



1986

Transcript of Proceedings of the Eighty-Fourth Annual Meeting of the North Dakota State Bar Association

North Dakota State Bar Association

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**TRANSCRIPT OF PROCEEDINGS
Of The
EIGHTY-FOURTH ANNUAL MEETING
Of The
NORTH DAKOTA STATE BAR ASSOCIATION**

**Dickinson, North Dakota
June 14-15, 1985**

OFFICERS

Kermit E. Bye	President
Orlin W. Backes	President-Elect
H.F. (Sparky) Gierke	Immediate Past President
David R. Bailly	Secretary-Treasurer
Michael J. Rost	Executive Director

June 20, 1985
(Thursday)

(Whereupon, the proceedings commenced at 9:20 A.M. as follows:)

PRESIDENT ORLIN W. BACKES: Good morning.

RESPONSE: Good morning.

PRESIDENT BACKES: As your President I would like to welcome you to Fargo to the 85th Annual Meeting of the North Dakota Bar Association and to this opening session of the General Assembly.

To commence this meeting I have asked Past-President Kermit Bye to bring his flag along and to lead us in the Pledge of Allegiance.

PAST-PRESIDENT KERMIT E. BYE: Please stand. I think that Immediate Past-President Justice Gierke took the flag with him down to the Judicial Council meeting. So we'll have to imagine, if we can, that we do have a flag here. If everybody will please stand.

I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

PRESIDENT BACKES: Please remain standing. And we will have ABA Delegate J. Philip Johnson give us the opening invocation.

MR. J. PHILIP JOHNSON: Let us pray. Lord God, our Father, God of Mercy, the giver of law, we ask your blessing upon this gathering of lawyers. You have not always spoken kindly of lawyers. Jesus of Nazareth even

had some critical comments about those too enmeshed in the technicalities of the law. However, lawyers always ask the hardest questions. And as guardians of the law we have had some good moments in the history of mankind's crawl upward from chaos and ignorance. It was Jesus who suggested that "[h]e who would be first among you, let him be your servant." As lawyers we are persons who stand in a privileged place before our courts and within our system of justice. We will retain that privilege as long as we remember that our highest priority is the role of servant. We are servants of the people in high places and the people in low places who are troubled and in need of the protection of equal justice under law. We do not deserve special privileges, rather it is something that we must constantly earn through higher standards of conduct, through greater dedication to the system of justice we serve, through greater commitment to causes beyond narrow self-interest and a few more dollars in the pot. Flawed though our efforts may be, we ask your blessing upon us as your servants, servants in the cause of human justice. Amen.

PRESIDENT BACKES: Thank you, Kermit and Phil.

It is always a pleasure to come to Fargo and have the city and its lawyers host our annual meeting because of the fine facilities and the time that they give their guests. We at this time have City Commissioner Gib Bromenschenkel to present the welcome on behalf of the City of Fargo. Gib.

MR. GIB BROMENSCHENKEL: Thank you, Mr. President, ladies and gentlemen. It's an extreme pleasure to be here today to welcome such a distinguished group of people to the City of Fargo.

Your program says that Mayor Lindgren is going to welcome you. However, he, I believe, is returning from his trip to the U.S. Conference of Mayors' Convention in Alaska. However, for what he said just before he left town, I'm not so sure that there are many of us that really are going to welcome him back to the City of Fargo.

A number of years ago there was a young bride from the East who moved out into the desert land of California to live with her husband who was in the military. And the living conditions that she found were very primitive at best. And her husband had originally told her not to come because of those particular reasons. But she wanted to be with him. The only housing that they could find was a run-down shack near an Indian village, and the heat was unbearable during the daytime when the temperatures were 115 in the shade, and the wind blew constantly spreading dust and sand over everything. And the days were long and boring for her. And her only neighbors were the Indians, none of who could speak English. And when her husband was ordered out into the desert for a two-week maneuver, loneliness and the wretched living conditions got the best of her. She wrote to her mother and said that she was coming home because she could take it no longer. In a short time she received a reply from her mother which included two lines, and they were: "Two men looked out of a prison wall. One saw mud, the other saw the stars." She read those lines over and over and over again. And finally she became ashamed of herself. And she decided that she really didn't want to leave her husband. So she must look for the stars. And the following day she set out to make friends with the Indians and asking them to teach her the weaving and pottery of their ways. At first they seemed distant. But as soon as they sensed her genuine sincerity and so forth in them they returned their friendship. She became fascinated with their culture, their history and everything about them. And she began to study the desert as well. And soon she noticed a change from the desolate place that she saw and saw the marvelous things of beauty in that desert. She studied the forms of cacti, of the yucca plants and the Jesuit tree. She studied the seashells and the rock formations that were laid there in the sand by the many millions of years ago by the sea, the ocean that laid on that floor. She became an expert in the area. And she wrote a book about it.

What changed? Not the desert. Not the Indians. Simply by changing her attitude she transformed a miserable situation, a miserable experience, into a highly-rewarding situation. We, too, can look out and see the stars as we see the stars of the human personalities in those people that we deal with each day — our neighbors and our friends. We feel that the City of Fargo has a vast reservoir of human personalities that open their arms to people to welcome them to our community, to be of service to our community and the people that visit us. I'd like to say that we figure that when you come to visit us it is like coming to our home, because we feel that you are our neighbors. And so therefore we'd like to have you feel that you're in our home today. And we want you to feel at home. We also feel that we have the things in our community that should be able to provide you your needs. And they are at your disposal. And all you have to do is ask for them. So I welcome you, on behalf of all the citizens of Fargo, to Fargo this convention week and hope that you have a very successful convention. When the convention is over I hope that you have a very safe trip home so that you may be able to return again and again. Mr. President.

PRESIDENT BACKES: Thank you.
(Applause.)

PRESIDENT-ELECT DAVID L. PETERSON: Thank you very much, Mr. Commissioner.

It is indeed a pleasure for me to introduce to you your President Orlin Backes. Particularly over the last year Orlin has devoted a great deal of time and talent to Bar Association matters. During the Legislative Assembly particularly I think Orlin came to Bismarck every week at least one or two days to attend committee meetings and meet with members of the Bar who were dealing with the Legislature.

Orlin has maintained throughout the year a good rapport with the press, and he's projected a fine image for our Association. He's a fine lawyer. He's been an excellent President. Please join me in showing our appreciation to him as he comes to the podium to give his President's address.

(Applause.)

PRESIDENT BACKES: Thank you, Dave, for that kind introduction.

Chief Justice Erickstad, Justices of the Supreme Court, District Judges, fellow lawyers, friends.

The State Bar Association this past year continued to grow in serving the purposes and objectives for which the Association was established; to improve professional competence, to promote the administration of justice, to uphold the honor and profession of law, and to encourage cordial relations among the members of the Bar.

The growth and accomplishment by our 1,500-member Association was obtained by an outstanding Board of Directors or Governors, sixteen active standing committees, six sections, many dedicated volunteers, and a hard-working SBAND staff. During the past two years I have attended many regional and national American Bar Association meetings and conferences on Bar activities and programs. And I can say without hesitation that the North Dakota Bar Association ranks high in programs compared to other state and local bar associations.

The reports of all committees are in written form which each of you will receive or did receive with your registration.

In my annual report I would like to give you some of the highlights this year of committee and bar activities.

Two new committees were established this past year. The Law School Committee under the chairmanship of Past-President Kermit Bye held its first meeting in December. The Committee reviewed a proposal for an

attorney services reference librarian at the University School of Law. A report showed that during the 1983-'84 school year the law library received 434 requests from lawyers for research or library assistance. They checked 1,130 citations for lawyers, they copied 11,594 pages from cases and periodicals for lawyers and mailed 22 books to lawyers. We are a rural state where many lawyers do not have access to adequate library materials. As of June 1st we now have a full-time lawyer librarian available to help lawyers in checking cases, periodicals and books which are not often available other than at the Thormodsgaard Library. In September Lexis Research for lawyers will be available through the attorney services librarian. The Association funded \$20,000.00 to get this program started. We will evaluate the service the next few years to see if it can become self-sustaining.

The other new committee is the Alternative Dispute Resolutions Committee under the chairmanship of Judge Ronald Hilden. Judge Hilden attended the National Institute for Dispute Resolution in Washington, D.C. Many alternative methods of dispute resolution are being proposed, often from sources critical of lawyers and the court system. And unless the lawyers are in the forefront in developing and reviewing new methods of dispute resolution, methods will be implemented without our research or input. This committee will be very important to the future of our court system and the methods of dispute resolution.

Other highlights of the year were (No. 1) the CLE Committee sponsored or co-sponsored sixteen seminars, seven on ETN network, for a total of 86.25 hours of credit.

Because of premium increases and coverage problems with legal professional liability insurance, Chairman Randy Lee and the Group Insurance Committee are actively seeking additional carriers who will write legal malpractice insurance in North Dakota, and are sponsoring an open forum on professional liability insurance tomorrow at 8:30 in the morning. In addition the Group Insurance Committee is exploring the formation of a multi-state captive LPL carrier.

The Information and Services Committee under the chairmanship of Robert Feder continued a successful "Ask A Lawyer" television program. And this program will continue again in 1985 and '86. In addition the Committee produced a thirty-two page North Dakota "Human Rights Act and You," a booklet to advise laymen, governmental officials and lawyers about the North Dakota Human Rights Act.

The Legislative Committee reviewed many bills introduced during the 49th Legislative Assembly and made recommendations to the Board of Governors. As your President I wrote to each legislator explaining the position of the North Dakota Bar Association on legislation before the Assembly. I explained that lawyers take different positions on bills, but that the Bar Association officially endorses or opposes only legislation affecting the interests of justice and the judicial system. I testified before both House and Senate committees on increased judicial salaries and other legislation. We also hosted a legislative dinner for the Senate and House leadership, the Judiciary Committee, members and lawyer legislators.

Judge Burdick and Judge Schmalenberger completed the Criminal Pattern Jury Instructions, and the same are being published and are available at this annual meeting. On Tuesday Judge Burdick, the Pattern Jury Instruction Committee Chairman, Mitchell Mahoney, and the Board of Governors set up the mechanics for the preparation and publication of the civil pattern jury instructions.

This past year the Association worked closely with Legal Assistance of North Dakota and Legal Aid in expanding private lawyer involvement in pro bono services. We have expanded our referral service and hired an additional secretary to handle the requests for assistance.

Also it will be announced that the Bar Association just received two grants; one for \$15,000.00 and another one for \$5,000.00. The \$15,000.00 grant to work on an Elder Law Program for services to the elderly, and the \$5,000.00 one which the President-Elect of the ABA will present at lunch today to continue our involvement in referral services.

There were many, many other activities I would like to mention, but because those projects and programs are discussed in the committee reports I only wish to highlight certain ones and to thank those persons who did so much for our Association for their time and effort given.

In closing I wish to thank you for the opportunity to serve as your President. It has been an enjoyable and rewarding experience. I have enjoyed working with Chief Justice Erickstad, and find the relationship between the Bar and the Judiciary in North Dakota is excellent. The judges in North Dakota are to be commended for the service they provide to the people of North Dakota, and the lawyers, and our Association.

It has been a pleasure to serve as your President. My year was special because of the fine friendships established with members of the Board of Governors, chairpersons, committee members, staff, and many super lawyers in our state. I wish to thank them for their friendship and the time and talent they have given to our Association. I leave the Association in very capable hands with David Peterson.

Thank you.
(Applause.)

PRESIDENT-ELECT PETERSON: Thank you very much, Orlin, for that address. And I will now turn the podium back to you for the rest of the morning program.

PRESIDENT BACKES: One of the highlights of the annual meeting during the past several years has been the State of the Judiciary Address by Chief Justice Erickstad. This past year serving on the future Appellate Court Study Subcommittee has given me an insight into the problems facing our Supreme Court and workload. Judge Erickstad and the members of the court have done an outstanding job in keeping the court current under an increasing caseload. At this time I would like to ask you to stand and to give Chief Justice Ralph Erickstad of the North Dakota Supreme Court a warm welcome.

(Applause.)

CHIEF JUSTICE RALPH J. ERICKSTAD: I thank you very much, President Backes, especially for those very complimentary remarks. And I want to thank you and your Board of Governors and the entire Association for the great contribution you have made to the improvement of the judicial system during your term of office. Let us show our appreciation to your President and the Board at this time.

(Applause.)

CHIEF JUSTICE ERICKSTAD: I would like to recognize the others here at the rostrum. President-Elect Dave Peterson. We look forward to working with you as we have worked with you in the past. Past-President, I could go on, and I've been encouraged to go on. But I was kidding, Phil. I don't think he's running immediately for any new office within your organization. If I were to consider that fact I'd have to take five minutes to elaborate on all of his accomplishments. But I'll just address him as the current ABA Delegate to the American Bar Association.

I'd like to also recognize the entire Board of Governors, and all of you who are members of this great Association.

In these times, and particularly as we rise in the morning and go to bed at night, we are concerned about our people held hostage in Lebanon. And that causes us to wonder about the seriousness of our everyday affairs. And if we were to react in that way we would be doing exactly what the terrorists want us to do. So I'm going to go about my duties here this morning believing that we still have very important things to do notwithstanding that in the back of our mind we are concerned about our fellow Americans.

This morning I will address four major subjects affecting the practice of law in North Dakota. You may better understand, or it may be easier for you to follow, if you have your copy of my written remarks with you. If you do not, I believe that we have copies that are in the back of the room for those of you who may not have your copies with you.

The subjects I have in mind might be described by some people as problems. I prefer to call them challenges for the reason that challenges invite solutions whereas problems merely invite discouragement, depression, and inactivity. The challenges are: (1) the need for improvement in appellate court services, (2) the need for resolution of jurisdictional problems within the superior boundaries of Indian reservations, (3) the need for improvement of our municipal courts, and (4) the need for greater participation in, and reconsideration of the future of, pro bono lawyer services in North Dakota.

In 1982 I warned that the supreme court case load was growing. At that time the case load of the supreme court had increased by over 200 percent since 1975.

In 1984 I again reported on the wide-spread and growing concern about the future case load of our supreme court. In 1984 new case filings in the North Dakota Supreme Court increased again from 310 cases in 1983 to 370 cases in 1984, for a 19 percent increase.

Some time ago our court adopted a policy of setting only thirty cases on per month for oral argument. This has permitted us to have some time left each month for study and the writing of opinions. Through long-established custom, we have used the months of July and August to complete opinions in cases we heard the previous ten months. For the last eleven years, we have been completely current when the September term began, but the odds are against that being true this September.

If the appeals continue at the present rate, we may have about seventy-five cases ready for oral argument in September, and, of course, applying our policy of thirty cases a month, we will hear less than half of them in September.

The Justices themselves cannot continue indefinitely to devote evenings and weekends to the reading of briefs, writing and studying of opinions. There is a limit to human performance and endurance and to the sacrifice of family life that even judges should not be expected to exceed.

This burden simply will not go away on its own. It will not decrease. And it may increase further.

In May 1983 the Legislative Council declined to initiate a study of our Supreme Court case load requested in Senate Concurrent Resolution 4005 and suggested that it be referred to the North Dakota Judicial System for study. We complied with that request.

As a result, the Future Appellate Court Services Study Subcommittee, also known as the Kretschmar Subcommittee, was formed. (Please see page 36 of my printed remarks for the names of the members of the Subcommittee.) The Kretschmar Subcommittee has concluded, after independent study, first, that there is a serious problem in the present workload of the North Dakota Supreme Court, and second, that our best solution is the establishment of a court of appeals.

