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

North Dakota State Bar Association

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

OFFICERS

HON. GAIL H. HAGERTY	President
NANCY J. MORRIS.....	President-Elect
AUBRY J. ZUGER.....	Secretary-Treasurer
KRISTEN S. PETTIT VENHUIZEN	Immediate Past President
WILLIAM NEUMANN	Executive Director

PROCEEDINGS

June 14, 2012

PRESIDENT KRISTI PETTIT-VENHUIZEN: All right. I'd like to call to order the 113th annual meeting of the State Bar Association of North Dakota, so if everyone can please come and take your seats, we'll get started.

As always, we will begin with the recitation of the Pledge of Allegiance, followed by a performance of the national anthem. And, today, we have with us James Kerzman who will be performing the national anthem by trumpet.

So, again, we'll start with the Pledge of Allegiance, if you could all rise, please.

(Whereupon, the Pledge of Allegiance was recited.)

(Whereupon, the national anthem was played by trumpet.)

PRESIDENT KRISTI PETTIT-VENHUIZEN: Thank you very much, Mr. Kerzman, that was wonderful.

I will be appointing Justice Crothers to act as parliamentarian during the meeting today and he'll help keep, keep us in order and keep us on track, so thank you, Justice Crothers.

Which – where are you?

JUSTICE DANIEL CROTHERS: Right here.

UNIDENTIFIED SPEAKER: Right here.

PRESIDENT KRISTI PETTIT-VENHUIZEN: Oh, okay, great. So I know where to look, thank you.

I would like to begin by extending appreciation and gratitude to everyone who is on the local committee who helped plan this annual meeting. So if you're present, if you could please stand.

We have Joel Larson, who is the Chair of the committee, Lee Ann Barnhardt, Alex Reichert, Brad Parrish, Karing Winning, Meghan Compton, Patrick Dixon, Sue Swanson, Meredith Larson, Andrew Sorbo and Cassie Scheving.

Thank you very much to our committee.

I would also like to thank Margi Lee and Charlotte Hill, and they have been tremendous help in planning the North Dakota Bar Foundation silent auction, we could not have done it without them.

Planning our annual meeting is a big job, it takes tremendous time and energy and we really appreciate all of our volunteer and, and committee members, thank you.

Oh, my iPad's not going to want to work for me, there we go.

This is my opportunity to make my address to The Bar. And I wanted to start by just thanking all of you. It has been an extreme privilege for me to serve as the president of the State Bar Association. I have thoroughly enjoyed the experience and am sorry that I am reaching the end of my term.

I could not pass up this opportunity without telling you that you are in extremely good hands, you have a great Board of Governors and a great staff working for you.

Bill and Jeanne and the rest of the staff are doing just a wonderful job. They are always prepared, responsive and willing to take on any task that we give them.

More importantly, they've made sure that I haven't embarrassed myself too badly in the past year, so I'm very thankful to them for that.

The members of the Board of Governors have been a true joy to work with. This group gives tirelessly of their time. They have been mentors and have given support and I am truly thankful for everything that they have done for me and for you in this past year.

I remember last year our immediate past president, Sandi Tabor, standing up here and saying that her goal was to do no harm. And I truly hope that I have done no harm in this last year.

But my goal was a little different. My, my goal was to make sure that SBAND was responsive to the needs of the profession.

With the help of the Board of Governors, we have tried to identify issues that need SBAND support. As you all know, the oil boom has had a huge impact on the legal profession.

SBAND recognized that problem and we have been working to try to identify the needs of the profession and develop solutions for The Bar and the public that we serve.

Someone noted with this that we are looking at a potential constitutional crisis. And I believe that, as guardians of the law, it is our job to take the lead in making sure that the constitution is upheld and the public is served. And SBAND is here to make sure that that happens.

We are always focusing on how to best communicate with our members, making sure you all know what's going on, what's out there, what's happening.

