanted. Now we're nearing the 3,000 mark. I think—in the next year, perhaps—we'll probably pass that 3,000 mark. And as far as I know, in North Dakota, there's been no lawyer that's had trouble finding clients. It is a good day, just like it was a beautiful day to play baseball for Ernie: It's a good day, good time to be a lawyer in North Dakota. I don't think there's any lawyer, young and old, that hangs out their shingle who doesn't have clients. So it's a good time.

I've enjoyed the past year immensely. I'm very proud to be representing the profession, and I enjoyed a lot of the activities that went with it. One of the great things that you have as a president—and I know Joe will appreciate this—is you get to go to the investitures of new judges.

And the investitures are a nice operation. We're going to have four or five new judges this summer sometime, so there will be a lot more investitures. And one of the things about investitures: It's one of those few things that lawyers participate in where everybody is happy. There's no sad people. Everybody in the whole room is just happy. The only other thing I've ever encountered that, I guess, is adoptions: When you have an adoption, everybody is pretty happy there, too. But anyway, the investiture of new judges is a great operation, and we're going to have a lot more of those. It's been very enjoyable.

Another fun thing to participate in is the swearing in of new attorneys. Of course, we'll have the bar exam this summer; and then, the new attorneys will be sworn in this fall.

We had a good legislative session. You can be very proud of SBAND: It was represented well during the legislative session. Tony Weiler did a lot of testifying. We had other attorneys, Bill Guy, testify. I testified on some things. And I think SBAND was well represented, and I think the legislators have a very good feeling about SBAND because of the representation.

It wasn't quite so enjoyable to be named as the named defendant in a federal lawsuit. That's the first time I've seen my name on the docket: As "Fleck versus McDonald, et al" in Federal Court. But even—that's the—we're working that out; we're working on a solution. We're going to get a settlement on that. And I think, at the end of the day, we'll be a better professional—we'll be a better Bar Association for that. And so, we're going to try to get that settled up by the end of August, and I think we'll be—as I said, I think it'll work out great. One of the advantages, if there is one, of being sued, of course, is that you get represented by lawyers. And I've never been a litigator during my law career, and so this is one of the first times I've been able to watch the work of litigators up-front. And of course, we're represented—the Bar Association is represented by North

Dakota lawyers, and they're very good. The litigators—the litigation profession in North Dakota is doing an excellent job. Our lawyers are doing a very good job, and I'm very proud of them. I won't say the same for those little you-know-whats from the Goldwater Institute, but I don't want to say any more because they're taking minutes, here.

And I also want to thank, especially, the people that make SBAND work. I don't think, sometimes, they get enough credit for what they do. You know, first of all, as far as the SBAND staff: Tony Weiler, our executive director; Jeanne Schlittenhard, the assistant executive; and all the others on that staff. They work so hard throughout the year, not just on this convention. So I'd like to give them a hand at this time, if you could. We've moved into some great new headquarters here in Bismarck during this last year. We're up in North Bismarck, just a few blocks from the Capitol. And if you haven't had a chance to come and visit us yet, I think I would urge you to do so. It's a great building. We have a lot of room; very nice accommodations. We have conference rooms available: A large room and a small room. In fact, if any visiting attorneys ever want to come to Bismarck, and they need a place to take depositions or just a place to sit down and lay out all their documents and sort—get ready for a case or something, you can feel free to use the Bar Association headquarters at any time. There's lots of parking and easy access, so there's no problems. So I hope you come and visit the headquarters in Bismarck.

I also want to thank—take the opportunity to thank Chief Justice VandeWalle and the North Dakota Court System for being so cooperative and willing to work with SBAND for the betterment of the legal profession in North Dakota. I know, in some states, that's not always the case between the Judiciary and the Bar Association. We're doubly blessed here in North Dakota that we have this good working relationship. I've appreciated that during my time as president, and I know that that will continue on, and it works well for everybody.