The report was published in January of 1985. Major portions of that report have been serialized by Representative Kretschmar and published in the latest three issues of "The Gavel" of the State Bar Association of North Dakota. Copies of that report are available upon request and are available at this meeting. And since I wrote my notes, I notice that they are actually included in this loose-leaf notebook or spiral notebook.

Representative Kretschmar and other members of the Subcommittee will hold a panel discussion on the report and recommendations at this annual meeting.

In April of 1985, the Legislative Council agreed to initiate the study requested in House Concurrent Resolution 3037, which is similar to the earlier study request.

We are very grateful to the sponsors of Senate Concurrent Resolution 4005 and House Concurrent Resolution 3037 for their perseverance and leadership in bringing this important matter to the attention of the Legislature.

Without attempting to re-argue here the Subcommittee's conclusions, let me share with you my personal views based upon twenty-two years of experience and observation as a member of our supreme court. The supreme court case load must be reduced if we are to dispose of the cases in a properly deliberate and judicious manner.

Something substantial must be done in the near future if the quality of opinions is not to deteriorate and a backlog of cases is not to develop to compound the problem.

Should you question the need for relief from the case load in our court, you should consider the fact that we are now publishing more written opinions per judge than most of the higher volume, highest appellate courts in this country for which I can find comparable statistics. This can be discerned by reviewing the statistical reports in Appendix A, page seventeen of my printed remarks.

For my part, I concur with the conclusion of the Kretschmar Report that the most effective solution would be the establishment of an intermediate appellate court.

This conclusion is one which some of you may not agree with. In our efforts to improve the North Dakota Judicial System, we have often inspired vigor and robust discussion resulting in many views being expressed on many issues. Through this process we have made great progress. Now is the time to initiate this dialogue and debate on this issue.

When the Kretschmar Subcommittee Report is carefully studied, I believe that most of you will agree that an intermediate appellate court is the best solution.

Rather than try the Band-Aids approach and the often expedient, but ultimately very costly, quick fixes that other states in our predicament have tried and then ultimately abandoned for an intermediate appellate court, I urge that we adopt that solution now. We should benefit from the experience of others and avoid the process of re-inventing the wheel. Please refer to page six of my printed remarks for my analysis of the Minnesota experience of first enlarging the supreme court and then finding it necessary to create an intermediate appellate court of twelve members who sit in panels of three.

For those of you who have not yet read the Kretschmar Subcommittee Report or its serialization in "The Gavel," let me point out that the proposal is not, and I stress is not, a proposal for a court of appeals through which

all appellate cases would first pass before reaching the supreme court. Under the Kretschmar Committee plan, all appellate cases would be filed in the North Dakota Supreme Court as is the situation today. Our Clerk of Court, Luella Dunn, who incidentally is here today, and I am pleased to see her in our presence; Luella Dunn and her staff would continue to process all cases. Our supreme court would then assign cases to the court of appeals. Pursuant to a rule to be prepared after considerable study, it is possible that certain types of cases would terminate in the court of appeals. Other types of cases would generally terminate there, but would be subject to review by the supreme court under exceptional circumstances. The rest of the cases would be subject to a review by the supreme court, but on a discretionary basis. Under such a rule, each case that is appealed would be entitled to review by one or the other of our appellate courts. Only under exceptional circumstances would a case be reviewed twice. See particularly pages 2, 3 and 7 of "The Gavel" for June, 1985.

I am hopeful that, with your support, the Legislative Council Study Committee, and ultimately the Legislative Council, will conclude that an intermediate appellate court is necessary and appropriate and that a bill will be prepared, introduced, and supported in the next Legislature establishing such a court.

In order to assure effective discussion looking toward 1987, I urge you as individuals to participate in this Legislative Council study of House Concurrent Resolution 3037, and I urge you, through your Board of Governors, to participate in that study.

The problem of the relationship between tribal jurisdiction and state jurisdiction has plagued us and some other states for generations. Tribes have struggled with it. State governments have struggled with it. Judicial systems have struggled with it. Individual Indians and individual non-Indians have suffered from it. No satisfactory solution has been found to date. If we are ever to solve it, we must begin now.

Since 1963, our North Dakota Supreme Court has consistently held that our state courts do not have jurisdiction of disputes arising within the exterior boundaries of Indian reservations. For an analysis of those cases and references to pertinent state and federal law see pages eight through eleven of my printed remarks.

From these cases, it seems clear that the only means by which disputes arising within the exterior boundaries of reservations could be heard in state court under controlling federal law was through tribal acceptance of state court jurisdiction.

Then in 1982, in *Three Affiliated Tribes v. Wold Engineering*, our North Dakota Supreme Court extended this line of cases and decided that the state courts did not have subject matter jurisdiction to entertain Three Affiliated Tribes' action against a non-Indian firm for alleged negligence in the design and construction of a water system located on an Indian reservation because the Indian citizens of the reservation had not voted to accept state jurisdiction. This decision was consistent with a long line of our cases.

However, this case, *Three Affiliated Tribes I*, on review by the United States Supreme Court, was subsequently vacated by that Court. In essence, what the United States Supreme Court majority opinion held was that because we had exercised jurisdiction within the exterior boundaries of an Indian reservation in a suit between an Indian and another Indian in 1957 there may be residuary state jurisdiction which our state courts may exercise even today, notwithstanding that federal law now requires consent of the tribe before states may exercise jurisdiction within Indian reservations. This residuary state jurisdiction would be limited to suits between Indians and non-Indians and not be permitted in suits involving Indians versus Indians and non-Indians versus Indians.

As a consequence of that opinion by the United States Supreme Court our North Dakota Supreme Court in *Three Affiliated Tribes II* concluded that an Indian tribe may sue a non-Indian (*Wold Engineering*) in a state court in a case arising within the exterior boundaries of a reservation, providing the tribe accepts state jurisdiction and compliance with state law, section 27-19-05, N.D.C.C. In other words, we concluded that there was no residual jurisdiction in the state courts after the passage of Chapter 242 of the 1963 Legislative Session.

Three Affiliated Tribes has secured a stay of the mandate in our court pending certiorari review again in the United States Supreme Court.

It seems clear from these cases in North Dakota and from cases in other states that Indian people will not receive justice on a par with other citizens of this state until they realize that their rights are best preserved in the state courts and they vote to accept state jurisdiction in civil cases. Similarly, non-Indian people will not receive justice on a par with other citizens of this state in disputes arising within the exterior boundaries of Indian reservations until Indian people vote to accept state jurisdiction in all civil cases. This initiative by Indian people is essential to future justice for both Indian people and non-Indian people in our state.

In the alternative, the Congress of the United States may act to solve this problem by requiring acceptance of state jurisdiction by Indian tribes by creating a federal court with jurisdiction to decide civil cases arising within the exterior boundaries of the Indian reservations or by extending this jurisdiction to an existing federal court.

The simplest solution, but perhaps subject to the greatest amount of emotion, would be the acceptance by Indians of state jurisdiction. Indians are now full citizens of this state. They have the franchise, and they receive the benefits of state and local government services. They could also obtain access to justice in our state courts if they would but accept jurisdiction for all civil purposes as all other citizens of our state must do.

In light of the many problems existing in conjunction with the issue of jurisdiction within the exterior boundaries of Indian reservations in our state, it is imperative that we attempt to find a solution without further delay.

In April of 1985 the Legislative Council agreed to initiate the study called for in Senate Concurrent Resolution 4075 on this subject. This is very gratifying.

I urge you lawyers, particularly those of you who have had personal experience with these problems, to contribute your views to this study process. I also urge your Association, through the Board of Governors, to take an active part in the study proposed by the Legislative Council.

I move on to the third subject for today, the Municipal Court Study. In 1983 the Judicial Planning Committee authorized the establishment of a Municipal Court Study Subcommittee chaired by Calvin Rolfson of Bismarck, to study municipal court services in North Dakota. The Subcommittee has completed its study, with the cooperation of the North Dakota League of Cities.

This study is the most thorough and practical review to date of the principal problems of the municipal courts in our state.

Representative Kretschmar sponsored House Concurrent Resolution 3104 which provides for a Legislative Council study of the future structure of municipal court services. You may see Appendix E for this Resolution. In April the Legislative Council agreed to initiate this study.

I urge you as individuals, and the Board of Governors, to participate in this Legislative Council study of municipal court services in our communities.

I turn now to Item IV, which is the last item I plan to talk to you about today.

North Dakota lawyers have distinguished themselves in the past in their full-hearted participation in pro bono services.

Today a new challenge faces the legal system as a part of the crisis facing many North Dakota farmers. As debtors, these farmers need sound legal advice and representation, but, unfortunately, many are unable to afford legal representation and, as a consequence, are receiving much bad advice. They look to, or are attracted by, the unfounded promises of non-lawyer legal advisors who advocate pro se approaches which do not serve these farmers well, but which cause them to become entangled in further difficulties, including being subjected to processes of the criminal law.

I urge you to respond in the great tradition of this Bar to the call for pro bono lawyer assistance through the Lawyer Referral Service to aid these farmers with their legal problems.

This new challenge points to a broader challenge of which it is a part. In 1985 Representative Schneider of Fargo proposed a Legislative Study Resolution which was passed by the 1985 Legislative Assembly as House Concurrent Resolution 3051. You may see that at Appendix F of my written remarks. This resolution sought a Legislative Council study of, and I quote, "the desirability and feasibility of establishing a state-sponsored legal services corporation to provide," and I say parenthetically, "civil legal services to low income people. . . ."

In April the Legislative Council declined to initiate the study requested in House Concurrent Resolution 3051.

We now need to determine the future direction for providing civil legal services to indigent persons in North Dakota. There is a limit to the pro bono service capacity of North Dakota lawyers who must earn a living. And there is an increasing need for civil legal services for indigents. Indigents perhaps need lawyers more than those who have the resources to pay for lawyer services.

The federal resources shared with the states for civil legal services for indigents are now reduced to a point that the availability of services through Legal Assistance of North Dakota is reduced to a level which leaves many people without needed legal services. This is especially true of some of our more unfortunate people such as the elderly poor, the ill, the unemployed and the handicapped.

If this is a concern to members of this Association I would appreciate hearing your views. If you think that a study from within the judicial system, with full participation of the Bar of North Dakota, would be a step in the right direction, please let me hear from you. I would appreciate receiving your views, pro and con or pro or con, during this meeting or later in writing or otherwise.

If there is sufficient interest from the Bar, I would be willing to urge our court to initiate such a study in cooperation with your President through one of our committees.

In summary, I have discussed with you today four significant challenges facing our judicial system; the supreme court workload, Indian jurisdiction, municipal court services, and pro bono lawyer services. Three of these subjects have a new forum for political resolution within the Legislative Council through study resolutions provided by the 1985 Legislature. These are three challenges which, if successfully met, can provide the direction for substantial improvements to justice for all of the people of our state. In conjunction with the fourth, pro bono lawyer services, I have asked for your views as to whether or not we should engage within the judicial system in such a study. I urge your consideration of these issues, both individually and collectively.

It has been a pleasure for Lois and me to be with you again this year. I know that this annual meeting will be an enjoyable and stimulating one for you. I look forward to discussing these and other issues during this time which we have together. I thank you for your patience and your courtesy and your past support. It is my sincere hope that together we can continue to improve our system of justice. I thank you all very much.

(Applause.)

PRESIDENT BACKES: Thank you very much, Justice Erickstad, for that fine status report on the Judiciary.

Chief Justice Erickstad has served as the President of the National Conference of Chief Justices and as President of the National Center for State Courts. So we can be justly proud of the leadership that he has given our State and Judiciary.

JUSTICE ERICKSTAD: Thank you.

PRESIDENT BACKES: At this time I'm going to call on our new Executive Director Les Torgerson, who came on board in May. He's doing a tremendous job for our Association. And he has some announcements.

EXECUTIVE DIRECTOR LES TORGERSON: I'd like to thank Orlin for that half truth.

I do have a few announcements. I'd like to remind you, it wasn't printed in the program, that we do have a demonstration or will have a demonstration set up this afternoon of the Law Line system. Law Line is Loren Jones', a Fargo attorney, computerized system for instant access to court opinions and other related things. The demonstration will be set up from between 1:30 and 3:00 this afternoon in the Gold Room here at the Holiday Inn.

Secondly, at the registration table we have some fliers. There is a CLE survey form. We'd be very interested in what your expectations are of CLE and what things that you would like to see CLE program developed around. And we'd certainly appreciate your picking up those CLE survey forms and filling them out, leaving them for us.

We'd also like to recognize the twenty-eight exhibitors that have been set up out in the hallway and in the exhibit center. These events have been coordinated through Mary Magill and Phyllis Thyssell of events coordinated here in Fargo.

We would also like to remind you to register for the grand prizes which will be given away. There are two weekends for two at the Fargo Holiday Inn and two weekends for two at the Winniepeg Holiday Inn. You can register for those at the Convention and Visitor's Bureau booth or the Holiday Inn booth in the exhibit hall.

Thanks, Orlin.

PRESIDENT BACKES: At this time I'm going to call on Grover Diemert. Is Grover here to make a report?

MR. GROVER DIEMERT: Thank you. This is not really a report. But you probably found in your packets a little flyer entitled "Does Your Client Need Jail Or Help?" And that was put in there by us because it represents Center, Incorporated, which is North Dakota's only halfway house. So I'd like to invite the attorneys, if they would like, to stop by and visit our halfway house today or tomorrow, whenever you have time. It's located at 109 South 9th Street in Fargo. If you just go up to 10th Street, one-way going north, that's on 1st Avenue. Turn right and you will find it there. It's right north of the courthouse. And 10th Street is a one-way going north. And it's one block. It's at 1st Avenue South. You are welcome to stop by. We also have a booth out here. Stop by and visit me. I'll answer any questions you may have about potential clients, perhaps, or services we might be able to provide to you or your clients. Thank you.

PRESIDENT BACKES: Thank you. Thank you, Grover.

These proceedings today are being recorded by Norman Mark. And they will be published in the Law Review. So as we go into the morning session and you wish to speak from the floor, we ask that before you speak that you give your name and the community from which you come.

Is Connie Triplett here on our Resolutions? She's not here? Is there anyone here from the Resolutions Committee? That was the next item on the agenda. Connie, I understand that you are going to be handling the Resolutions. I guess Wes Argue was on the Committee, too, Connie Triplett.

MS. CONSTANCE TRIPLETT: Yes. We had just been requested this minute to make a resolution presentation to the Committee. And being it came up right now we have not had time to prepare the text of that. But I will give the members an idea of the resolution that is being requested, and the full text of it will be available tomorrow when we are scheduled to vote on the resolutions anyway.

Linda Catalano has made a request to the Resolutions Committee that we pass a resolution encouraging and supporting Justice Erickstad in his offer that the supreme court would do a study of the need for improving legal services delivery in the state. And, as I said, we'll have the text of that resolution available tomorrow.

To this point, a few minutes ago, the Resolutions Committee had not received any requests for resolutions to study. We did, however, prepare one general resolution at our meeting last night. And I will say first that the Resolutions Committee this year consisted of Robert Feder, Wesley Argue, and myself. And this is the resolution that we have prepared. I will preface this by saying that we made a decision first to modernize the language, and we hope that nobody misses too much the absence of the words "Whereas" and "Be it resolved."

The Resolutions Committee of the State Bar Association of North Dakota offers this resolution of thanks and appreciation to those individuals and entities whose unselfish efforts have contributed to the success of the 85th Annual Meeting of the State Bar Association of North Dakota:

First, to Larry Sullivan, General Chairman of the Annual Meeting Committee of the Cass County Bar, and to his committees and chairpersons and members. A special thanks first and foremost for a job very well done.

Second, to the City of Fargo for providing first-class services and amenities which have made our annual meeting so festive and gay.