So one of the ways we tried to do that was by creating a committee to use social media, to figure out how we can do social media to benefit the association. So as a result of that, we now have Facebook and Twitter. I think we're behind the times, but we finally caught up. And our committee is going to continue to focus on how to use those options to the benefit of SBAND.

We are looking at possibly creating an app so that we can have immediate access to attorney information and the rules of court wherever we may be.

And eventually the committee will explore the impact of social media in regard to both helping with practice management issues and identifying potential ethical considerations.

So those are the kind of things that SBAND's focusing on.

Being a lawyer is a rewarding career, but I think we'd all agree, it's also a lot of hard work. And I hope that we, SBAND, and your Board of Governors, have had a small part in making that job easier.

So thank you again for the honor of serving you in this wonderful profession, it's been a great year.

I would now like to call on Chief Justice Gerald VandeWalle, who will give the State of the Judiciary address.

CHIEF JUSTICE GERALD VANDEWALLE: Thank you. Thank you. Please sit down.

I had a cough drop in my mouth I had to get rid of.

President Venhuizen, members and guests of the North Dakota Bar Association, thank you for allowing me to again speak with you about the state of our North Dakota judicial system, it is a privilege and a pleasure I do not take for granted.

And by the way, I think that, just watch the round thing up there and if it gets too boring, it'll put you in a hypnotic state so you won't have to listen.

The annual report of the North Dakota judicial system for 2011 is now published and is available for viewing on the Supreme Court's website, if any of you are interested.

I do not intend to repeat the contents of the report in these remarks, I am aware that time is limited and I do not want to overstay my welcome.

I begin with what seems to be everyone's topic of discussion, The Bakken. I thank the State Bar Association for the establishment of a task force to examine the impact of oil activity on the judicial system.

We know that there have been increased caseloads throughout the Northwest and Southwest Judicial Districts and we anticipate that they will continue to increase in number as the oil boom continues and the area affected continues to spread.

One of the steps we have taken within the judicial system to measure and to understand the impact is to update the statewide workload assessment for judges and clerks of court.

These assessments will give us a starting point for determining what additional resources the Court may need and where they should be located.

The assessments also ensure that we do not lose focus on the needs of the entire court system.

While the oil impact counties are currently on the minds of the public and the media, we must not lose sight of the chronic judicial and staff shortages that exist and continue to grow in the South Central and East Central Districts.

The forthcoming legislative session promises to be interesting as well as challenging. While our legislative proposals are not yet finalized, this association has played a persuasive and significant role in the legislative process. And I will again seek your counsel, your aid and your assistance in advancing our program.

We recently released the latest evaluation of our family law mediation program. This was the first opportunity we had to look at two areas where we had hoped to see some impact, the time it takes to reach disposition and the number of times cases come back to court post-disposition.

The evaluation found that the time was shortened by an average number of days that ranged from 80 days in the Northeast Central Judicial District, to 150 days in the Northwest Judicial District.

The percentage of cases that were reopened in the South Central Judicial District decreased by 91 percent and in the Northeast Central Judicial District, by 71 percent.

The litigation satisfaction rate was 87 percent.

We are pleased the program is being widely used and that it is having such positive results.

We are currently considering a proposed rule establishing the Appellate Mediation Program.

This program would offer litigants involved in family and probate cases the opportunity to participate in mediation at no charge to them.

Some of you are members of the Court's Commission to Study Racial and Ethnic Bias in the Courts. Many of you have taken time to complete the Commission's surveys and offered your input in other ways.

The Commission will soon release its final report. One of the recommendations that will be included in that report is the need for court and bar-sponsored programs to make courts more accessible to citizens from all cultures and the development of community outreach activities.

I hope that when we move forward with these recommendations, we will find a willing and eager partner in SBAND.

While bias cannot be tolerated in any governmental branch or institution, it is particularly harmful in the courts to which the public looks above all for fairness and neutrality.