I also want a special word of thanks to the Board of Governors that I've been able to have during my year as president and serve on before that. These good things for the legal association, the good things for the profession, don't just happen by accident. They take a lot of work, and the Board of Governors has to be thanked for that. We have three people who are leaving the Board of Governors after many years, and I want to thank them especially: Nancy Morris, Scott Jensen, and Levi Andrist. They're leaving our board now, and they've done a good job over the years. Oh, okay. We have some nice plaques here for Levi and Nancy and Scott, if Scott's still here. I know Nancy is here and Levi is here, if you want to come up and get your awards. Okay. They're clocks. And Tony Weiler

said, “Unlike other years, they actually work.” So Peter, maybe you can take one to Scott. You can take Scott’s to him.

Okay. And I wanted to—especially before I forget it, because I wouldn’t want to do that—is to thank my wife, Connie, for all the—we’re going on 51 years of marriage, so I want to thank her for all her patience and understanding. And I also have been proud to represent my daughter this year as a president. She’s a member of SBAND as well, of course: Courtney Koebele. Courtney, if you want to stand. And Connie, if you want to stand. Courtney was in our firm for many years, and now she’s executive director of the North Dakota Medical Association. She represents doctors, and I know that all the litigators start drooling a little bit when they hear that word “doctors.” And I want to again thank Zach Pelham and the planning committee. They did a great job on this.

And finally, I just want to thank all of you for supporting SBAND and for supporting me over this year. It takes the cooperation of a lot of attorneys. And every time I’ve asked an attorney anyplace in North Dakota to help out, they’ve been willing to do so. So thank you all again. It’s been a great experience, and I’m wishing Joe Wetch all the good luck. We’re going to be in good hands. So thank you all very much.

Now, it’s my pleasure to call on Chief an update on the judicial system. Chief Justice VandeWalle.

CHIEF JUSTICE VANDEWALLE: Thanks, Jack. Good morning. I’m really not going to give you an update on the judicial system. The State of the Judiciary is on the Web. If you want to read it, you can. If you don’t, you don’t have to. I do want to take the opportunity to thank the SBAND for its support of the judicial system in the legislature. Individual lawyers talking to legislators is the most significant thing that can happen, and so I thank you for that support. As Jack already told you, we’ve got four new judges. We also have 20 new employees, and that’s something that we needed. This was a “people budget” we presented in the legislature, and the legislature came through. It came at some cost. We had to cut the operations budget a little bit in order to get those people. But we have them, and so I thank you for your support.

And I also want to take a personal privilege: Thank you for the congratulations you gave me on the Theodore Roosevelt Rough Rider Award. I appreciate it. Thank you very much.

MR. McDONALD: Thank you, Chief Justice. The next—and I should add, by the way, that we’re also blessed in the legislature that Chief Justice VandeWalle has a great respect of the legislators. And so, for the attorneys trying to support the appropriation and the budget for the Supreme Court,

it's an easy job because Justice VandeWalle is the first one to testify, and he lays a good groundwork for that.

Next is the Executive Director Report from Tony Weiler.

MR. WEILER: Thank you very much. Good morning, everyone. I appreciate you being here. I hope you've enjoyed your annual meeting as much as I have. I think it's been great, and a lot of that is—a tribute to that goes to our staff, my staff: Jeanne Schlittenhard, AED. Jeanne—she's probably outside—continues to do a great job for us. She knows everything and anything there is to know about the Association. Carrie Molander has been with us for almost 13 years. She does a great job with our CLEs. Debbie Bowen runs the BLP program. Andrea Collin is our newest hire. Andrea has been brought in to do our publications, our website; communications director. And we have Deodar Eisenbraun: She's our administrative assistant. They do work hard for all of us in the Association. And meetings like this, I think—I hope most of you appreciate how smoothly it goes. For those of us, it's kind of like the duck under water: It looks pretty good on top, but underneath, we're just paddling away. It's been fun, though.

I want to thank Jack for a great year. Jack, we appreciate you being part of the youth movement and leadership for the Bar Association. And Jack: After I clerked for the Supreme Court for one year, he was my first boss. And then, he was my boss again for a year. So that's probably enough, huh? I really look forward to my year with Joe Wetch. Joe and I have been good friends for a long time. We're going to have a great year continuing to do the things that we do for all of you.