Third, to the law firm of Vogel, Brantner, Kelly, Knutson, Weir & Bye, Ltd. for their generosity in hosting a reception for the North Dakota Bar Foundation.

Fourth, to the law firms of Pancratz, Yuill, Wold, Johnson and Feder, P.C., and Conmy, Feste, Bossart, Hubbard & Corwin, Ltd. for hosting the reception for the judicial convention.

Fifth, to the Fargo-Moorhead Legal Secretaries Association for their assistance in registration at the annual meeting, and to individual legal secretaries who assisted committee members in the numerous preparations required for this meeting.

Sixth, to Legal Assistance of North Dakota and its Director, Linda Catalano, for their continuing good efforts at producing timely and well-received CLE seminars in conjunction with these annual meetings of the Bar Association.

Seventh, to President-Elect David Peterson for being the lead attorney in expressing the wishes of the lawyers of North Dakota to the United States Supreme Court in Robert Snyder's dispute with the Eighth Circuit Court of Appeals. David Peterson and his colleagues from several law firms in the Bismarck area have given freely of their time and effort to protect the First Amendment rights of all attorneys, and we are grateful.

And, finally, to Orlin and Millie Backes for their time, hard work and the sacrifices that they have made and contributed on behalf of the Bar Association during these past two years and more, our appreciation.

This resolution will be moved and approved, if desired by the Bar Association, as I understand at tomorrow's meeting. Thank you.

PRESIDENT BACKES: Thank you, Connie.

If anyone has any resolutions they wish, they should get ahold of our Secretary, Connie Triplett, who's in charge of the resolutions.

Today we have a special report to be given by Mark Stenehjerm on the Lawyer Disciplinary System Study Committee. The American Bar Association evaluation team made recommendations and Mr. Stenehjerm will now give that report.

MR. MARK STENEHJERM: Thank you, President Backes.

I'm positive that there is probably no one in this audience that is excited about knowing what's going on in the disciplinary system in North Dakota. But I'm also sure that there are many of you that are interested in it for differing reasons.

In 1983 the American Bar Association sent an evaluation team out to review and evaluate our disciplinary process in North Dakota. They visited with members of the Disciplinary Board, Inquiry Committees, judicial officials, members of the Board of Governors of the Bar Association. They also visited with past complainants and past respondents and attorneys that had represented both complainants and respondents. Based on their evaluation they, in their visits, prepared an evaluation, a very complete, in-depth evaluation, of our disciplinary process. Their conclusion was that we had a basically sound process. However, they did note a number of problems. Because of that a subcommittee of the Disciplinary Board and the Attorney Standards Committee was chosen to review the evaluation and to make some proposed changes in our disciplinary process. That is the reason that I am here today: to briefly inform you as to some of the areas that we are proposing for changes and asking you, if you're interested, to secure a copy of these proposed rules and review them and give us your comments.

One of the major changes that was proposed is that presently the North Dakota disciplinary process has three separate rules of procedure. We have the rules of disciplinary procedure, the procedural rules of the Disciplinary Board, and the rules of procedure for Inquiry Committees. Now if anybody can figure out why we have three, and understand those when you're involved in the process, then you're far ahead of me. One of the things that we are proposing is that we adopt one set of rules called the North Dakota Rules for Lawyer Discipline which covers all three of those present rules. The confusion that has resulted in the past has been very apparent to those in the disciplinary process.

Another area that they found was that there was a problem with the streamlining and the involvement not only of disciplinary counsel, but also the Disciplinary Board and the Inquiry Committees. We attempted by the proposed rules to re-define the different areas of authority. The Inquiry Committees now will be less of a hearing body as they have been in the past. As you know now if there's a complaint filed, both the respondent and the complainant have an opportunity to appear before the Inquiry Committees and present whatever information they might have. However, they are not allowed to cross-examine the other or even be present when the other party is testifying. Under the proposed rules the Inquiry Committees would be responsible for probable cause

determinations to determine whether there is probable cause to believe that a violation has occurred and that a formal complaint should be filed.

There are a number of other problem areas; there's no provision for probation under the present rules. That is provided in the new ones. There's no provision under the present rules for expungement of records if the complaint against you is dismissed. That has been provided. There is also a proposal that the Disciplinary Council would have the authority to dismiss and not even docket a frivolous complaint that the Disciplinary Council determines, even if everything in the complaint is proven, there are no grounds for discipline.

The present three-phase involvement of the Disciplinary Board would be curtailed. As it is now when a Complaint is filed against a North Dakota attorney all members of the Disciplinary Board receive copies of that Complaint. The Disciplinary Board then reviews the findings made by the Inquiry Committees. If a formal hearing is held that is then by a panel of the Disciplinary Board; however, their recommendations go right to the Supreme Court. The proposed change would have the Disciplinary Board not being involved until the formal Complaint was filed. And at that time it would be only a three-member panel involved. The Disciplinary Board then would review the recommendations of that panel, and make its recommendations to the Supreme Court.

There have also been changes made to allow for restitution, which is not presently allowed for, and to also make the responsibility for the investigations on the Disciplinary Council rather than the Inquiry Committees.

The confidentiality aspect has been changed so that the Disciplinary Council and the Disciplinary Board would have the authority to release to the press the fact that, "Yes, there is a disciplinary proceeding pending against an attorney," in certain circumstances. Now there is no authority for that. And in situations where everybody in the state knows that an attorney is involved in criminal action or something else and they come to the Disciplinary Council or the Disciplinary Board and say, "Are you doing anything about this?" the Disciplinary Board, Disciplinary Council, have to say, "We can't talk about it. We don't have any statement on it."

The interim suspension proceedings have been changed to allow that if an attorney convicted of a crime or under the other procedures of the rules is going to be suspended, that there is time for him to request a hearing immediately and show cause why he shouldn't be suspended. There are no present rights for that now. There are also more appeal rights.

This is very quick and very brief. But there is a summary of the proposed changes in the rules that Arnie Fleck has in the back. He also has copies of the proposed changes. And we would encourage you to take copies of those, to review them, and then to contact Arnie, or Vivian Berg, or myself, or any other member of the Joint Subcommittee, and give us your comments.

Thank you.

PRESIDENT BACKES: Mark, you're not asking for any action now, anything like that?

MR. STENEHJEM: No. In fact, what we'll have is after we have received comments from members of the Bar and from the Board of Governors, members of the Inquiry Committees, this will then be presented again to the Attorney Standards Committee in September. They will take final action. And they will then present it to the Supreme Court. And at that time it will go through the normal Supreme Court hearing process.

PRESIDENT BACKES: Are there any questions of Mark? Anyone have a question on the report? If not, thank you for the report.

I mentioned in my annual report that we have sixteen standing committees. And I did give some highlights of those committees. I gave some highlights of the Law School Committee. I'm going to start out the committee reports today with Past-President Kermit Bye reporting on the Law School Committee.

PAST-PRESIDENT KERMIT E. BYE: Thank you, President Orlin, members of the Board of Governors, and fellow lawyers.

One of the hallmarks of Orlin's year as President of the Bar was to establish a more close-working relationship with the one and only law school that we have in this state. As I'm sure most of you know, the Bar Association's relationship with the law school over the years has varied in substantial degree. For many years we had the Thormodsgaard era. And then we moved into a second phase which I would call the revolving-door dean syndrome. And now more recently we've come to what I consider an excellent working relationship with the UND Law School. And much credit for that is due to Dean Jerry Davis and his professional staff at the law school. These people have taken a genuine interest in the State Bar Association and its activities. Many of the professors at the law school participate in the committee work. The Dean serves on the Board of Governors. And I believe that this relationship between the school and our Association really is at an all-time high.

In return for that great interest shown, the lawyers should participate, I believe, in the activities of the law school. And Orlin set this committee up. He asked me to serve as chairman. And we went about the task of obtaining committee members. And I want to thank the committee members who have so graciously given of their time and have served on this committee during the past year. I only recall one instance where somebody was asked to serve on this committee and for their own reasons could not. If any of you here in the audience or elsewhere attending this meeting, or any member of the Association, is interested in serving on the Law School Committee, I would certainly ask you to make your wishes known to our incoming President, Dave Peterson, as he goes about the process of filling out committee assignments.

Now what is the Law School Committee all about? Simply stated, it is the Bar Association's support arm, I believe, at least I perceive it that way, for ongoing activities at the law school. What are the needs of the law school? The Dean tells us that in terms of faculty, in terms of salary, and in terms of some other areas, the law school has done quite well. And the legislature has provided as well as they can under present economic circumstances.

One area that we can render some assistance, however, is in the continuation and the upgrading of that very fine Thormodsgaard Law Library that we have at UND. For those of you that do spend time doing research at the UND Law School library I'm sure you will agree that it really is one of the finest library facilities in the Upper Midwest and probably is in a class by itself. That, however, is not to say that it cannot be improved. And the faculty tells us that because of the great volume of legal work that is published and should be in a first-class reference library this is an area where we can be of some assistance. Now how do we be of assistance? We can be of assistance, of course, in the raising of money. We met yesterday, the Law School Committee, with the North Dakota Bar Foundation Board and attempted to find a way where the Law School Committee and the foundation would not be working at cross-purposes with each other in the area of fund raising. And while we still have some areas that have to be worked out, we are now leaning toward a fund-raising campaign for the purpose of enhancing the law school library, which is a tool that all of us can and do use from time to time.

During this past year, and as Orlin mentioned in his message, the Law School Committee and the Board of Governors of the Bar Association have assisted the law school in establishing an attorney services librarian. This attorney services librarian is for the practicing Bar. And the person who is going to head up that position is on board, a lawyer, a practicing lawyer for a number of years and is available under a set of guidelines to work with the Bar in this state in legal research problems. I should point out that at this point it isn't necessarily a legal research facility. It, in a short word, can best be described as a reference and a facilitator of making legal material available. If our project is successful, and if this attorney-services librarian position becomes self-supporting, which we hope that it will, then I see us expanding this to go into the general area of possibly expanding the central legal research division at the law school and provide broader-based, in-depth type legal research for the practicing Bar in the state. So that's one area that we think that we have had some input in.

The other that has yet to come to fruition is I think an interest on the part of the faculty and certainly by the Dean of getting input from the Bar in how the law school is run. And I know that the faculty perceives this committee as being in some respects an overview committee to provide critique, evaluation, of the programs at the law school. After all, when all is said and done, the most important natural resource that we have, and that is newly-trained minds who become lawyers, are produced there. And we certainly have an interest in that. I think that's an area where the Law School Committee can also serve another great need.

Again, I thank sincerely the members of our Committee. We're going to be working with the Foundation. And I think this can become one of the real needed and important committees of our entire structure at the State Bar Association. Thank you, Orlin.

PRESIDENT BACKES: Thank you, Kermit.

The name of the new attorney services reference librarian is William Wilson, who practiced law for, what, Kermit, ten years?

PAST-PRESIDENT BYE: Thirteen years in Detroit Lakes.

PRESIDENT BACKES: Thirteen years in Detroit Lakes. So if any attorney needs anything from the library, copies of cases, cases checked, periodicals, you can get ahold of him and he will provide that service for you.

I noticed as I was a part of the Board of Governors before becoming President the law school had only the Law School Review Committee. They had the Law Review Committee. And that was the only really formal Bar function with the law school. And I felt that Committee should become a part of a broader-base Law School Committee, so I established that committee.

The next new committee I established, and for the record, is the Alternative Dispute Resolution Committee. And I don't know if Judge Hilden is here. He may be over at the judicial conference. Barry, you are a member of that committee. Can you come up and give some report on it? It was just recently established. Barry Vickery from the law school is a member, active member, of that committee.

MR. BARRY VICKERY: Thank you, Mr. President. This committee met really for the first time this past week on Tuesday. It's a very strong committee notwithstanding my own presence on it. And I think with the chairmanship of Judge Hilden it's going to be a very active and thus enthusiastic committee. He and a couple of other members have already attended a national conference on alternative dispute resolution. There are several members, four members of our faculty, including me, on the committee. We all, as most of our faculty does, come from very different perspectives on the issues. And so we have a forum to debate among ourselves on that committee. But actually the committee has a broad representation of academics that are interested in the area, as well as a large number of practicing lawyers who have a particular interest in finding ways of resolving disputes that may be more efficient, perhaps more cost-effective, than traditional litigation.

I know that it's an area that has some controversy with members of the practicing Bar, but particularly those who are very active in litigation. But it's an area that seems to have great national interest and seems to provide an opportunity for lawyers to see the clients' disputes are resolved in the most efficient manner possible. I'm excited about the committee. I don't know a lot about that area. I'm learning a lot through the committee. I think it's going to serve a real solid purpose for the Bar. Thank you.

PRESIDENT BACKES: Thank you, Barry, for pinch-hitting for Judge Hilden.

The next committee report I have is the Group Insurance Committee.

MR. RANDY H. LEE: We figured that any member of our committee that showed up at this meeting had better wear a bullet-proof vest. We've all been getting, those of you who maintained lawyers professional liability insurance, have been getting love notes from your insurers lately sending you your renewal notices, or your notices that they have no intention to renew you, or receiving your new premium notices. All of you need to know that you are not alone. And President Orlin has scheduled a meeting, as he's already mentioned to you, tomorrow morning at 8:30. Those of you who can get up that early, please come. We're going to have the Commissioner of Insurance, Earl Pomeroy, there to talk about the methods by which the rates that you're being asked to pay are determined and set in North Dakota. Mr. Bob Diers, who handles for the Association some of the coverage available to you as attorneys in North Dakota for lawyers professional liability, will be there to answer your questions about the policy that he services on our behalf. And there will be other representatives around, we believe, also. We tried to get more people to participate in that session tomorrow morning, but got some conflicts with other Bar Association meetings. And of course the most exciting development by far, and others that President Orlin alluded to, is that we're trying to help things out by participating in some national and regional discussions on the formation of a captive malpractice insurer. It's been done in many states. And it's been done in some states as long ago as ten or twelve years when the first cycle of the real crisis began in the mid '70s, the early '70s. It is not a cheap process. As a matter of fact, the thing that the formation of a captive seems to do better than anything else is not so much save us money as it saves us the wear and tear on the nerves wondering whether there's going to be insurance available. There are states in which captives at one time or another seemed to be offering a little bit cheaper annual premium rates than some of the commercially-available insurance in that same state. But it is not always that way. Through the Jack Rabbit Bar Association, our regional Bar, and through an initiative in the American Bar Association begun at the request of the West Virginia State Bar about nine or ten months ago, we are at the beginning stages of examining that option. The name of Bill Brudvik has been mentioned in your annual report of our committee which is in your meeting book. And I urge you, it is long, but given the problem that lawyers have been having in this state for the past six months about renewals on their malpractice insurance, I urge you to look at that. Because it does some explaining, and we'll do some more tomorrow morning, about what is going on. But Bill Brudvik's name is in there. He practices in Mayville. And he is our point man on the possibility of getting in on a captive. That formation of a captive means that we're creating an insurance

company. Now that insurance is fairly highly regulated by the states and it has certain requirements with respect to capitalization and reserves. There is only one way to meet those requirements if we form a captive and that's to put the money in it to meet those requirements. And so there is not only a matter of what the premiums for such coverage would be, but also the business of financing the initial formation of that. But those are things which are nowhere near ready to present to you. We do want you to know that we're working on them. We know that you are concerned very much about the doubled, tripled, quadrupled, and worse, rates that you've been presented for your next year of premium. Many of you. And even in more cases for the reductions in coverage that are going to be available to you. So there's not much we can do to make your rates cheaper. But we're working on things to provide as much competition in the marketplace as we can to pose a marketplace limit on the ability of the companies to charge whatever they want in terms of premium. Thank you, Mr. President.