This spring marks the 20th year since Judge Jahnke was shot while presiding over family court. I wish I could say that we have found a way to ensure that something like this does not happen again in North Dakota. Sadly, that is not the case.

Too often, especially in our rural communities, security is inadequate. We recognize county resources are limited and that it is hard to get anyone too excited about security when no one has been injured in recent years. However, just two years ago, we had an incident in Adams County where a defendant brought a gun into the courtroom.

Thanks to the quick action of Jonathan Byers when the gunman misfired, no one was hurt, but the incident was a stark reminder that we can never become too complacent about security.

We are currently circulating a proposed amendment to Administrative Rule 13 that would require all pleadings to be filed using the Court's e-filing system, except for those used to initiate a case.

We recognize this has a direct impact on how you do business with the courts and we are interested in hearing from you.

E-filing has been available statewide for more than a year and the practicing Bar's usage of it is slower than we expected. At the same time, we have seen a tremendously positive response to The Bar's online access to court documents.

The two parts of the system work hand in hand. When you use the e-filing system, the documents are clearer and the clerks are able to produce them faster, which, in turn, makes them available more quickly to the judges and the litigants.

The issue of how to provide adequate service to self-represented litigants is a perennial question. We have recently referred a proposal to the Court Services Administration Committee to consider instituting a support center for self-represented litigants that would provide assistance in completing the forms.

I do not know what the final recommendation of the Committee will be, but the number of people choosing to forego using attorneys has been and will continue to increase – to grow.

In light of North Dakota's booming economy and low unemployment rate, it seems odd to talk about people in need. But despite our affluence, there are people in our state who are without adequate resources and in need of legal services.

The media reports indicate that many of the people drawn to North Dakota by the promise of jobs are destitute when they arrive. Some of them have needs which are greater than one might, than, than we might expect.

I raise this because Congress is again proposing further cuts to the Legal Services Corporation. More than half of the funding for Legal Services of North Dakota comes from funds appropriated by Legal Services Corporation.

Because of reduced federal funding last year, they were forced to lay off one full-time staff attorney, excuse me, and discontinue all five of their temporary law clerk positions.

For every staff attorney position that Legal Services of North Dakota loses, approximately 700 North Dakotans will lose the opportunity to get the help they need to resolve their legal issues.

I thank all of you who have performed pro bono or reduced fee services or contributed money to provide legal services to the poor in the past year. And I urge everyone to consider what they can do to help where they can.

As our profession prospers from the economic upswing in North Dakota, we have a greater responsibility to contribute our money, if not our time, to ensure access to the justice system in North Dakota.

At the request of the Administrative Council, I asked the Judicial Planning Commission to consider the current judicial district boundaries and to make recommendations relating to redistricting.

The Commission has been considering these different proposals but has not yet decided which, if any, of the proposals it might recommend or whether it will recommend any changes to district boundaries.

I mention this because I am aware that in some areas of the state, city and county commissions or local bar associations have been approached about the various proposals. This may have given some people the idea that a decision has already been made. That is not the case.

I assure you that if we reach the point where the Commission has a recommendation the Court looks favorably upon, we will ask for public comment before a decision is made.

Thank you, Penny.

For the last two legislative sessions, I've been urging a study of guardianship and other issues affecting the elderly.

At the last session, the legislators adopted our study proposal and hired a consultant who examined North Dakota's guardianship and public administrator system.

The consultant released its final report at the end of May. He has presented recommendations that would strengthen the due process rights to proposed wards, raise the standard for guardianship and establish a state agency to deliver a public administration services.

It remains to be seen what the interim committee will recommend and what might ultimately become law.

I could speak at length about proposals made and discarded by the 20/20 Commission concerning changes in the ABA model rules of professional conduct and admission to practice as a result of changes in technology and the globalization of the practice of law. I do not intend to do so because tomorrow morning, knowledgeable people will discuss the topic at the Vogel Lecture on Professionalism and Legal Ethics.