I want to thank all the Board of Governors members. You know, they represent each district along with our ABA rep, Dan Traynor and Dean Rand. They do a great job for all of us. Again, I think they do work that goes unnoticed, and I appreciate working with them, and I appreciate their leadership. And the Board had more work to do this year, obviously, because of what Jack touched on with our lawsuit. Getting sued: As Jack said, I'm glad I was just the “et al.” You were the named defendant. And I tell people that I wouldn't look good in orange, so I don't want to go to federal prison.

But the main thing about the lawsuit is that all of the Board of Governors became real aware of—they got a real good awareness and understanding of “Keller v. California,” which is the leading case in the United States on what mandatory or unified bars can do with our members' license fees, license dues. And until you do Association work related to Bar Association work—I believe I'd always been fairly involved in the Association, but I never knew what “Keller v. California” was. I could

probably recite most of it to you backwards now. We do believe that we're moving toward a solution in the lawsuit, and we have sent a notice to all of you via e-mail a few weeks ago talking about that.

What "Keller v. California" says is that mandatory bar associations can use the dues of members for two main purposes, and that's the regulation of the profession and for the advancement of the profession or the betterment of the profession. Outside of that, mandatory dues cannot be used without the consent of the member paying the dues. It's really tied to union shop cases. The case law really follows union cases and using non-member dues along those same lines.

So we had a settlement conference a couple weeks ago, before the preliminary junction hearing. And at that settlement conference, what we agreed to do is we've agreed to look at how we can more closely follow the law; how we can more closely follow Keller. And there are a couple states out there who have been through this before, and that is Wisconsin and Washington. And they have what we think are the biggest—or, not the biggest—the most advanced, the most leading Keller policies.

We're going to adopt policies along those same lines, which means that what we have to do is analyze our spending. And the case law allows you to look back to your last audited financials: Analyze what we're spending; look at what is chargeable—that is, to dues—and what is non-chargeable. So that is an exercise that we're going to enter into. And what you will probably see in your next dues statement that you will get from the Board of Law Examiners is the ability to opt out of what would be non-chargeable activities—activities that you do not agree with. And if you do not want to fund those, then you can ask us for a refund—not a refund; you just take it off your dues. That's the way we are heading. I believe that that will allow us to settle our suit. It takes de-unification off the table. I believe that what it will make us do and require us to do is, really, closely follow federal law, and that's what we should be doing. And so, we will come out of this lawsuit stronger; we'll come out of it as a better association. And we will be one of the states, I think, that leads in that area, following this instance. And I'll tell you, it's not an easy exercise because, when you look at all the 32 mandatory bar associations around the country, there's no uniformity. Everybody does it differently. I believe a lot of them would have problems if they were challenged.

And so, what I want all of you to take from this is that we're working hard to make sure that we're complying with law, that we're protecting your Constitutional rights, and that we're allowing you to opt out of any type of activity that you wouldn't agree with. And to be clear, we have always been cautious and careful about taking any positions, and we will

continue to do that. But there are certain activities such as legislative activity: Supporting any sort of legislation someone could object to. So we'll look at our budget, look at what we spend on legislative activities, and that will likely be part of the opt-out.

And so, what I want you, again, to leave with is that we're going to best to follow the law. We're going to have policies that I believe you'll understand, and we are re-working those right now. We're represented in the suit by Smith Bakke. Brad Wiederholt's been part of that; he's here this morning. They've done an excellent job for us, and we couldn't be happier with the—like Jack said, the level of representation that we've received, and I think it speaks well about North Dakota lawyers. If anyone you know has questions on that, I encourage you to have them talk to me, and we'll provide them with a more detailed explanation. So in the end, I think we're going to be a better, stronger association for it, and we'll continue to make sure that we are doing everything we're supposed to do with your fees.