PRESIDENT BACKES: Thank you, Randy, for your report.

You've had the report on the disciplinary evaluation. I'm now going to call on the Inquiry Committee East chairman, Dave Bailly, for the report. He wanted to make sure he got on today instead of tomorrow. I think he wants to golf. So I will call him early. And he can tell you about San Francisco, I think. Did you go?

MR. DAVID R. BAILLY: I certainly did.

PRESIDENT BACKES: Okay. Give them a full report on San Francisco.

MR. BAILLY: I don't know how much I want to say about San Francisco. Although I was privileged enough to be able to go out to the 11th Annual National Conference on Lawyer Professional Responsibility which is put on by the American Bar Association. Don Peterson was out there representing the Inquiry Committee West. And it was just an outstanding conference, and of course a perfect city to hold a conference. Very informational. The information has been contributed to the respective members of the committees so that they, too, can share in that information. There are an awful lot of things happening out there as far as lawyer discipline. And we hope that in many of those areas we'll be able to share them with you in the future.

This was an extremely busy year for the Inquiry Committee East, as it has been in the past. We had our last meeting of our present committee yesterday. And I think at that meeting alone we recommended three suspensions of varying degrees, several private and public reprimands, and again had several files dismissed. But the amount of discipline, and I think the seriousness of the claims that we're receiving for investigation, has increased substantially over the past couple of years.

The report that I submitted is with your materials. And I would simply encourage that you do read that. I think it does provide some insight as to what, in fact, our clients are considering as far as what they feel to be serious problems with their lawyer advocates.

I'd like to recognize the members of the committee. First of all, those who are retiring. We do have five retiring committee members this year out of our nine committee members. So we are going to have an interesting new committee. And I think that's great. I think it's great to have an opportunity for as many people to serve on this committee as possible. Those who are retiring, first of all, I'd like to mention Jon Fitzner from Valley City. Jon has served for eight years on the committee. And, again, this is a committee where I think it works as hard. I think the members work as hard, as any committee of the Bar. And Jon has given his services for eight years. And I think really without much recognition. Bruce Aarestad, Boyd Wright, Warren Stokes, and Mike Nilles. Mike has been bumped up to the Disciplinary Board. Those members who will be continuing in addition to myself, Dwight Kalash, Wayne Solberg and Pat Weir.

And, again, thank you for the opportunity to serve. And we've really enjoyed our year.

PRESIDENT BACKES: Thank you, Dave.

The reason I mentioned San Francisco is because our expense reimbursement program provided for \$15 a day for out-of-state meals. And Dave went to San Francisco. And he said he got by just fine on \$15 a day for meals. So our Board of Governors did meet and we restructured our reimbursement program after hearing that you couldn't buy three meals in San Francisco for \$15. And we're restructuring our expense reimbursement for people who are traveling in state and out of state. And we're going to have new voucher forms. And this reimbursement policy will be right on the back of every voucher. So it will be easy to see what the Bar Association reimburses any member of any committee who does work for the Association.

I'm now going to call then on the Inquiry Committee West, Chairman Donald Peterson. Is he here? Is he golfing already?

A DELEGATE: Don walked out about five minutes ago.

PRESIDENT BACKES: Okay. We'll get him later, then. I didn't tell him I was bumping him up. I see Paul Kloster is here. And he's Chairman of the North Dakota Bar Foundation. Paul, are you going to give a report?

MR. PAUL G. KLOSTER: I don't think a report is necessary at this meeting. We've had our reception. There will be further comments at the banquet.

PRESIDENT BACKES: Okay. Thank you.

Robert Feder has served as Chairman, and he is leaving as Chairman of the Information and Services Committee. Last year at Dickinson he was awarded the Chairman of the Year Award. And, Robert, will you come up and give your report?

MR. ROBERT A. FEDER: That's F-e-d-e-r.
Thank you, Orlin.

The printed report is in the packet that's been given to you, so I'm not going to go through it in detail. I would like, however, to touch on a few things that I think are worthy of special mention.

First, thanks to the members of the committee who participated. As you know, we have certain responsibilities that we try to fulfill during the year: the nominating of the candidate for the Liberty Bell Award, and having the good staff in Bismarck that do help us with the Constitution Awards that are given to students throughout the state. We also are responsible for Law Day. And this year was the first year that we had a Governor that decided he did not want to sign the proclamation. Forty-nine states, the District of Columbia, Guam, Puerto Rico, Virgin Islands, other captive territories had Law Day, but we were not going to. In response to our cry many of you contacted people who were able to contact the Governor, and at 11 o'clock in the morning the day before Law Day he decided that we could have Law Day declared from his office, and we did. Didn't get much publicity on it, but hopefully next year we will get a resolution passed a little earlier.

We also continued with our "Ask A Lawyer" program. And it's been successful. Prairie Public Television is

pleased with it. They have asked us to continue. We're going to give some thought next year, and I would like your input on this, of having a specific topic. So rather than just receiving general questions as we do now, and having a panel of three experts in different fields answer the questions that come in, in their field, there's been a suggestion made that we specialize and have one program on just one topic, another program on just another topic. Please give me your input on that.

Also I really would very much appreciate if we could have out-state attorneys volunteer. It's an expense item that's reimbursed to you. Your mileage is reimbursed. It's not terrifying at all. As a matter of fact, it's kind of fun. And those attorneys that have participated in it have enjoyed it. So I would encourage those out-state attorneys to continue. I will stay active with the "Ask A Lawyer" program next year.

Probably the biggest project that we did this year was a booklet called "The North Dakota Human Rights Act and You." And there is a box of them in the back by the door that I encourage you to take a few out of. There will be some at the registration table. You are going to get one in the next issue of the Law Review. The genesis of this booklet came about because we finally passed a Human Rights Act in this state in 1983. We were the 49th state of 50 to have a Human Rights Act. After it was passed, after four legislative attempts, a study was done by the United States Commission on Civil Rights, North Dakota State Advisory Committee, to see what impact, if any, the law had had. And the committee was chagrined to find out that not even the state administrators who were charged with informing people of this law were aware that it had been passed. And they came to us and they asked for help. And this booklet was prepared. I'm very proud to tell you that it didn't cost us anything, because we were able to get funds from the Governor's Council on Human Resources. So we had 15,000 booklets printed without cost to the Bar Association. Job Service North Dakota is going to distribute several thousand, League of Women Voters more, and so on. I think it's a booklet that's worthy of your attention. It's a primer and tries to explain the Human Rights Act. It's available for you and your clients both employers, employees, landlords, tenants and so on. More are available through the Bar office in Bismarck or from my office in Fargo. They are free, and I think it's worthy of your attention and to give to your clients.

I am very pleased to report that were it not for the ex parte ultra vires act on the part of the Board of Governors in charging some of the law school luncheon over to the new admittees luncheon over to my budget we would have again come in under budget.

I'd like to tell you what some of the projects are that we're talking about for next year. Our new Chairman is probably going to be the best guy I could have handed the ball off to, Jack McDonald. I'm really pleased he is taking over. Very competent, capable guy, as you all know. We're going to be talking about next year expanding Law Day to encourage more of the lawyers in the school program. We've also been asked by Prairie Public Television to produce a trial on film or tape that can be distributed to schools, other educational institutions, and run on PPT-TV as a primer or a guide to what a trial's about, how our law system works, solving a civil dispute or whatever. We've also been working with Gene Carr, who is Executive Director of the North Dakota Publishers Association, to do a weekly newspaper column. We've also talked about having closer liaison with them so that we can try to do something about the seminar that we had in Dickinson last year on the fair trial - free press - free trial - fair press issues which were raised.

We also are going to do, at the suggestion of Wally Goulet, if at all possible, a video tape or a film that will be given to veniremen to explain what their role as a juror is to be in a civil trial. Also we're hoping to be able to update the jury manual which was last revised sometime in the pleistocene era. Finally, the Speakers Bureau has made a request, and the committee will look at that.

I want to thank all of you for providing the support that you did, particularly those of you that participated in "Ask A Lawyer," and provided some assistance to me throughout the year.

But there is one person that I want all of you to recognize and to thank for her work that she did in preparing so much of the pre-production work that went into "Ask A Lawyer." Her name is Geraldine Kennedy, and she's from Fargo. I've had the privilege of working with her for many years. And she has done yeoman's service in doing most of the pre-production work that went into "Ask A Lawyer." Les has a plaque that he's going to bring up here. And I ask Gerry to please come up here for a minute. Gerry, would you come up here now? Reads: "To Gerry Kennedy in appreciation for your work on 'Ask A Lawyer' from the State Bar Association of North Dakota." And with it goes our thanks.

(Applause.)

MS. GERALDINE KENNEDY: Thank you very much. Don't forget the booklets are available. Thank you, Orlin. Thank you, Robert.

PRESIDENT BACKES: At this time I'll have Robert give the memorials for the people, the Bar Association members, who are deceased the past year.

MR. ROBERT A. FEDER: As is our custom at this time in our meeting we pause for a moment to recall those brothers and sisters of the Bar who have left us in the past year. They are William Eichhorst of Dickinson; M. C. Fredricks of Jamestown; Joseph Dietzman of Minnewaukan; Harold Halgrimson of Fargo; Justice Paul M. Sand of Bismarck; Donald B. Sass of Williston; P. W. Lanier, Jr. of Fargo; Leslie Burgum of Bismarck; Robert E. Fredricks of Jamestown. And as is our custom a formal, more formal, recitation of their service and accomplishments will be inserted into the official record by the SBAND office. I ask that we stand for a moment of silence to honor their memory. Thank you. I've been advised that we lost most recently Bob Kunkel of Carrington. And his name should also be added to our roll and in our thoughts.

PRESIDENT BACKES: Thank you, Robert, for a good report.

We're going to go another ten minutes and then we will recess our morning meeting.

I have got a message that Rebecca Benson from the Continuing Legal Education Committee wants to report this morning since she won't be here tomorrow. Rebecca.

MS. REBECCA T. BENSON: Thank you, President Backes. Don't get to the country very often here. I want to enjoy it. So I'm going to enjoy the lake weather while we can.

My report is contained within your Bar minutes. And I just want to point out a couple of things to you. There is a list contained within the report of the various faculty members who have served as faculty of the CLE Committee for CLE Committee seminars this past year. And I want to personally thank all of you who are present here today for serving as faculty members. And we certainly don't want to bypass anybody who is interested in being a faculty member for our seminars. So if you are interested, and there's a particular area you are interested in helping out on, please contact me or Sherry King, and we'd be happy to add you as a faculty member.

One other thing that we discussed at our meeting this morning was the possibility of having workshops for our

faculty members. Our faculty primarily involves North Dakota attorneys who volunteer their time. They are reimbursed for their expenses and get extra CLE credit, but they are not actually paid for doing the seminars. We think it would be helpful to have workshops once a year for our faculty members to discuss with them the kinds of things that we think the North Dakota Bar is looking for at seminars, help them in preparing materials, help them in their presentations, the use of audio-visual types of techniques. So that's one thing we're thinking about doing in the future.

Our major project for this coming year, something new that hasn't been offered here before by the CLE Committee and SBAND, is a fundamentals law seminar. This is something that has been offered, for instance, in the state of Minnesota. They have two seminars: They have what is called a "Bridge the Gap" seminar, which is basically for recent graduates of a law school, a two-day seminar covering different topics and basically how to get to the courthouse types of things; they also have what they term a "Fundamentals" seminar, and that's a week-long seminar primarily for members of the Bar who either want an update on new things in the law or are switching into a different area of law. For instance, an attorney who's starting to do a bankruptcy practice and needs a basic how-to type of course. Well, for the first time around here we're going to try to combine both things in one seminar just to see what type of reaction we get. I have indicated in my report that the dates are November 12th through 14th. After talking further with the committee today we have decided to move the date back to the Monday of that week, November 11th through the 13th. And we're going to be covering just different basic areas of law, including bankruptcy, domestic law, criminal law, some administrative law. We pretty much have the faculty all set. And there are going to be some very good and experienced attorneys who are going to be providing good basic materials with cites and forms and things like that. We hope that as members of the Bar if you are entering into a new area of practice that you would think about coming to this seminar. We're going to allow persons to come for a half-day session so you won't have to go to the whole thing all at one time. And I think some areas you will find will be useful to you. We will be offering reduced rates for new attorneys, because it would be too expensive to, for instance, charge them like \$300 a day for a three-day seminar. So, in effect, the Bar will be sponsoring this to some extent.

The only other thing I wanted to mention is in my committee report I have mentioned some of the goals for the committee. And I think it's important to remember that this is a period of transition for the CLE Committee in many ways. The sections are taking on more and more responsibility for providing and planning seminars. We have the law school which is integrally involved in planning two seminars a year and is thinking about doing more, particularly in the area of trial advocacy.

We have lots of other people who are coming in and doing seminars in the state now. So I think the CLE Committee has to be looking at its role as a supervisor of the various sections working hand in hand with the law school, working hand in hand with the Bench and the Bar in providing seminars.

Another area of our concern is how do we provide courses for the specialist as well as the general practitioner? And that's something we're always keeping in mind. If at any time you have any suggestions, questions, or criticisms, feel free to get a hold of me or Sherry King or other members of the committee. We're always happy to hear from you. Thank you.

PRESIDENT BACKES: Thank you. The chairmanship of the CLE Committee is a big job. Dan Vogel had it for some years. And I asked Rebecca Benson to take it this year, and she's taken a hold of it and done a super job. And I want to thank you for that.

The next committee report, Mitchell Mahoney, Chairman of the Pattern Jury Instructions.

MR. MITCHELL MAHONEY: The history on these Pattern Jury Instructions are that last year the Board of Governors entered into an agreement with Judge Burdick asking him to draft instructions. People who have been on the Pattern Jury Committee in years past know that there has been a lot of work done getting preliminary instructions material gathered. That material was given to Judge Burdick, and he has in the past month completed the criminal jury instructions. They have been printed. They are available here for purchase. As far as the committee is concerned, we are now reviewing those with members of the state's attorney's office, the defense Bar, and so on. We hope to have our comments, our supplements, available by the 1st of September. Those will be provided free of charge when you purchase the instructions from the Bar.

As far as the civil instructions, Judge Burdick is starting to work on those. He told us the other day he already has about 50 or 60 done. He estimates there will be 300 by the time he's done. We are going to try and get these reviewed by the committee this fall and have them available in final form at next year's annual meeting. Judge Burdick is doing this gratis. And it's a tremendous job. And I think he's doing an excellent job. He's being assisted by Judge Schmalenberger of Dickinson. It's a big project. But it's one that we need very badly.

As far as the civil instructions are concerned, you gentlemen are trying cases, this particularly applies to judges, I suppose, but when you come up with a new instruction, or you find an instruction in our present instructions that isn't correct, if you could get that information to the State Bar it will be distributed to our committee and to Judge Burdick, and it will help us in the preparation of the final instructions.

PRESIDENT BACKES: Thank you, Mitchell. Thank you, Mitch. That's been one of the major projects that Kermit worked on and I continued this year is attempting to get our Pattern Jury Instructions updated. And I think we're well on the road with Judge Burdick, Mitchell Mahoney taking care of that for us.

We have time for a couple more committee reports. Ethics Committee? Is anyone here from the Ethics Committee to report? Linda Catalano is not here?

How about the Unauthorized Practice of Law?

MR. JAMES GEYER: Short report.

PRESIDENT BACKES: Want to give your report now, Jim?

MR. GEYER: Good morning. I'm pleased to report that we still have relatively few problems with unauthorized practice in North Dakota. The common law crowd seems to be on the run; the IRS and the FBI are chasing them. So that I think their appeal particularly to our farmers is lessening. And I think that pro bono efforts by the State Bar Association to assist the farmers should help reduce the appeal of the common law crowd.