I urge you to attend to hear about the issues, the proposals and the pros and cons of those proposals.

The critical importance of an independent judiciary in protecting and promoting democracy could not be overstated. If the people cannot turn to the Courts with confidence that the judges will fairly and impartially apply the law, then the Courts will have become meaningless. Huge sums of money permeate some judicial elections. In other states, relations among justices have deteriorated to a caustic level that would have been unthinkable even ten years ago.

I am proud of the civility with which North Dakota elections have always been conducted. It is yet another reason to be thankful and proud of North Dakota. But if they are to stay that way, it is up to us as a state and as a profession to help – to hold ourselves to a high stand of conduct.

As I have in the past, I again thank the North Dakota State Bar Association officers, members and staff for your interests, your cooperation and your support in preserving and improving the fair and impartial judicial, judicial system our citizens deserve. I am grateful for your advocacy on behalf of the judicial system. I am grateful I live in North Dakota.

Thank you.

PRESIDENT KRISTI PETTIT-VENHUIZEN: Next, I'd like to invite Bill Neumann, SBAND executive director.

WILLIAM NEUMANN: Good afternoon.

It says here I'm supposed to give you the executive director's report. It's just a little, bitty report. And, in fact, President Kristi has already given you a big part of it. She's mentioned our new database, which is like an iceberg. And the new website, which is the tiny, little tip of that database iceberg that you get to actually see.

We also have a new employee that I hope each of you's had a chance to meet, Monique Kingsley, who actually writes code for that database and has done a fantastic job of transitioning us from the old to the new just as, more smoothly than anybody thought possible.

There are still some little areas and glitches that got transported from the old one, we're working on them. If you see anything, tell us, let us know, but it's gone amazingly well.

She mentioned our Facebook page. We're being dragged into this millennium.

She mentioned our IT and social media committee, which has just completed a proposed policy that'll be passed on to the Board of Governors for their consideration.

In – oh, I, I, I should tell you that none of, none of these things would happen without the help of our members, our volunteer members. Because there're only five and a half of us on the staff. We, we couldn't do it all without you.

And you, in turn, are supported by the very best staff that any Bar Association in the country has. They are wonderful people.

They – I like to tell folks that the most valuable resource that the Bar Association has walks out the door every afternoon after 5:00. And one of the most important jobs I have is to make sure they come back again the next morning, that they're, that they're willing to come back. And they do. They're great.

You're going to hear in just a few moments from the secretary/treasurer that we are not broke. She'll give you the details.

I suppose the one thing I, I really ought to mention, and you already know about it, because I, I wrote a little letter to all of you in the Gavel, about three months ago, and that is that I announced that I plan to quit doing this job in a year.

And the Board of Governors has appointed a small group to work on searching for the next executive director. They're going to start doing that as soon as we catch our breath after this little project, this annual meeting.

And so sometime in, I don't know, the next couple months or something like that, be watching for an announcement that we are now ready to start hearing app – an expression of interest and receiving applications from you folks.

I should tell you that – forgive me, forgive me, Chief, for saying this – but I really think this is the best job I've ever had.

Just, just – and, of course, the Court was the very next best, but –

I'm, I'm still not totally sure what I want to be when I grow up, but let me tell you, this comes closer than anything else ever has. This, this is good.

So you folks out there who never imagined that you might do this, think about it. It might be one of you a year from now standing up here doing this, giving this report.

I'll, I'll get all modally and weepy a year from now, when I thank you for the opportunity to serve you. Between now and then, I continue to serve you, but thanks anyway, it has been great.

And now Kristi and the Chief Justice are going to do some pro bono awards.

Thank you.

PRESIDENT KRISTI PETTIT-VENHUIZEN: Thank you very much, Bill. And we will take advantage of working you hard the next year. You are not getting off easy, so –

We are moving on to the pro bono awards. And Chief Justice VandeWalle will help me with that presentation.