And speaking of that, the Bar Association is in great shape financially. We continue to manage in a way that we spend less than we bring in. And we will continue to do that, hopefully, for as long as we can because our numbers are good. A couple other things, briefly: Judicial nominating has been an extremely busy part of what we've done in the two years and two weeks that I've been your executive director. And once we get through Judge Sturdevant's position in Bottineau, that will be the 18th judicial nominating position that I've been involved with in that brief time. So it's been extremely busy. The members of that committee are volunteers, and they do a great job. It is my job to help them, but it's been a lot of work.

And as Jack said, our new offices are great, and we couldn't be happier. We moved into offices that are state-of-the-art, brand new, a great location. We have a great landlord in the North Dakota Association of Counties. We share office space with Dave Maring of Maring Williams, so that's a really perfect fit for us. We share a conference room and a breakroom with them, and it is a place that we'd like you to use. If you come to town for anything and you need office space, we have an office, we have conference rooms that are available. So please know that it's your office, and we want you to feel as welcome there as possible.

Finally, I'll just leave you with the fact that I continue to hope that you know that we're working hard for you. And if you ever have questions, if you ever have concerns, you know, please see me. It's part of my job to make sure that you understand what we're doing and how we're doing it.

And we'll continue to operate that way for as long as you'll have me as your ED. So thank you; I appreciate it.

MR. McDONALD: Thank you very much, Tony. We will have the SBAND financial report from our secretary/treasurer, Aubrey Fiebelkorn-Zuger. We've only got 46 minutes left, so try to move it along.

MS. FIEBELKORN-ZUGER: I won't use all 46 minutes, Jack. Enclosed in your materials is this year's financials report, as well as a copy of this year's budget. As Tony indicated, the financials reflect that we are in a very strong position, very similar from last year, although our assets, again, are up over last year: Approximately \$120,000. We've also seen that the revenue is up about \$50,000. That's primarily because of an increase in license fees. You'll note in the report that our expenditures are up over last year, as well. As Tony mentioned, we did move into new office space, and we did incur some expenses related to that. Overall, we have—our net assets are up approximately \$200,000, so we remain in a very strong financial position there. And what's been recently completed is our audit process, receiving an unqualified opinion, which is the highest opinion that an association can receive. As Tony mentioned, if you have any questions, please don't hesitate to ask Tony; ask me. We're happy to answer any financial questions you have. That's all I have.

MR. McDONALD: Thank you very much, Aubrey. The Committee, Section, and Task Force Reports are in your written materials that you received when you registered, so we're not going to read those. So if you have any questions, again, you can talk to the committee people.

The Bar Foundation Report is in there which, I am president of the Bar Foundation. And I can just report that we're in good shape. And I think, as we mentioned in one of our meetings earlier, we did receive some money from a settlement conference against U.S. Bank, a national settlement. And so, the Bar Foundation will be getting an additional sum of money. It's limited in what we can use it for, but we are going to be getting some additional funds in that regard.

The Resolutions next: We're going to have the Presentation of the Resolutions, and I'll call on Joe Wetch to make those.

MR. WETCH: Thank you, Jack. Resolution Number One of the State Bar Association of North Dakota is an appreciation:

Whereas, President Jack McDonald and his wife, Connie McDonald, have served the 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 Jack McDonald and Connie for their dedicated efforts.

Resolution Number Two is also appreciation: Whereas, members of the 2015 Annual Meeting Planning Committee and Subcommittees and others have put considerable time and efforts into planning and organizing the 2015 Annual Meeting of the State Bar Association of North Dakota.

And whereas, those persons deserve special thanks for their efforts.

Now, therefore, be it resolved that the State Bar Association of North Dakota extend a special thank-you to those persons involved in the planning and organization of the annual meeting.

The rest of the resolutions lists all of the committee members, the silent auction, and the subcommittees, and Jack has gone through them already.

And they've been running through the screens throughout the annual meeting, so I'm not going to recite them here.

And finally, Resolution Number Three is also appreciation: Whereas, the businesses and organizations that graciously sponsored portions of the 2015 Annual Meeting, and those that participated as sponsors and exhibitors are in the resolution.

It lists the sponsors: Platinum sponsors, gold sponsors, silver sponsors, the bronze sponsors, and the exhibitors, which have been exhibited throughout the Annual Meeting on the screens, here.