I would ask that any of you if you have a case of suspected unauthorized practice that you report it to one of the committee members or to the executive office so that we can investigate the situation and see if any action needs to be taken.

The rest of our report is contained in the record published and in your possession. Thank you.

PRESIDENT BACKES: Thank you, Jim.

Lawyer Referral Service Committee? Who's here? Mary Stine?

MS. MARIAN STINE: Thank you, Mr. President.

The Lawyer Referral Service Committee has had a couple of what we think rather large events this year; basically this has been the pro bono panel addition and the low income panel. Both of these have been serviced in the past by Legal Assistance. There has been a blending of the funds and the staff and the efforts so that we now have basically three panels; the original lawyer referral, the pro bono, and the low income.

The report is in the files; so there is no point going over that.

The main thrust of my particular conversation at this time is that you as practicing members of the Bar have an invaluable tool which could be of assistance to us, and that is we'd really like to know your reaction to the lawyer referral. If you have good things to say, of course we're real open to that. If you have thoughts that you would perceive as being problems to you as a practitioner and on lawyer referral of whatever type, please be good enough to let us know. We are anxious for your input so that we can better serve you and also serve the members of the public.

Thank you.

PRESIDENT BACKES: Thank you. The Lawyer Referral Service in our Bar Association office has really expanded. Literally hundreds of calls a month [are] coming in for assistance in finding lawyers, whether it's fee-generating, pro bono or limited. We have a couple full-time people just taking care of Lawyer Referral Services. And it's a big job to take care of. People have a difficult time even in North Dakota finding a lawyer or knowing how to get to a lawyer. And I never realized it until the reports came in of the number of people who are relying on our Association to give them references to lawyers that they can get certain services from.

It's almost a quarter after. We're going to adjourn. I'm just going to ask Dave Peterson to report on his Supreme Court argument prior to adjournment or recess this morning.

PRESIDENT-ELECT PETERSON: Thank you, Orlin.

About a year ago at the Association meeting in Dickinson you who were there will remember there was an interesting debate about a resolution of support in the Bob Snyder matter. Dewey told us about the burning bushes. And I reread that, Dewey, and it sounded as good when I reread it yesterday as it did when you gave it. After the Association meeting we did file a Petition for Writ of Certiorari to the United States Supreme Court. We were, I guess we'd have to admit, surprised. Certiorari was granted on February 14th of 1985. When they grant certiorari they get you rolling pretty fast. They required us to have our brief in by the end of February. We had to print the briefs, we had to print the Petition for Certiorari. And I tell you now that we've spent approximately \$7,000 in printing costs in this project. I also thank you on Bob's behalf and the behalf of those of us who have worked on this project for your contributions. We've had literally contributions from all over the country. But most of them, of course, came from North Dakota lawyers in amounts from \$10 up to \$200.

In any event, we then had the argument in April. And we have been waiting with bated breath. We hoped that we would have the decision back to report to you at this meeting. Three other cases that were argued the same week that we argued that one came down last week. But we were told yesterday that there would be no more decisions this week. And so I guess we can't report it to the Association meeting.

The experience was one that a lot of people participated in, most particularly seven law firms in Bismarck; the Chapman firm, the Pearce-Anderson firm, the Kapsner firm, the Conmy-Nodland firm, the Kelsch firm with Bob Bennett, Jim Hill, and myself, and then Dewey, of course, was involved as well. John Kapsner and Jim did just a tremendous amount of work on the brief. I can tell you that as North Dakota lawyers you can be proud of the work product that they put together in that brief.

The argument I had the privilege of giving. It was indeed one of the most enjoyable, intense experiences that I've had. And with every intense experience there are some humor situations. And I'd like to just give you a couple of those. The Supreme Court, when it's lunch time they quit. They do not go beyond noon. And they advised us of that. Or the clerk did. And it just so happened that they announced about three cases that morning. So that got it down to about 10:15. And there was a case ahead of us. And that took an hour. I then got up and gave about twenty-five minutes, saved five minutes for rebuttal. And the gentleman from Iowa who represented the 8th Circuit was going along and the lights flashed and the judges left. He had about seven minutes left of his argument and I had my rebuttal. So the clerk's office was very cordial. And they took the lawyers who were participating down to the lunchroom. Jim Hill was out there with me for about three days. And we prepared extensively. And if those of you who are here know Jim, he is somewhat intense. Anyway, we are down in the lunchroom. And Jim is having a light lunch. I'm, you know, a farm boy from Carpio appearing in the Supreme Court. I had my best \$35 Montgomery Ward suit on and white shirt. And Jim bit into a cherry tomato. Now I have to go back up before the Supreme Court of the United States, but I have got cherry tomatoes, pits and juice all over my tie, my shirt and my coat. And Jim is sitting there with a napkin wiping me down in the cafeteria of the Supreme Court. He did a pretty good job. We covered the spots with my tie and they didn't throw us out.

The other thing that was interesting, every one of the Judges except Justice Blackmun asked questions. The poor fellow that represented the 8th Circuit got to give no prepared presentation. He didn't get into his second sentence and they asked him questions for three minutes. I was a little more fortunate. I got about eight minutes, I guess, of preparation in or prepared text in and they then questioned me from that point on.

The other thing that was kind of funny about it is the clerk came up to me prior to starting the argument, and he said, "When you're in the argument, and if one of the Justices starts asking you any questions, don't look at your watch." And I said, "Well, why?" You know, it would seem to me that that might be a logical time to glance down at your watch so you might know how much time you had left. He said, "Well, yesterday when Justice Rehnquist was asking a question the lawyer looked down at his watch and the Justice said, 'Mr. So and So, it's obvious to me that you're far more interested in time than you are in my question.' And he just sat back and said nothing further." At that point Jim Hill stripped me of my watch.

So I don't know obviously how the case is going to come out. We're hopeful that based on the questioning that was received that they are going to reverse the 8th Circuit. I don't know whether they are going to address the First Amendment issues which we'd like them to address. There were Amicus Briefs filed by the Ohio State Bar Association, by the American Civil Liberties Union, by the National Criminal Defense Lawyers Association.

Bob has asked me to thank all of you for the help and encouragement he's been given. One thing about Bob, Jim and I, we say, "We wonder if we've created a monster?" I wasn't convinced of that until I saw just this week an article in the Texas Criminal Defense Lawyers Magazine. And I swear to God every time Bob gets his picture in a publication he's down to his high school annual picture now, soon it may be his baby picture I'm sure. Thank you very much.

(Applause.)

PRESIDENT BACKES: Thank you, Dave. I'm going to look at my watch. We're running five minutes over. The district meetings of the districts for election of officers are going to be held in this room immediately. First General Assembly Session is now recessed. Thank you.
(Whereupon, the proceedings were recessed at 11:20 A.M.)

June 21, 1985
(Friday)

Whereupon, the proceedings were continued at 2:20 P.M. as follows:

PRESIDENT BACKES: Okay. At this time I will call the recessed meeting of the 85th General Assembly to order.

We are going to have only a couple more reports. So within ten, fifteen minutes we will get into the important business. But there are a few reports I want to have reported at this convention, and they are going to be the reports of the sections. We pretty well completed the reports of all the committees at the first session, so I'm going to start with Legal Economic Section. Dan Twichell.

(Applause.)

MR. DANIEL R. TWICHELL: Good afternoon. I've had the opportunity of reporting to you for the last several years regarding the activities of the Law Office Management Committee. And the last year or so we felt that the activities of that committee had become of such a magnitude that it was necessary to create a new section to carry on that work. And so this is the first report of the Legal Economics Section of the Bar. But we just organized last September. And we're trying to carry on the work of the old committee and to expand it as best we can. This is a very experimental stage. And we're very happy with our progress. We're very pleased that many of you have determined to belong to our section. We need that \$10 from each one of you to carry on our activities. We hope that either for the remainder of the year or hopefully next year when your dues come out each of you will give some serious consideration to becoming members of our section. And we need your participation, and we need that type of economics in order to carry on our work.

We've appointed three committees. These are all fairly new committees of the section. The first one we call a Personnel Committee, which is somewhat of a misnomer. To me I envision it as carrying on the work of the old committee; that is, the day-to-day practice of law, and how do you manage your office in order to do that? Dave DeMars of Fargo is the Chairman of that. We have a computer — I don't need a computer committee, I guess — we have a Computer Committee. Again a misnomer. Basically it's an automation committee dealing with hardware, software, computers, word processing and so forth. It's been a very good committee and very active, incidentally. Jim Coles of Bismarck is the Chairman of that. The third committee is a Desk Book Committee. We didn't do well on titles, because none of them really fit. But those of you that have been around a little longer know that we used to have a desk book. And it was some time ago, because we had a minimum fee schedule in there, also. And it was an excellent book. But it was not kept up to date. Now what we're going to try to do is somewhat the same thing, except we are going to keep it up to date. This is going to be a continuing committee which is going to work on updating. First we're going to get the book out. But once we have it out we want to update and we want to expand it.

We have Co-chairmen. We started out with Wes Argue from Hamilton as the Chairman. But he felt he needed some help from a different geographic area, and so Gordy Schnell of Dickinson consented to be a Co-chairman. Gordy mentioned to us the other day when we met that this was probably one of his poorer decisions since becoming a member of the Bar. But they feel that they are about 75 percent of the way in getting out the first volume of the desk book. And we hope that when it comes out that you will appreciate the tremendous amount of work and responsibility they've taken on.

We did have our first economic seminar in Fargo this winter. It wasn't a very good time for one because of the type of weather we had, but it was successful. We're going to continue to bring you seminars as we have in the past.

I want to remind you of the Legal Assistant Program that we've set up at Moorhead State. Any of you that are looking for somebody to fill the position of a legal assistant in your firm, Moorhead State this year graduated their first class under a new curriculum for legal assistants. It's the only legal assistant program in our area. And if you're looking for some personnel in that area, please contact Cindy Phillips, who has been the director in the school over there of this program.

I would mention just one more thing, if I may. And it really is just a spin-off of this section. It's not a part of this section. But at the moment I happen to be the Chairman of that, also. And that's the Peer Assistance Commission. If you are working in an area of law with which you are not familiar, you can call the State Bar Association office in Bismarck, explain to them what your problem is, whether it's a field of law, whether it's office management, whether it's drug or alcohol problems, anything of that type, you can call them. And we have a catalog of seventy-five experienced lawyers who have volunteered to be of assistance. You can call the office. And what they'll do is they'll go through this catalog and they'll pick two or three names for you and give you those names. And you can feel comfortable in calling any one of those attorneys and asking them to be of some assistance to you.

Thank you very much.

(Applause.)

PRESIDENT BACKES: Thank you.

The next section is Real Property, Probate and Trust. Is Paul Hubbard here or anyone from that section wish to report? Anyone? Okay. We'll skip over that one.

The Business and Corporation Section, Bill Guy.

MR. WILLIAM L. GUY III: The report from our Chairman is in your binder. As you know, our committee and our section sponsored and worked on the revision of the Business Corporations Act. I think all of you or most of you were probably at this session yesterday. Most importantly in the report it talks about the seminar, the Corporations Act Seminar, scheduled for next September. The date has been changed. It's shown as September 20 in the report. It's September 27th. And our speaker will be John Moy, a first-rate, national-level speaker. And I would urge that you all attend. Thank you.

(Applause.)

PRESIDENT BACKES: Thank you, Bill.

Is Gary Pearson here from the Taxation Section? If not, that completes the section reports.

We have skipped over some of our committee reports. All of the committee reports are in the book you received with your registration. If we have time for more reports we will have them while they are counting ballots if there happens to be an election today.

So we'll move on from the reports at this time and go to the final action on resolutions. Is Wes Argue here?

MR. WESLEY ARGUE: Mr. Chairman, the Resolutions Committee of the State Bar Association of North Dakota offers this resolution in thanks and appreciation to those individuals and entities whose unselfish efforts have contributed to the success of the 85th Annual Meeting of the State Bar Association.

First, to Larry Sullivan, General Chairman of the Annual Meeting Committee of the Cass County Bar, and to his committee chairpersons and members, a special thanks first and foremost for a job well done.

(2) The City of Fargo for providing first-class services and amenities which have made our annual meeting so festive and gay.

(3) The law firm of Vogel, —
(Applause.)

MR. ARGUE: We thought maybe we could slip that one by without anybody catching on what we were up to. But I guess it was rather evident.

To the law firm of Vogel, Brantner, Kelly, Knutson, Weir & Bye, Ltd. for their generosity in hosting a reception for the North Dakota Bar Foundation.

To the law firms of Pancratz, Yuill, Wold, Johnson and Feder, P.C. and Conmy, Feste, Bossart, Hubbard & Corwin, Ltd. for hosting the reception for the judicial conference.

(5) To the Fargo-Moorhead Legal Secretaries Association for their assistance in registration at this annual meeting and to individual legal secretaries who assisted committee members in preparation for this meeting.

(6) To Legal Assistance of North Dakota and its director Linda Catalano for their continuing good efforts at producing timely CLE seminars in conjunction with these annual meetings.

(7) The President-Elect David Peterson for being the lead attorney and expressing the wishes of the lawyers of North Dakota to the U. S. Supreme Court, re Robert Snyder's dispute with the 8th Circuit Court of Appeals. David Peterson and his colleagues from several law firms in the Bismarck area have given freely of their time and effort to protect the first amendment rights of all lawyers.

Mr. Chairman, we ask the adoption of this resolution.

PRESIDENT BACKES: There maybe should be a correction. The Vogel Law Firm hosted the North Dakota Bar Foundation and the total North Dakota Bar Association lawyers. So they had two receptions. I think with that correction there is a motion. Is there a second to adopt it?

MR. ROBERT DAHL: Second.

PRESIDENT BACKES: All in favor say, "Aye." Opposed? Carried. You'll note that?

(Whereupon, the motion was presented by President Backes and passed by the General Assembly.)

PRESIDENT BACKES: Wes.

MR. ARGUE: Yes. The Resolutions Committee offers a special resolution of thanks to President Orlin Backes and his wife Millie for the time and hard work that they have contributed and for the sacrifices that they have made on behalf of the Bar Association for the past two years and more. We ask the unanimous adoption of this resolution.

MR. ROBERT DAHL: Bob Dahl.

PAST-PRESIDENT BYE: Second.

PRESIDENT-ELECT PETERSON: The resolution has been moved. Is there a second?

MR. MARK R. VOGEL: Second.

PRESIDENT-ELECT PETERSON: Any discussion. All in favor say, "Aye." Opposed? Motion carried.

(Whereupon, the motion was presented by President Backes and passed by the General Assembly.)
(Applause.)

MR. ARGUE: We have one resolution that was presented to us by Linda Catalano.

WHEREAS, the State Bar Association of North Dakota recognizes the importance of equal access to justice for indigents in civil as well as criminal matters;

AND WHEREAS, federally-funded legal aid services in North Dakota have suffered a reduction in resources over the past four years;

AND WHEREAS, the State Bar Association of North Dakota is assisting in fulfilling the needs for civil indigent representations through reduced fee and pro bono panels;

AND WHEREAS, the resources currently available to address this need appear to be inadequate to adequately address the demand for legal services;

AND WHEREAS, the North Dakota legislature passed a study resolution on this issue during the 49th Session of the North Dakota Legislative Assembly but failed to select it for active consideration during the interim;

AND WHEREAS, the Chief Justice of the North Dakota Supreme Court called for input from the State Bar Association of North Dakota as to whether such a study should be implemented within the judicial system with the full participation of the Bar of North Dakota;

BE IT THEREFORE RESOLVED, that the State Bar Association of North Dakota requests the Chief Justice of the North Dakota Supreme Court to conduct a study to determine the future direction and appropriate mechanisms for providing civil legal services to indigent persons in North Dakota, and that the Board of Governors of the State Bar Association appoint a committee to participate in that study.