As we, as we all know, community service comes in many forms and the Association is very proud of the efforts of its Volunteer Lawyer Program and all of the individuals who donate hundreds of hours, providing free legal time to those who would otherwise not be able to afford our civil justice system.

Every year we recognize those individuals who donate an extraordinary amount of time to pro bono cases.

This year, the top three attorneys contributing to SBAND's Volunteer Lawyer Program were, Kristin Overboe, who gave 608 hours of volunteer time. Wow.

And if she's present, if she could please come up here.

We also have Bob Keogh, who is always, and we are always able to rely on him, 242 hours. If Bob is here, please come forward. Thank you.

And Tracy Laaveg. Is Tracy here? Tracy Laaveg gave 126 hours this year of volunteer hours.

Thank you to these three great volunteers and to each and every one of you who has volunteered your time by taking pro bono cases, even reduced-

fee cases, every little bit helps and, and you're all to be congratulated, thank you.

At this time I would like to present the Outstanding Chair Award. Every year the President of the Association does have the honor and the pleasure of naming an Outstanding Committee Chair. This year, I am pleased to recognize Leslie Oliver, Chair of the Lawyer Assistance Program.

And, Leslie, I think I saw her earlier, if she could please come up here.

Leslie has, I think all of you know, been the Chair of the Lawyer Assistance Program for a long time. And at the beginning of my term, I guess last year, I approached her at this meeting and said: we need more, we need more help.

And she very generously said she would stay on board and help us with the things that we needed with the Lawyer Assistance Program.

She has helped develop a marketing strategy for lawyer assistance. And what we are most pleased about is they've established a Peer Assistance Volunteer Program to train people to help attorneys who are in need.

So Leslie's just been a, a, a great asset to The Bar and I wanted to recognize her and thank her for all her hard work.

And now I will invite Nancy Morris, secretary/treasurer, and she will present the financial report.

NANCY MORRIS: Thank you.

Bill said I should tell you we're not broke, but, in fact, we do have money.

I will briefly summarize a copy of the report that is in your handouts.

The Board of Governors was pleased to have an unqualified opinion. We have year-end assets of \$1,488,855, which is up from 1,341,313 in 2010.

We had total revenue of \$1,227,131 and expenditures in 2010 were \$1,075,110.

The 2012 budget, you should know that the Board of Governors does look at the monthly financial reports that are prepared and do closely monitor expenditures and, and income. They keep track of all spending through those reports and continue to monitor the trends.

It is our hope that, if you would like – if – that we are using the funds of this Association wisely.

If you have more – you want more information, please contact Bill.

Thank you.

PRESIDENT KRISTI PETTIT-VENHUIZEN: As Bill mentioned, we are very fortunate to have all of the volunteers that we do that do our committee and task force work.

So please make sure that you review the committee section and task force reports that are in your general assembly packet.

We have a lot of people working very hard for us and we appreciate their efforts, so thank you to all of those volunteers.

At this time I would like to introduce Jack McDonald, Chair of the North Dakota Bar Foundation.

JACK McDONALD: Thank you, Kristi.

The, the Bar Foundation report is in your, in your handout packet, too, but I'm going to hit a couple of the highlights of it.

We always want to make sure you understand, that those of you that are new to the Bar Association or the convention, the Bar Foundation is a separate, nonprofit organization organized under the, the Bar Association and it has two basic roles.

One of the roles is to administer the IOLTA program, interest on lawyers' trust account funds. The IOLTA program, which collects funds from the lawyer trust accounts and uses them to provide programs for civil and legal programs – leg – civil legal services and, for the poor, and then public education about the law and improvement of the administration of justice.

The Bar Foundation also has a public service function, a separate function, and it – there, we use the money from our membership dues, money we raise like at our auction tonight and other fund-raising projects, to fund public service programs. And so we're going to try to look at really both of those.

First of all, regarding IOLTA, I am sure, as many – as all of you know, that work in law firms and have trust accounts, the IOLTA program's in a world of hurt right now.