So whereas, without their participation and financial support, the 2015 Annual Meeting of the State Bar Association of North Dakota would not have been the success that it was.

And be it further resolved, that the above be thanked for their gracious support. Those are the Resolutions of the Association for 152015.

MR. McDONALD: Thank you very much, Joe. I do want to also—there's a part of the Committee Reports that we annually give out: The Outstanding Chair Award for the committee members. And this year, the award for the Outstanding Committee Chair goes to Doug Bahr of the Attorney General's Office, whose dedicated service as Chairman of the Ethics Committee—I don't know if Doug is here or not, but we'll certainly see that he gets that, and we know that the Attorney General's Office has more ethics than it knows what to do with, so it'll be appreciated to get that award.

We next have—after the Resolutions, we do have the memorials. That recognizes the members of our Association that have passed away since our last meeting. And so, their pictures and names will go up on the screen. And before we do the memorials, I think we do have to—as Tony has reminded me, we do have to move the resolutions. So if somebody wants to make a motion to adopt the resolutions—

SINGLE AUDIENCE MEMBER: So moved.

MR. McDONALD: Okay, it's been moved. Is there a second?

SINGLE AUDIENCE MEMBER: Second.

MR. McDONALD: Okay, it's been moved and seconded to adopt the three resolutions that Joe read. All in favor say, "Aye."

THE AUDIENCE: Aye.

MR. McDONALD: Opposed? Okay. Resolutions have been passed. Now, for the memorials. The pictures will be up on the screen. Okay. Honorable Karen Kosanda Braaten from Grand Forks. James Carlson from Crookston. Jim Carrigan from Boulder, Colorado. Charles Crane from Mott. Richard David Farroh from Grand Forks. James Patrick Fitzsimmons from Bismarck. John J. Gosbee from Fort Yates. Mike Hannaher from Fargo. Ken Jakes from Bismarck. Justin Johnson from Minneapolis. Mildred Burns Johnson from Wahpeton. Gerald Jukkala from Mesa, Arizona. Rhonda Jordheim MacDonald from Falls Church, Virginia. Honorable Ralph Maxwell from Alamo, Texas. Lyle Moe, Maryville. Fabian Noack from Carrington. Honorable Gerald Rustad from Williston. Don Rysavy from Bismarck. Quentin Schulte from Stanley. Alfred Schultz from Bismarck. Glenn Swanson from Bottineau, and Lowell Tjon from Lisbon. If we can just have a few seconds of silence for those members. Thank you all very much.

The next item on the agenda is the election. We have the election of the secretary/treasurer. So if we have a nomination for the post of secretary-treasurer—Levi Andrist is going to nominate.

MR. ANDRIST: Yeah, Mr. President. This morning, I'm honored to nominate Aubrey Fiebelkorn-Zuger. Aubrey has served, currently, as the secretary/treasurer and also a member of the Board of Governors. She's a friend, colleague, mentor, and role model to many, and I think she embodies the best of our North Dakota lawyers in that she's committed to her family, her profession, and her community. So I am thrilled to nominate Aubrey Zuger for the position of secretary/treasurer.

MR. McDONALD: Thank you very much. Is there a second to that nomination?

SINGLE AUDIENCE MEMBER: I second that nomination.

MR. McDONALD: Thank you very much. It's been moved and seconded to elect Aubrey Fiebelkorn-Zuger to the post of secretary/treasurer of SBAND.

Are there any other nominations? Any other nominations? If not, we'll close the nominations. All in favor of the election of Aubrey Fiebelkorn-Zuger say, "Aye."

THE AUDIENCE: Aye.

MR. McDONALD: Opposed? Aubrey is our new secretary/treasurer as well as our old secretary/treasurer.

Okay. Now, next is an election of the president-elect. And this is a little bit different than we've had the past. The only—the person who has put in his name for election and put—signed the petition himself was Charles DeMakis of Minot. And Charles is a member of the Board of Governors representing the Minot area. Charles, unfortunately, had a family crisis right before this convention and was not able to get here for the meeting. And so, Charles is not here, but his name is the name that's up for president-elect. So at this time, I'll call for nominations for president-elect.