PRESIDENT BACKES: Is there a second to that motion?

MS. CONSTANCE L. TRIPLETT: Second.

PRESIDENT BACKES: Discussion? All those in favor say, "Aye." Opposed? Carried.

(Whereupon, the motion was presented by President Backes and passed by the General Assembly.)

PRESIDENT BACKES: Thank you.

MR. ARGUE: Mr. Chairman, that concludes the report.

PRESIDENT BACKES: Thank you, Wes, for a job well done. Who seconded? Mark needs to know on all of these resolutions. Let's have the same person second it. Connie Triplett. So note for the record. Because of these problems I'm going to appoint Pat Conmy as the Parliamentarian.

I understand that there's been requests can there be proxy voting? Can you vote without being registered? Can your spouse vote? Can your children vote? Is it legal to have a bus come from Grand Forks? We can't find the Constitution, so he said he could take care of that. If it goes to Federal Court he'll make the final decision. So, Pat, you are going to be the Parliamentarian. If I get in any trouble protect me.

At this time I'm going to call on our President-Elect, almost President, David Peterson for the 1985-'86 budget of the State Bar Association of North Dakota.

PRESIDENT-ELECT PETERSON: In the large book that you received, and I'm sure you've all read it from cover to cover by this time, hidden away in there, so none of you will know what we're doing with your money, is the budget. Seriously, however, the budget is in there. And if any of you have any questions now or later, we will certainly discuss them.

Generally speaking, a couple of areas that we have increased monies out of our Association I do want to mention to you. One is you've heard a lot here during the last couple of days about the new program up at the law school. And the Bar Association has committed some funding, approximately \$20,000.00, to get that position implemented. We felt, the Board of Governors felt, and I feel as incoming President, that it's one more service to the Bar of North Dakota, to lawyers, to have that access to the fine library up there. What our hope is is that the charges that will be given to you folks for usage of that service will ultimately pay back or at least cover those costs. But that's about a \$20,000.00 chunk of the budget.

Additionally we have increased the amount of our contribution to the disciplinary process. You will recall that a number of years ago we went through the initial stages of the new disciplinary process. And at that time the Bar Association contributed \$25,000.00 per year to that disciplinary process. There had been no increase in that amount for some time. And when we went back to the Legislature this year it was necessary, we felt, to indicate that the Bar Association was concerned about that disciplinary process. And we have increased the amount per year in the disciplinary portion of the budget to \$30,000.00. So we will be giving \$60,000.00 in a biennium now as opposed to what we had been giving before.

Other than that the amounts of the budget are pretty much the same, both on the income side and on the expense side. You will note that on the CLE we have kicked up the budget amount. But the good news is that we have been making some money on the CLE. And, therefore, although the expenditures are up the income has been going up more than the expenditures. So we've been making some money there.

If there are any specific or general questions about the budget, I'll attempt to answer them. If there are not, I would ask for a motion to approve the budget for the next year.

PAST-PRESIDENT KERMIT E. BYE: So move.

PRESIDENT BACKES: Is there a second to the motion to approve the budget?

MR. MICHAEL STURDEVANT: Second.

PRESIDENT BACKES: Mike Sturdevant back there.

Discussion? All in favor say, "Aye." Opposed? Carried.

(Whereupon, the motion was presented by President Backes and passed by the General Assembly.)

PRESIDENT BACKES: Boy, I'll tell you. That's something for me to get through a year within the budget. I can't do that at home. That's like the story they keep telling about the guy's wife who lost the credit card. And the company says, "Well, why don't you report it to the company that your wife lost the credit card?" And he says, "Well, I don't want to do that. It's cheaper having the thief have it than my wife." So we did make it through, though, with some surplus.

Any unfinished business before we go to the election? Anyone have any unfinished business?

Bob Dahl.

MR. ROBERT DAHL: Mr. President, this isn't unfinished business. But I don't know whether the Bar in North Dakota is aware of the fact that one of our illustrious Past Presidents, Kermit Bye, is a member of the Executive Committee of the National Conference of Bar Presidents. The National Conference of Bar Presidents is probably one of the most illustrious affiliated groups with the ABA. It's a stepping stone to higher office in the ABA. Although, of course, Kermit isn't looking for that. But I think it's an honor for all North Dakota lawyers to have a representative from North Dakota on that Board of Directors. And I think it should be noted in the record.

(Applause.)

PRESIDENT BACKES: Thank you. And thank you, Kermit. I've gone to four meetings of the National Conference of Bar Presidents, and I can tell you the last one was so superior to any other one I've been at. And it's because Kermit was on the Board. I was sure of that. And I told Kermit that, didn't I?

PAST-PRESIDENT KERMIT E. BYE: You did. Thank you.

PRESIDENT BACKES: I said they were really crummy, the first couple I had. And all of a sudden they got good.

MR. DAHL: Just because of Kermit?

PRESIDENT BACKES: I think it was. And I commented to Kermit afterwards. I said, "Boy, that was a change between day and night." So you've done a good job.

PAST-PRESIDENT BYE: Thank you.

PRESIDENT BACKES: Okay. I guess we're into the election. We're going to start with the Secretary-Treasurer nominations, then we're going to go into the nominations for President-Elect. In the event there are any contests I'm going to have Les Torgerson and Sherry King and two other people they appoint to be the election monitors or counters or proctors, whatever they are called. So at this time we're going to open the floor for nominations for Secretary-Treasurer of the State Bar Association for 1985-'86.

MS. VIVIAN BERG: Mr. President, I nominate Connie Triplett for the office of Secretary and Treasurer. She is a Grand Forks lawyer. She's the President of the Young Lawyers Division. She has served this Association as Secretary-Treasurer in the past, and has expressed a willingness to do so again. And I am pleased to place her name in nomination before this body.

PRESIDENT BACKES: Could you get that?

THE REPORTER: Yes.

PRESIDENT BACKES: Could everyone hear what Vivian had to say? Or do you want her to come up here and give it?

MS. SHERRY KING: We have a floor mike on.

PRESIDENT BACKES: Okay. She has nominated Connie Triplett to be Secretary-Treasurer. Are there any other nominations? Mike?

MR. MICHAEL G. STURDEVANT: Second.

PRESIDENT BACKES: Okay. I called for a second for Connie Triplett.

MR. MICHAEL G. STURDEVANT: Thank you, Mr. President. Mike Sturdevant from Minot. I have worked with Connie on the Board during the past year. I've also had the honor of being the Secretary-Treasurer of his Association, and I know what the job entails. And, bless her heart, anyone who's willing to take this job on for a second year deserves both our support and encouragement. And I gladly second her nomination.

PRESIDENT BACKES: And what a tremendous improvement over Mike.

(Applause.)

PRESIDENT BACKES: Bob.

MR. ROBERT A. FEIDLER: I move the nominations be closed and we cast a unanimous ballot for Connie.

PRESIDENT BACKES: You've heard the motion. Is there a second?

JUDGE RONALD L. HILDEN: Second.

PRESIDENT BACKES: Okay. Bob and Ron, Judge Ron Hilden from Dickinson, seconded that.

All in favor of the motion say "Aye." Opposed? Carried.

(Whereupon, the motion was presented by President Backes and passed by the General Assembly.)

PRESIDENT BACKES: Connie, come on up and give your acceptance speech. Right up here.

(Applause.)

PRESIDENT BACKES: Congratulations.

MS. CONSTANCE L. TRIPLETT: Thank you. I decided I was willing to do this the second time when Orlin announced that he had come up with a way of avoiding having to sign all of the vouchers individually, which was the main task of being Secretary-Treasurer. And if any of you have wondered, those of you who have worked on committees, why it takes so long for you to get paid it's because of the vouchering system that we have used up until now which includes routing all of the checks and vouchers around the state from the office in Bismarck where they are prepared, to the office of the President which was Minot this past year, to the office of the Secretary-Treasurer which was Grand Forks this past year, then back to the office in Bismarck for distribution to the people who deserve them. And that's why it takes two months to get them out sometimes. And I think Orlin has come up with a reasonable way of short circuiting that, which is going to make my job easier this next time. So thank you all for your support.

(Applause.)

PRESIDENT BACKES: Thank you, Connie. You did a wonderful job this past year. And I'm sure you'll continue.

I can tell you we did change that. I got a hundred vouchers a month I had to sign my name to and look at. And I said, "This is going to end." And so we're not going to route those vouchers and checks around. They are going to send a listing of them. And we're going to approve one list of 'em all, and avoid this spending a couple hours a month signing your name.

The next item is the nominations for President-Elect of the State Bar Association of North Dakota for 1985-'86. Kermit Bye.

PAST-PRESIDENT KERMIT E. BYE: Mr. President.

PRESIDENT BACKES: At this time I will open the floor and recognize Kermit Bye.

PAST-PRESIDENT BYE: Thank you very much, Orlin.

And before I get into this presentation I want to thank Bob Dahl for those kind words about letting you know about this position on the National Conference of Bar Presidents. After hearing Orlin say that he liked the last one but didn't like the other three that I was also involved in I'm not too sure that that was a true compliment.

Incidentally, the National Conference of Bar President is going to be holding a workshop in Washington on the 5th of July. And the subject, one of the subjects at this workshop, is going to be whether or not there's interest in the small state bars forming a captive insurance company for malpractice coverage. For those of you who may be in Washington for the ABA meeting, you're certainly invited to attend that workshop. There are going to be some real top-notch people making some presentations.

I was going to lighten up this presentation this afternoon by telling a joke. And I have got a real favorite joke, and it's a good one. I'm from Hatton and I'm a hundred percent Norwegian. Of course there are a lot of Ole and Lena jokes that go around Hatton. There's one about Ole and Lena jumping in the pickup truck and getting their tent and some camping equipment and a big tubful of lutefisk and heading on up to Winnipeg to see Pope John Paul when the Pope was up there last summer. And I started thinking about that joke. And, you know, it is truly a good joke. It's funny. But it offended almost every possible basis that you can think of. It's sexist, it's racist, it's anti-religious. And so I'm not going to tell about Ole and Lena's trip up to Winnipeg.

I guess it's no secret that there is a contest for the office of President-Elect. And Dick McGee, who is going to be up here shortly seconding the person whose name I'm going to place in nomination, came up to me shortly before the business session started this afternoon. He said, "Kermit," he said, "you know, I have probably got a problem. I just found out that my law partner, Wally Hankla, is going to be making a presentation on behalf of Charlie." And I said, "Dick, don't feel bad. I just found out Mart Vogel is going to do the same thing." And, believe me, this isn't as incestuous as it may appear.

It gives me a great deal of pleasure to place in nomination for the position of President-Elect of the State Bar Association of North Dakota the name of John E. "Jack" Widdel of Grand Forks. Jack, as we all know him, is a

dedicated, hard-working lawyer with what I believe is an excessive energy for professional community service projects. Based on the background information that I have been able to obtain about Jack, if there is any organization or group that he hasn't been associated with I'm really unaware of it. Jack is a graduate of UND, he's a graduate of the Law School. I got to know Jack in his undergraduate days at the university when I was there as maker of one of the best pizzas in town. He owned Pappy's Pizza Parlor in Grand Forks. And I've gotten to know him more recently as he served with me on the Board of Governors of the State Bar Association.

He graduated from Law School in 1971. And he went into practice with the late Olaf Thorson, and subsequently became a partner of Olaf's son, Jim, who, incidentally, became deceased more recently. At the present time Jack shares offices with Attorneys Damon Anderson and Lloyd Novack in Grand Forks.

In addition to his legal practice Jack serves as the alternate Municipal Judge in Grand Forks. He is a former Grand Forks County Magistrate. And he is a graduate of the National College at the University of Nevada at Reno.

At the present time he is the President of the Northeast Central Judicial District. And in that capacity, like I said, he's served for two years as a member of the Board of Governors. And I don't believe, and Jack comes from Grand Forks and many of the meetings are in Bismarck, you know, for example, and other places, it's a long way, and I don't recall that Jack has ever missed a meeting. He is Past-President of the Grand Forks County Bar Association. He's been active on numerous committees of our Association, to include the Young Lawyers Section in his earlier days, and the Lawyer Referral Committee, the Taxation Section, the Legal Economics Committee, which has now become a section. He's been involved with many other facets of the Bar Association work, to include being arrangements chairman or on the committee of several of the last past annual meetings that have been held in Grand Forks in 1972 and in 1979 and more recently in 1983.

Jack and his wife Evonne have six children. And I'm sure that he's guilty of other indiscretions as well. To Jack and Evonne's credit, they have been very active in the foster care parents program.

Jack has been a member of our Bar Association for fourteen years. And he's a member in good standing. His current dues are paid. And I believe fairly, to use a phrase, he has paid his dues. And he deserves, I believe, to take this most responsible position on of President-Elect of our Association.

Jack has authorized me to make absolutely no promises, save and except if he is given the privilege of serving in the capacity of President-Elect, and later on as President, he will attempt to do a dedicated, earnest, hard-working job of following in the footsteps of the likes of Orin Backes, who I believe has had a splendid year and a big year that I'm sure that is to follow by Dave Peterson.

Basically this world can be divided into two classes, and, please, I'm not attempting to reflect on anyone by saying this, but there are givers and there are takers in this world. And I think that Jack Widdel is genuinely a giver. And he deserves our consideration. And I would encourage you to support him. And I take great pleasure in placing his name in nomination for the position of President-Elect of the State Bar Association of North Dakota.

Thank you.
(Applause.)

PRESIDENT BACKES: Thank you, Kermit. Now we're going to have seconds for the nomination of John "Jack" Widdel. I will recognize Richard McGee.

MR. RICHARD H. MC GEE: I would like to second the nomination.

PRESIDENT BACKES: You want to come up here or take the mike there?

MR. MC GEE: I'll come up there.

PRESIDENT BACKES: Okay.

MR. MC GEE: Mr. President, members of our Association. I rise to second the nomination of Jack Widdel as President-Elect of our Association. I guess, as was said, we're all independent thinkers. As a result we have this nominating, seconding position that we're in today. So we have certainly a good Association here.

I want to point out that I've known Jack all his life. He comes from Minot originally. And he finished his elementary school and grade school in Minot, and then he came on down to Grand Forks where he continued on in higher education. Ultimately he's made his home and his family resides down there. I've known him I guess, and the family, and I can say that he is a determined individual. He's an aggressive individual. I think he would make a fine President-Elect of our Association. And I most earnestly urge you to vote for him as the incoming President-Elect of the North Dakota State Bar Association.

Thank you.
(Applause.)

PRESIDENT BACKES: Thank you. Recognize Wes Argue.

MR. WESLEY ARGUE: Mr. Chairman, it's my pleasure to also second the nomination of Jack Widdel for the position of President-Elect.

Jack has a broad background that appeals to some of us rural practitioners. He has been in sole practice on his own. He understands the problems of the sole practitioner. He's now in practice with two other attorneys in the city of Grand Forks. He's not only active in the Bar Association, he's worked on three conventions in Grand Forks. He's served on numerous Bar Committees, including the Lawyer Referral Committee, the Taxation Committee and the Legal Economics Committee. As Kermit has said, he's paid his dues to the Bar Association. He's active in community affairs. He's the Past-President of the Grand Forks County Historical Society. He's an officer in the Elk's Lodge. And he's served on the YMCA Board of Directors.