For 2011, the total generated from IOLTA funds was \$42,667. \$42,667. Just four years ago, in 2009, there was \$140,867 granted. So that's a drop of, that's a drop of nearly a hundred thousand dollars in just four years. I mean, a hundred, a hundred thousand dollars is a lot of money, that's like a Vogel Firm retainer fee. And so we – it's, it's going, it's, it's going down very quickly and there's no real answer to that.

For 2011, The Foundation and IOLTA, the IOLTA committee, could not fund all of the programs it usually funds with the income it has and so we had to dip into the reserves. And we've had to go into the reserves for a couple years in order to maintain some of these programs that, that provide legal services to the poor.

For 2011, the IOLTA program donated \$48,000 to LSND, Legal Services of North Dakota, \$45,000 to SBAND's Volunteer Lawyer Program, thir – \$31,000 – \$3100 to the Southern Minnesota Regional Legal Services. And then we – it was \$1500 to the Graduating Into an Adult World Booklet and \$6700 to the Education, Law Related Education's program through SBAND.

I want to thank – all the time – I want to really make sure to thank the members of the IOLTA committee, they're a hard-working committee, they've had, had, made some really tough decisions the last couple years, they've had to cut some programs, they've had to cut the funding to others.

And the IOLTA committee for 2011 is Dave Petersen from Grafton, Kristi Andrews from Fargo, Tim Priebe from Dickinson, and there's two nonlawyer members, Jill Gackle-Denning from Garrison and Bethany Andrist from Bismarck.

As far as the Bar Foundation's public service function, we distribute the money, most of the money that it receives goes into programs to help the level of, of lawyer education and public education about the law and to preserve legal history in North Dakota.

We – for 2012, the Bar Foundation continues to fund the Randy White, Chair, at – in, in honor of Randy White – excuse me, Randy White, Randy Lee, I don't know where I get Randy White from all the time, but the Randy Lee, Chair, at the University of North Dakota.

And that's a really nice chair, by the way, it's, it's got a high back and pads and it swivels and it's just a super chair. And we've, we've been – we've donated about \$15,000 into that Chair last year, we'll do more in the future.

We have scholarships for the Law Review Case/Note Awards. We provide homecoming scholarships to the top first-year law students in certain classes. And we also grant the UND's public interest law internship program.

So we've had good results from our membership drive, we could always have better.

For 2011, our total income was \$70,000.

And donations come from the silent auction, as I said, dues check-off and other miscellaneous income.

We also have one more fund, before I – that, that we need to talk about, it's a brand-new fund we started in 2010, with a resolution at this meeting, and that's the pro bono fund. And that's operated through the Bar Foundation and it's designed to provide in – help to public interest, pro bono lawyers doing public interest work.

So far we've, in 2011, rather, not so far, but for 2011, we dona – we raised about \$17,000, \$17,665. And nearly all of this has been donated to the Legal Services of North Dakota.

Our main, our main auction, our main fund-raiser will be tonight. I really encourage you to come to the silent auction. Make sure you bid on things, bid high on things.

We, we're going to do it a little bit different this year, we're going to have a, a, a portion of the auction is going to be live. We're going to be donating variou – we're going to be auctioning off three items, one involves sweets, one involves ice and one involves the mother of a district court judge in North Dakota. So it should be interesting, you'll learn more about it tonight at the banquet. And I, I hope you can attend and, and really work on it.

I also like, I do, I do want to thank Margi Lee and Char Hill for the organization work they do on the auction.

And, finally, want to encourage people to join the Bar Foundation and I want to thank the members of the board of directors of The Foundation, Jack Marcil is the Vice Chairman, and the other members are Wally Goulet, Gail Hagerty, Jim Hill, Sherry Mills Moore, Tim Priebe, Dean Kathryn Rand, Paul Richard, Lolita Romanick, Ben Thomas, Robert Thomas and our President, Kristi Pettit-Venhuizen, Pettit-Venhuizen.