MR. PELHAM: My name is Zach Pelham from Bismarck. I would nominate my old high school classmate, Charles DeMakis. Charles serves on the Board of Governors. He was—as Jack mentioned, he was unable to be here due to issue that arose at the last moment. So obviously, I think we can all appreciate that, and Charles would have been here if not for that. Charles serves, as I said, I believe, on the Board of Governors, and I would nominate Charles to serve as the president-elect nomination.

MR. McDONALD: Okay. Thank you, Zach. Is there a second to the nomination?

SINGLE AUDIENCE MEMBER: Second.

MR. McDONALD: Okay. It's been moved and seconded to appoint—to elect Charles DeMakis as president-elect of the Bar Association. Are there any further nominations? I guess there can't really be because you had to put them in four weeks ago, so—sounds good to say that, though. Okay. All in favor of the election of Charles DeMakis say, "Aye."

THE AUDIENCE: Aye.

MR. McDONALD: Opposed? Okay, we have a new president: Charles DeMakis. That, kind of, wraps it up. I believe that, technically, again, I want to thank you all for being present. And we have a nice ceremonial gavel that I need to hand over to Joe so that Joe can handle this from now on, so—okay. Thank you. Congratulations, Joe. Okay. Thanks very much, Joe. I just want to remind you now: This will end our session—the business session. We have the 9:15 right in this same room. We have the 2015 Mart Vogel lectureship on "Professionalism and Legal Ethics." Professor Alex Kreit and Jim Coyle. It will be moderated by Dean Rand. So I hope that you stay for that. And then, there will be a little break. And then, we'll have the "North Dakota: Drawn to History" presentation starting at 11:00, again, here in this room. 1.5 CLEs, "Legal Ethics," for the Mart Vogel lectureship; 1.5 CLEs for the "North Dakota: Drawn to History." And I want to especially thank the Vogel Law Firm for continuing to sponsor the Mart Vogel lectureship. Thank you all very much for coming, and I hope to see you all back here in just a few minutes.

MR. WETCH: So Jack, just stand by here for a second because we can't let this last year go by without some more recognition. Jack has served on the Board of Governors for a number of years before he took the gavel and the position of president of the Association. Jack has led the Association the past year with patience, with calmness, with humor, and with wisdom. And also, with great enthusiasm. And we on the Board of Governors and I would say that all of the members of the Association were blessed to have him as our president over this past year and guide us with his leadership. So in appreciation of the efforts of our past president, we have a few gifts for you, Jack. The first is a plaque, acknowledging your year as president of 2014-2015. So I'd like to present you with that.

MR. McDONALD: Okay. Well, thank you very much. Okay. Thank you.

MR. WETCH: And then, the staff noticed that Jack's briefcase has been a little "experienced." And so, we'd like, also, to present you with this new briefcase in appreciation of your efforts.

MR. McDONALD: Okay. Thank you so much. Thank you very much.

MR. WETCH: So the first order of business that I get to do as your new president is entertain a motion to adjourn the business meeting.

SINGLE AUDIENCE MEMBER: So moved.

SINGLE AUDIENCE MEMBER: Seconded.

MR. WETCH: It's been moved and seconded to adjourn the meeting. All those in favor say, "Aye."

THE AUDIENCE: Aye.

MR. WETCH: All those opposed? I'll declare the meeting adjourned. (Whereupon, the meeting concluded at 8:29 a.m.)

NOTARY REPORTER'S CERTIFICATE

I, Elizabeth H. Lundquist, a Notary Public and stenographic court reporter within and for the County of Cass and State of North Dakota, do hereby certify: That the foregoing thirty-six (36) pages contain an accurate transcription of my shorthand notes then and there taken. I further certify that I am neither related to any of the parties or counsel, nor interested in this matter directly or indirectly.

WITNESS my hand and seal this day of July 21, 2015.

Elizabeth H. Lundquist, Notary Public, Fargo, North Dakota