I remember one time when Sparky was running for President of the Bar Association we thought it was wonderful because he had an airplane and could travel across the state. Jack has a 1929 Hudson. He's Past-President of the North Dakota Original Antique Automobile Association and is presently a National Director of that Association. He's a veteran, U.S. Army, honorable discharged. Served from 1960 to 1962.

And something, I don't mean to be sour grapes about any city or anything, but I checked the record and the last President of the Bar Association from Grand Forks was Alan Warcup in 1973-1974. Jack has made a commitment to work for this position. You read his qualifications in "The Gavel." I have worked with him for a number of years. I've known him from undergraduate school. He's a capable man to serve this Association in all facets of the Association in a good and capable manner. And it's my pleasure to second his nomination.

(Applause.)

PRESIDENT BACKES: Pat, how many seconds can we have?

MR. PATRICK A. CONMY: Two.

PRESIDENT BACKES: Okay. That finishes the seconds for Jack Widdel. I will now recognize Wally Hankla from Minot.

MR. WALFRID B. HANKLA: Mr. Chairman. Thank you, Orlin, Dave.

Men and women of the Bar. I guess perhaps this is indicative of the way the McGee Law Firm and the Vogel Law Firm with unanimity approach all their problems. Your meetings are like ours, I guess, Kermit.

I am, indeed, pleased and proud to nominate for the position of President-Elect Charles Feste of Fargo. As Kermit indicated in his address, there are givers. And Charlie has been a giver over the years. Now I recognize that there can be a concern on the part of many as to the lateness of the candidacy of Charlie. And I think I want to just tell you that Charlie was approached at the beginning of this convention, practically on the eve of the election, by others and was asked to run. Charlie did not come to this convention Wednesday night with the intention of running and then finally decided, but he was asked to do so. And finally by Thursday noon he decided that he would do so. I don't think that competition for an office such as this in our Association is anything other than indicative of high interest, active participation. And I don't feel that we have to feel that there need be any apology for late entry into the race. I ask that you look at the quality of the candidate that I'm presenting as a candidate for the President-Elect.

Now as I indicated, as Kermit indicated, Charlie's a giver. Some of his public involvement therefore I think has to be mentioned, community activities in which he gave of his time and his efforts to the public. Charlie has been Past-Chairman of the Board of Trustees and a member of the Board of Trustees for eight years of St. Luke's Hospital Corporation of Fargo, a Director of the Chamber of Commerce here, a Commissioner of the Fargo Park Board, Board of Directors of the Concordia College Alumni Association, Past-Chairman and member of the Board of Trustees for years of the First Lutheran Church of Fargo, and an officer in the Eastern ALC, American Lutheran Church, organization, a member of the Advisory Board of the YMCA of Fargo. Now I have a vitae here which consists of three pages. And I'm not going to go through all those. But I do want you to recognize the fact that, again, he gives of his time to the public. These are indications of leadership qualities that we need in our Bar Association.

His professional leadership history is as well very active as far as the North Dakota Bar Association itself is concerned. He's a Past-Chairman of the Legal Education Admission to the Bar Committee. He's a Past-Chairman of the Information and Services Committee. He's a Past-Chairman of the Probate Committee of our Section on Real Property, Probate and Trust. He's a member of the Business Corporation Revision Act Committee which reported this morning, and was involved in the development of the new corporate law for North Dakota. And of course has been a member of that Business Section of the Bar Association. He's on the Law School Committee of the Bar Association. He's one of the five representatives of our Association that's served on the North Dakota Judicial Council. He's been active in the American Bar Association. He holds committee membership on the Tax and Estate Planning Committee of the Property and Trust Section and is a member of that section as well as the Corporation, Banking and Business Section of the ABA.

He is the North Dakota Chairman for the American College of Probate Council and serves on the National Board of Governors of that organization, which is very well thought of among probate lawyers throughout the country.

He's a senior member in the Fargo firm of Conmy, Feste, Bossart, Hubbard & Corwin, an eight-man law firm. I've talked not to each of those eight, but enough of them to be assured that they heartily endorse Charlie's candidacy, which will allow him to devote the time necessary to act as President should he become elected eventually of our organization.

I've known Charlie since law school. Unfortunately that's over twenty-five years ago. I've always known him to be a man well-qualified to lead our organization, and well-qualified to represent our organization to others. And I heartily ask your support for the candidacy of Charlie Feste who I am most pleased and proud to present as a candidate for President-Elect.

Thank you, Mr. Chairman.
(Applause.)

PRESIDENT BACKES: Mart Vogel.

MR. MART R. VOGEL: Mr. Chairman. Apparently this is a case where the left hand didn't know what the right hand was doing. One of us, Kermit or I, will be going to the woodshed.

Mr. Chairman, I gladly second the nomination of Charles Feste. Many of you know that Charlie is a senior member of one of the oldest, if not the oldest, law firm in North Dakota's existence. But that alone, of course, is not enough reason to place him at the head of our organization. Like most of us, he is a general practitioner, and one over the span of many years active in our Association matters as Wally outlined briefly to you. Moreover, in the broader sense, he has involved himself in civic and state-wide institutions and problems and solutions with a record each of us would be proud to own. Respected by lawyers, and laymen alike. If elected, Charlie would not be merely an armchair general relaxing on his oars and letting others do the work. He is a doer with all of the capabilities of being a great President. I say again that I'm very glad to second his nomination.

Thank you.
(Applause.)

PRESIDENT BACKES: Christine Hogan.

MS CHRISTINE A. HOGAN: Christine Hogan from Bismarck.

Mr. Chairman. I had the privilege to meet with and serve with Mr. Charles Feste on the Board of Governors in 1980 and 1981. And I admired him at that time for the talent and the wit and the grace and the good humor with which he contributed his talents to that Board of Governors. But more than anything, I admired him and envied him for the air of quiet, calm dignity that he possesses, that he seems to have been born with, and which is an admirable trait to have in a leadership position in the Bar Association, I believe. And I believe this particular character trait would serve us well if we were to elect Mr. Feste to the position of President-Elect of this Association.

If I were to try to imagine the perfect lawyer to represent this Association as President-Elect, not only for his community leadership service and the leadership traits that he possesses, but for all of the contributions that he's made to this Association, I can't imagine doing better than Mr. Charles Feste. I am very honored and privileged to second the nomination of Mr. Feste. Thank you.

(Applause.)

PRESIDENT BACKES: Are there any other nominations? Are there any other nominations? I think we should have a third nomination. Neither one of them bought me a drink.

MR. JOHN E. ADAMS: Did anybody buy you a drink?

PRESIDENT BACKES: Are there any other nominations? The nominations will cease. Les, take care of the ballots. Make sure the ballot boxes are stuffed. Make sure only one vote per person.

EXECUTIVE DIRECTOR TORGERSON: I would ask Claudette Abel and Mike Sturdevant to help me.

PRESIDENT BACKES: Have them take the oath first.

Phil, is your job up for nomination this year?

We're going to have some drawings if you stay around. We have a few very important announcements and some drawings. So stay around while they count the ballots.

Okay. Have all the ballots been collected? Are there any further ballots?

JUDGE JON R. KERIAN: Do I hear, "Any more ballots?"

PRESIDENT BACKES: Mike tells me in ten minutes he'll have the results.

We're going to now proceed on with the meeting. So that we should be concluded in ten minutes by the time that they finish.

At this time Dave Peterson has a few announcements to make.

PRESIDENT-ELECT PETERSON: Thank you, Orlin.

Just three quick things. First of all, the convention next year I'm sure all of you know it's going to be in Winnipeg. And you should mark your calendar for June 11th through the 13th in Winnipeg next year. I don't know how many of you had a chance to attend the Winnipeg convention the last time, but it was a great convention. And I expect the next one will also, it will be headquartered at the Holiday Inn in downtown Winnipeg. So if you want to get your reservations that's where you call.

I was asked yesterday after I gave the short report on the Snyder case whether or not the expenses that had been incurred, there had been sufficient contributions. There have not been sufficient contributions. So if any of you have any desire to contribute to that, please make your check to the Wheeler-Wolf Trust Fund for the Snyder case. And that's where it will go. If we win the case, this is kind of interesting, the Supreme Court rules then will require our opponents to pay the cost of printing the appendix. So we may get \$2,500.00 approximately, which is what the appendix cost us to print, back from the 8th Circuit. I don't know whether that's going to happen or not. But that's what the Rules say.

The last thing, Dewey Kautzmann is heading up the North Dakota Lawyers for London. And we don't know how many lawyers are intending to go to London for the convention over there and other points. Dewey would like anybody who is intending to go to London to meet with him back in the corner of the room as soon as this is over today. He apparently wants to put together a North Dakota pub raid or something. Thank you.

The other thing, Orlin is so nervous up here because somebody told him there was going to be a contest for Past-President.

PRESIDENT BACKES: I lined up my nominating.

MR. ROBERT DAHL: Mr. President.

PRESIDENT BACKES: Yes, Bob.

MR. DAHL: There was an honored and revered Past-President of our Bar Association named George Soule. Now I dare say that less than half of the people in here ever knew George or recall the caustic comment he had to make at Bar meetings. And his comment was this: "Salesmen attend conventions, lawyers attend annual meetings."

PRESIDENT BACKES: Thank you. We changed the cover this year to "convention." You noticed that.

MR. DAHL: I noticed that.

PRESIDENT BACKES: First off, the first winner of the clock-radio donated by Professional Financial Consultants, Incorporated. Max Rosenberg, Bismarck, North Dakota.

Now a trip for two to the Holiday Inn to Winnipeg and staying at the Holiday Inn for a weekend. Is that right?

MS. SHERRY L. KING: Just the lodging.

PRESIDENT BACKES: Oh.

MS. KING: You have to get there yourself.

PRESIDENT BACKES: Dave, draw. First winner for lodging for two at the Holiday Inn in Winnipeg. Harlan Dyrud, D-y-r-u-d, from Grand Forks. He's the one who found Dave lost. Congratulations Harlan.

MR. HARLAN DYRUD: Thank you very much.

PRESIDENT BACKES: Now the next one, again a room for two at the Holiday Inn for a weekend in Winnipeg. Robert Diers, Omaha, Nebraska. He might cut the increase now. Now for those who want to stay here, a weekend for two at the Holiday Inn in Fargo, North Dakota. You might want to spend a couple extra days here. LeRoy Loder, Minot, North Dakota.

MR. LE ROY LODER: I'll take Diers'.

PRESIDENT BACKES: Tell them that you can stay now Saturday and Sunday if you want.

And the last one for two here at the Holiday Inn, Mitchell — no — Mike Mahoney. I almost said Mitchell. Mike Mahoney, Post Office Box 508, Fort Yates. Is that North Dakota or South Dakota? Where is Fort Yates?

PRESIDENT-ELECT PETERSON: South Dakota.

PRESIDENT BACKES: South Dakota. Okay. That's the prizes.

Now I want to, before we close the meeting, in a serious note, I want to acknowledge my special thanks to Past-President Kermit Bye, President-to-be this evening Dave Peterson, and the members of the Board of Governors for their help and assistance this year as your President.

The new Judicial District Chairman should note that we have a Board of Governors meeting tomorrow

morning at 9 o'clock A.M. I don't know who those new members are. Are there some here? Why don't we announce who the new members of the Board of Governors are.

MR. PAUL W. JACOBSON: Paul Jacobson from Williston for the Northwest District.

PRESIDENT BACKES: Thank you, Paul. Paul Jacobson from Williston. Who else?

MR. DWIGHT C. H. KAUTZMANN: Dewey Kautzmann, South Central.

MR. JON KERIAN: Who?

PRESIDENT BACKES: Who else?

MR. J. PHILIP JOHNSON: Duane Breitting from Fargo.

PRESIDENT BACKES: Dewey Breitting from Fargo.

Who else is new? That's it. Harlan Dyrud, Dwight Kalash, wherever he is, from the Northeast Central. Dwight Kalash. Okay. Thank you.

Those members who are leaving the Board of Governors with my special thanks are Past-President Kermit Bye, now, Connie Triplett, you won't be leaving. She was re-elected. Gregory Bickle from Bismarck, North Dakota. Tim Davies from Fargo, North Dakota. Mike Sturdevant from Minot, North Dakota. Is that where you're from, Mike? And the next one I had down was Jack Widdel. But I'm not sure if he's leaving or not. We'll find out in a minute. So he may be with us, he may not.

PRESIDENT-ELECT PETERSON: Orlin.

EXECUTIVE DIRECTOR TORGERSON: Orlin, the announcement of the winner is on that paper.

PRESIDENT BACKES: We will find out.

MR. DAHL: Can't read his writing. You better get a new Executive Director.

PRESIDENT BACKES: The winner is Jack Widdel in a close contest.

(Applause.)

PRESIDENT BACKES: Jack, we're not going to horse around. We're going to have your acceptance speech right now.

MR. WALFRID B. HANKLA: Mr. Chairman.

PRESIDENT BACKES: Wally.

MR. HANKLA: I move that the proceedings reflect a unanimous ballot for Jack Widdel.

PRESIDENT BACKES: Okay. There is a motion.

MR. CHARLES A. FESTE: Mr. Chairman, I second that motion.

PRESIDENT BACKES: Second. Okay. All those in favor say, "Aye." Opposed? Unanimous ballot for John "Jack" Widdel, Grand Forks, as President-Elect.

(Whereupon, the motion was presented by President Backes and passed by the General Assembly.)

(Applause.)

MR. JOHN "JACK" WIDDEL: Thank you everyone for your confidence and your support. And I really appreciate the opportunity to work on the Board again these next two years. Thank you.

(Applause.)

PRESIDENT BACKES: Don, is it, Rysavy from Bismarck won the lamp from Mathison's of Fargo on the drawing.

Okay. We're just about ready to close this meeting. I would also like to give special thanks to the Vogel Law Firm for hosting the reception for the Cass County Bar, for the work that they have done for the annual meeting. And I especially want to thank General Chairman Larry Sullivan and his committee. He had a tremendous committee. Is Larry here? I didn't see him. But is he? He had an absolutely tremendous committee. And I want to put the names on the record of those committee members. They are General Chairman Larry Sullivan. The meals: Dave Bailly, David Landberg, Wick Corwin, Sarah Herman. Tennis: Carlton Hunke, Nick Vogel, Mike McNair. Golf: Jim Sanden, Kip Erickson, Duane Ilvedson. Track: Jane Heinley, Todd Foss, Cliff Rodenburg. Entertainment: Paul Richards, Doug Herman, Bruce Aarestad. Spouses program: Betty Bossart, Brenda Sullivan. Children's program: Pat Ellington, Ron McLean, Pam Anderson and Ranelle Turman. Publicity: Gorman King, Leslie Johnson, Tom Eastman. Red Mass: Terry Kennely. I appreciate and thank those people who worked so hard to make this convention a success.

Is there anything further?

MR. GIERKE: Move we adjourn.

PRESIDENT BACKES: Motion to adjourn. Second?

MR. DAHL: Second.

PRESIDENT BACKES: Motion moved and seconded. All those in favor say, "Aye." Meeting adjourned.

(Whereupon, the General Assembly was recessed at 3:20 P.M.)

PROCEEDINGS

(Whereupon, the Annual Meeting Banquet was continued at 8:43 P.M. as follows:)

PRESIDENT BACKES: The music was wonderful. Let's show our appreciation for the band.

(Applause.)

PRESIDENT BACKES: I told Larry Sullivan he made a mistake. He should have kept the band for dancing tonight. Funny those General Chairman can make mistakes.

Well, I am really embarrassed this evening. I told John Hjellum that, gee, I thought the gal he was sleeping around with was Esther. I found out it was Ellen. But it must have been somebody else I met him with once. Oh, was that Esther?