So thank you very much.

PRESIDENT KRISTI PETTIT-VENHUIZEN: Thank you, Jack.

And now I would invite President-Elect Gail Hagerty to read the resolutions.

HONORABLE GAIL HAGERTY: I could read all of these word for word if anyone would like to make that kind of request.

Our first resolution is a resolution in appreciation of the sponsors and exhibitors. First International Bank; ALPS; Benefit Specialists; Camrud, Maddock, Olson & Larson; Eide Bailly; Fredrickson & Byron; the Greater Grand Forks County Bar Association; the Maring Williams Law Office; Media Productions; North Dakota Commission for CLE; the Serkland Law Firm; Smith, Bakke, Porsborg, Schweigert & Armstrong; and the Vogel Law Firm; and the exhibitors, who I think you all would recognize because you've been out at the exhibits.

We appreciate all of them.

The second resolution is a resolution in appreciation of the Northeast Central Judicial District and the others who've put time and effort into planning this 2012 annual meeting.

I'm grateful that the members of the local committee have been introduced, I don't think we could say thank you often enough.

In addition to thanking them, we also have to thank the people who have been working behind the scenes so well under the direction of our executive director, Bill, and those people who you've seen out at the desk are Jeanne Schlittenhard, Jane Gilbertson, Monique Kingsley and Debbie Bowen.

Our final resolution, and this is a very important resolution, is a resolution in appreciation of our President, Kristi Venhuizen, and her husband, Brett. They've served the Bar Association well. They planned a wedding and got married during Kristi's year as President and they're also building a home and keeping the Bar Association going. And I don't know how you can express enough appreciation for someone who's able to do all of that.

If anyone would like me to read these further, I can, otherwise there should be a motion to adopt the resolutions.

UNIDENTIFIED SPEAKER: So moved.

UNIDENTIFIED SPEAKER: Second.

PRESIDENT KRISTI PETTIT-VENHUIZEN: Thank you.

We have a motion to second to approve the resolutions, thanks.

All in favor, say aye.

VARIOUS MEMBERS OF THE ASSEMBLY: Aye.

PRESIDENT KRISTI PETTIT-VENHUIZEN: Any opposed?

Motion's carried.

Thank you very much, everyone.

Thank you, President-Elect Gail Hagerty.

It is important for us to take a moment to remember our colleagues who have passed away since this time last year, June 10, 2011, through, today, June 13, 2012:

Robert Palda

Brian Keohane

Robert Kleve

James Leahy

Vincent LaQua

Ardell Tharaldson

Thomas Butler

your Honorable Gordon Thompson

James A. Clement

Steven Light

John T. Gassmann

Mark Greenwood

Marcia O'Kelly

Mark J. Butz

Joe K. Baldwin
George Longmire
Roger Gette
Darold Asbridge
Armond Erickson

We will now conduct the elections for President-Elect and ABA Delegate.

We are operating under an absentee ballot procedure, we will not have open nominations from the floor, except for those candidates who have filed their nominating petitions.

We will have a short nominating speech from the candidates who filed a petition for the Office of President-Elect and ABA Delegate.

So the Chair recognizes Jason Vendsel to nominate Nancy Morris as President-Elect.

Come on down.

JASON VENDSEL: If I'd known I had to be up front, I would have dressed better.

It's actually not more better.

Thank you, Madam President.

In the fall of 1988, I walked through the doors of the UND - Law School pretty excited, ready to take on the legal profession. That day ended and I was horrified.

I had been traumatized by the professors and the Dean. They were just doing their job, but I was horrified.

The next day went a lot better, because the next day I'd met Nancy Morris.

After about two minutes or three minutes of knowing her, I realized that I had met one of the most intelligent people I'd ever met, certainly one of the most organized. So I promptly grabbed my books and I put them right in the cubical next to hers and then I bamboozled her into being my friend.

Over the course of the next three years, she couldn't shake me from that cubical, because every time I had a question, no matter how stupid or how unimportant, she was able to answer it directly, succinctly and intelligently

Once she drug me through law school, she proceeded to clerk for the federal court for a couple years. She then went into private practice. Then actually had a turn back with the federal court again and is now serving as the Assistant City Attorney for Fargo.

Once – or as she progressed through her career, I needed less help, so she had more time to devote to her family, she had two wonderful daughters.

And then she started serving this Association. She served a term on the Board of Governors, as the, I believe it was the East Central rep.

But she served on various committees and subcommittees and has, I don't doubt, served tremendously in each of those capacities.

She's currently, as you saw, the treasurer of the Association. And I'm positive that she did each, each job admirably and perfectly and efficiently and all of the things that she did to bring me and my friends through law school.

Now I'm not here to suggest that this Association is in dire need like I was after my first day of law school, I know that it's not.

We have a long and storied history of strong leadership in this Association and I can honestly not stand here and think of a single person who I think can do a better job of carrying that tradition forward.

And with that, I would nominate Nancy Morris as the next President-Elect of this Association.

And I would encourage each of you to make the same decision I did back in the fall of 1988, and that's to trust Nancy, because she's going to get it right.

PRESIDENT KRISTI PETTIT-VENHUIZEN: Thank you, Jason.

Is there a second –

UNIDENTIFIED SPEAKER: Second.

PRESIDENT KRISTI PETTIT-VENHUIZEN: – to the motion?

We have a second.

All in favor of Nancy Morris as President-Elect, please say aye.

VARIOUS MEMBERS OF THE ASSEMBLY: Aye.

PRESIDENT KRISTI PETTIT-VENHUIZEN: Any opposed?

The motion carries.

Congratulations, Nancy Morris, as our new President-Elect.

Nancy, would you like an opportunity to –

NANCY MORRIS: No.

PRESIDENT KRISTI PETTIT-VENHUIZEN: No?

Okay, that's fine, that's great, we'll get you next year, okay?

So at this time I would recognize Maureen Holman, who will nominate James Hill for ABA Delegate.

MAUREEN HOLMAN: As you all know, Jim Hill has been our ABA Delegate for about a hundred years.

To the best of my knowledge, he has not brought too much disgrace, yet, to the State of North Dakota.

He keeps wanting to do this job, I figure he means that he needs to keep working to get to do it right, so why not give him the chance.

I'm nominating Jill Hill for ABA Delegate.

PRESIDENT KRISTI PETTIT-VENHUIZEN: Thank you, Maureen.

Is there a second?

UNIDENTIFIED SPEAKER: Second.

PRESIDENT KRISTI PETTIT-VENHUIZEN: We have a second.

All in favor of James Hill as ABA Delegate, please say aye.

VARIOUS MEMBERS OF THE ASSEMBLY: Aye.

PRESIDENT KRISTI PETTIT-VENHUIZEN: Any opposed?

All right, the motion carries.

Congratulations, Mr. Hill.

And now it is my great privilege to turn the gavel over to your new President, Gail Hagerty.

HONORABLE GAIL HAGERTY: Unaccustomed, as I am, to wielding a gavel, I have just one thing to say and that is, that we are adjourned, thank you.

(Whereupon, the proceedings were concluded at 4:26 o'clock p.m.)

CERTIFICATE OF COURT REPORTER

I, Joy Filipski, a Certified Shorthand Reporter, 3105 South Washington Street, Suite A, #1, Grand Forks, North Dakota, do hereby certify that the foregoing forty-one (41) pages of typewritten material constitute a full, true and correct transcript of my original stenotype notes, as they purport to contain, of the transcript of proceedings reported by me at the time and place hereinbefore mentioned.

Dated at Grand Forks, North Dakota, this 14th day of June, 2012.

Joy Filipski Registered Professional Reporter