Well, we're ready to go into our program. I hope that you have enjoyed your wonderful dinner with your fine

friends and colleagues this evening. We're going to proceed ahead even though you may not be finished with your dessert. We have quite a bit on the program. And tonight we are honoring six lawyers who have reached a significant milestone in the legal profession. I reached that milestone in age last month, and I had reason to celebrate. These lawyers have now reached that milestone in the practice of law. Fifty years, the golden anniversary, of their life in the profession of law. Please come forward to be recognized as I read your name for the 50-year certificate in this great profession. We'll start out with the Honorable Eugene A. Burdick of Williston, North Dakota.

(Applause.)

Judge, congratulations.

JUDGE EUGENE A. BURDICK: Thank you very much. Appreciate it.

(Applause.)

PRESIDENT BACKES: Judge, stay standing in the front until we finish, then we'll give you a real round of applause.

E. T. Conmy, Jr. of Fargo.

(Applause.)

PRESIDENT BACKES: Congratulations.

MR. E. T. CONMY, JR.: Thank you, sir.

(Applause.)

PRESIDENT BACKES: Roy A. Holand of LaMoure. Is he here?

Kenneth J. Mullen of Grand Forks.

(Applause.)

MR. KENNETH J. MULLEN: Thank you, sir.

PRESIDENT BACKES: Everett E. Palmer of Williston, North Dakota.

(Applause.)

PRESIDENT BACKES: Everett, congratulations.

And Ella Van Berkorn of Minot. I don't believe she could make it.

(Applause.)

PRESIDENT BACKES: Let's give these 50-year certificate holders a standing ovation.

(Applause.)

PRESIDENT BACKES: My wife just whispered in my ear that I didn't look that good when I reached age fifty. You can see that the legal profession is a good profession.

The direction of your Bar Association is determined by the Board of Governors. They are lawyers who volunteer their time and talent to keep the law a great profession to be a part of. At this time I would like to recognize the members of the Board of Governors who will be leaving as members of that Board. First off I'd like to have Past-President Kermit Edward Bye from Fargo come forward.

(Applause.)

PRESIDENT BACKES: Thank you, Kermit.

PAST-PRESIDENT KERMIT E. BYE: Thank you, Orlin.

(Applause.)

PRESIDENT BACKES: Gregory L. Bickle from Bismarck, North Dakota.

(Applause.)

PRESIDENT BACKES: Thank you, Greg.

Timothy, is it O or Q, I don't know which, Davies from Fargo. Q. Where is he at? He headed for the lake, I'll bet.

And Michael G. Sturdevant from Minot.

(Applause.)

MR. MICHAEL G. STURDEVANT: Thank you so much. I appreciate it. I am from Minot. Thank you.

PRESIDENT BACKES: The Bar Association is very interested in the regulation of disciplinary matters affecting members of the Bar and the Judiciary. We have in North Dakota a Disciplinary Board and a Judicial Conduct Commission. Lay members serve on both of those Boards. Tonight we want to recognize the lay members of these important Boards. They are the lay members from the Disciplinary Board who I would like to recognize tonight. And start out with Lieutenant Governor Ruth Meiers.

(Applause.)

PRESIDENT BACKES: After being elected Lieutenant Governor she requested to be relieved of the duty as a lay member of the Board. And I did get the privilege of nominating someone else to the supreme court. And we want to thank you for the wonderful service you've given.

LIEUTENANT GOVERNOR RUTH MEIERS: Thank you very much. Thank you.

(Applause.)

PRESIDENT BACKES: Another lay member whose term was up, and because of the tremendous job she has done on the Disciplinary Board I again recommended that she be reappointed, and the supreme court reappointed her, Ann McLean from Hillsboro, North Dakota.

(Applause.)

PRESIDENT BACKES: Thank you, Ann.

MS. ANN MC LEAN: Thank you. I'm very proud of this.

(Applause.)

PRESIDENT BACKES: And the other lay member of the Disciplinary Board is Sandi Lang Frenzel from Dickinson, North Dakota. Is she here? I didn't see her. Okay.

And from the Judicial Conduct Commission Louise Sherman from Dickinson, North Dakota. Louise?

(Applause.)

PRESIDENT BACKES: Louise serves as Chairman of that Commission, and testified a couple times with me before the Legislature this past session. Thank you.
(Applause.)

PRESIDENT BACKES: The other members of that Judicial Conduct Commission, I'm not sure if they are here or not, Ernie Pyle from West Fargo. Is Ernie here?
Arnie Braaten, formerly of Minot, now of Grand Forks.
And Norene Bunker of Fargo. Is Norene here? Norene? Not here?
Okay. Let's give these lay members who work for the Disciplinary Board a round of applause.
(Applause.)

PRESIDENT BACKES: The next item that shows on the program is certain law school scholarships. Our North Dakota Bar Foundation has become very active under the leadership of Paul Kloster. And at this time I would like to call on Paul Kloster.
(Applause.)

MR. PAUL G. KLOSTER: Thank you, Mr. President. We appreciate the support of the Bar Association as well as the time at the banquet to recognize the Bar Foundation. And we are more than pleased that at this time we can make a meaningful, visible contribution toward the goals that we have established to strive to achieve. We are undertaking an \$850.00 annual scholarship contribution for scholarships for three outstanding students of the North Dakota Law School who are resident North Dakotans and enrolled in the school. Traditionally these scholarships have been awarded at the homecoming CLE seminar to students selected under the Dean of the Law School. That tradition will be continued. But at this time I would like to ask Dean Davis to come forward to accept our scholarship awards for him to distribute this fall. Dean.
(Applause.)

DEAN W. JEREMY DAVIS: Thank you very much.

MR. KLOSTER: We're more than pleased to do that. And I should further impart that in addition we are providing a matching \$200.00 for scholarships which will be awarded to UND law students by the North Dakota Legal Secretaries Association.

I talked to Orlin a little bit ahead of this meeting. And he was rather insistent in terms of brevity. So after talking to him about the first time I quit on the theory that I can do what I want because whatever power he has is going to expire rather shortly.

The CLE Commission, which as I'm sure most of you are aware, is different than the CLE Committees which work so hard in putting on programs. But the Commission is charged with the responsibility of accreditation of programs, allocation of hours, and monitoring compliance. That group obtains some funds in terms of the compliance requirements. And as a result of some very beneficial expenses, or the lack thereof because they have had the benefit of work at a bargain price, they found themselves with some additional monies. And wanting those monies to be returned for the benefit of promoting justice and law in the State of North Dakota, they graciously determined that they would become the first Silver Patron of the North Dakota Bar Foundation, a \$2,500.00 contribution.

MR. ROBERT DAHL: Oh, baby.

MR. KLOSTER: So we appreciate that and want it recognized tonight.
(Applause.)

MR. KLOSTER: I would be more than remiss in that connection if I did not recognize LAND, which, as I'm sure virtually all of you know, is Legal Assistance in North Dakota, which before we established our patron categories had a great deal of interest in the Bar Foundation and its goals. LAND through its Director Linda Catalano and her staff have worked very hard on behalf of the Foundation and in furtherance of providing legal services to the disadvantaged. And, as I say, before we had our patron categories the people at LAND under Linda decided to make a seed money grant for us primarily to be used to provide seminars for the poor, or in terms of Social Security and the like. That grant was \$4,000.00. That enabled your Board of Governors to also support this program. In recognition of that, No. 1, we are going to recognize LAND with a Silver Patron Certificate. And both the Board of Governors and the Board of the North Dakota Bar Foundation have jointly passed a resolution which I would like to present to Linda if she is here this evening. Is Linda here?
(Applause.)

MR. KLOSTER: Linda, let me take the time to read this. As I mentioned it was passed by both Boards:

WHEREAS, the North Dakota Bar Foundation, Inc. was established in 1982 for the express purpose of advancing the science of jurisprudence, to promote the administration of justice, and uniformity of judicial decisions, all exclusively through education and scientific means of research; and

WHEREAS, Legal Assistance of North Dakota through, the outstanding leadership of its Executive Director Linda Catalano, and the excellence of the efforts of its staff, has contributed immeasurably to these entities; and

WHEREAS, Legal Assistance of North Dakota took the early lead in recognizing the need for the North Dakota Bar Foundation and made the initial contribution in the public interest;

NOW THEREFORE BE IT RESOLVED that the State Bar Association of North Dakota and the North Dakota Bar Foundation hereby express appreciation, thanks and gratitude to Linda Catalano and Legal Assistance of North Dakota for their contributions and efforts in the promotion of the Foundation goals. Adopted this 21st day of June, 1985, by each of these organizations. And we thank you most kindly for making this a reality.
(Applause.)

MR. KLOSTER: Finally, I think all of you are aware of the fund drive which the Bar Foundation has been conducting and are aware that there are several categories. As I alluded to, there are three patron categories. Additionally there is a sustaining member category of \$25.00 annually. Those three patron categories, for spouses and others who may not have become aware, are the patron category at \$1,000.00, a silver patron category at \$2,500.00 and a gold patron category at \$5,000.00. All of these are payable in installments over a ten-year period or less as may be chosen. Prior to the time of our reception, so graciously hosted by Mart's law firm on Tuesday evening, we had an opportunity to come before many of you. Prior to that time we had requested contributions through the Past Presidents of the Association. Justice Gierke very kindly and diligently made requests of the Judiciary, particularly the supreme court, which was all that he had time for up until that evening. By the time our reception began we had eight or nine sustaining members — pardon me — patron members at \$1,000.00 each

and two or three sustaining members. During the remainder of this annual meeting those contributions have grown until we now have twenty-two sustaining members as of this time who are — pardon me — twenty-two patron members and one silver patron member in addition to the LAND contribution earlier made. Of those fourteen are Past Presidents of the Association. Others include judges and lawyers who are concerned and interested. Noteworthy we have a unanimous count for our supreme court. All five Justices are patron members. And we are more than grateful for the continued support of our Judiciary.

(Applause.)

MR. KLOSTER: I know that many of you are more than willing to contribute and to support. And we do not want that it be misunderstood that we have neglected to make specific requests for your support in the form of the various patron memberships or sustaining members' memberships. I should perhaps speak to the spouses. I realize that often you folks write the checks. That happens in my house more often than I want. But you people should perhaps encourage your husbands or your wives, and I think more than encourage, as to joining in any category and on an annual basis. In order to have this function effectively we need a broad base of support, continued growth, which can only come by annual support.

Let me comment only in conclusion that I was interested in a comment at an earlier function at this annual meeting where the North Dakota Bar was encouraged to belong to the American Bar Association in terms of the various benefits which are accorded. Randy Lee has done an outstanding job of monitoring and encouraging ABA membership. And it was reported that we have only 45 percent of our members who are ABA members. And, true, I believe that that percentage should increase. Woefully, however, in the North Dakota Bar Foundation we have had less than 1 percent. And most certainly we should be vying with the ABA for a percentage. That is what we must have. And I am sure that you will respond in achieving it.

And, Mr. Backes, as my final act here I apologize for taking more of your time than I should have.

MR. ROBERT DAHL: No. Don't worry about it.

(Applause.)

PRESIDENT BACKES: The reason I asked Paul to keep his remarks short is we're recording the comments and I didn't want the bill to go over the budget for my year. So I wanted to keep within that budget. But being you're doing so good in raising money maybe you'll help us out so we won't go over, Paul.

MR. KLOSTER: Okay.

PRESIDENT BACKES: The next item on the agenda shows the Outstanding Chairman Award. Yesterday at a meeting of the committees I presented Jane Heinley the Outstanding Chairman Award. Jane could not be here tonight, but she was able to be here yesterday. And so I told her I would present her award at a meeting, breakfast meeting, of all of the committees of the State Bar Association. She served five years as Chairman of the Commission on Continuing Legal Education through the formative years. And when I attend ABA meetings I find states that are still discussing whether they should have continuing legal education. So we want to thank her for those five years of dedicated service to the North Dakota Bar Association.

(Applause.)

PRESIDENT BACKES: We have three very important awards coming up now. The Liberty Bell Award is the highest award given by the North Dakota State Bar Association to a person who is not a lawyer. The guidelines for recipients of the Liberty Bell Award is outstanding service given to the State of North Dakota by (1) promoting understanding for our form of government; (2) encouraging greater respect for law and the courts; and (3) stimulating a deeper sense of responsibility on the part of the citizens regarding their duties as well as their rights. The 1985 recipient of the Liberty Bell Award is well deserving. Dr. Douglas Wills received his Bachelor of Science Degree from Colorado State College in 1966 in history and economics, with his Master's Degree from the same institution in 1967 in American History. He received his Doctor of Arts Degree from the University of North Dakota with his doctoral dissertation on "The Historical Study of Hitler's Rise to Power." He began teaching at Black Hills State College in South Dakota, and since 1973 has been a professor at the University of North Dakota in the area of humanities. Dr. Wills has been active in education as well as stimulating a deeper sense of responsibility on the part of citizens regarding their duties and rights. He has been active in North Dakota and National Education Associations as well as the American Society of University Professors. In addition Dr. Wills has been a member of the American Civil Liberties Union since 1960, and is a member of the North Dakota Civil Liberties Union. Since 1985 he has served as Chairman of the Mayors' Committee on Police Policy in Grand Forks. It is our great pleasure to present Dr. Douglas A. Wills the North Dakota Bar Association Liberty Bell Award for 1985. Dr. Wills, will you come forward?

(Applause.)

PRESIDENT BACKES: Dr. Wills, it's my great pleasure to present to you the Liberty Bell Award. The lawyers heard this noon Charlie Hvas about the legal profession and the rights and the duties of the lawyers in protecting citizens. And Dr. Wills has been active in that in the Civil Liberties Union. We want to again congratulate you for this award.

DR. DOUGLAS A. WILLS: Thank you very much.

(Applause.)

DR. DOUGLAS A. WILLS: Thank you. Thank you very much. I am deeply moved by this. I'm a humanist. And humanists are only slightly more respectable than attorneys, I think. Or perhaps slightly less respectable. But we don't often get an opportunity to be honored by such a great organization. And I accept this humbly on behalf of the American Civil Liberties Union, the North Dakota Civil Liberties Union, and the people of North Dakota. Thank you very much.

(Applause.)

PRESIDENT BACKES: The next award recipient is very special and personal to me. He is an exceptional person. And for twenty-two years he has been like a second father to me. When I graduated from law school in 1963 he took me under his wing. And if there is any one person I can give credit to for any success I may achieve as a lawyer it is my partner and close friend Richard McGee. The North Dakota State Bar Association Distinguished Service Award was established in 1980. A bronze plaque is located in the supreme court chambers of the State Capitol which displays the names of the award winners. Richard McGee is the fourth recipient of this distinguished award. Richard McGee was born in Minot, North Dakota, attended law school in Texas, and graduated from the University of North Dakota School of Law in 1947. He returned to Minot to practice with his father who established

his practice in Minot in 1901. Mr. McGee, or Dick McGee, served on the North Dakota State Board of Higher Education from 1972 to 1979, two years of which he was President. He has also served as President of the Local and State Bar Associations and is presently the State Delegate for North Dakota to the American Bar Association. He is a member of the American College of Trial Lawyers, the Supreme Court Historical Society, and the American Bar Foundation. He is also Past-President of the Rotary Club and the Country Club, and is a member of the Salvation Army and the Chamber of Commerce. He has served and is on the City Civil Service Commission, and is a member of the Ward County Water Management Board. In 1980 Dick received the Alumni Golden Award from Minot State College. He was honored in 1982 by Bishop Ryan High School for his service activities for that school. In recognition of the work of Dick, that Dick has done for the University of North Dakota Law School the Judges' Chambers at the law school was renovated and named "The McGee Chambers." He also received a C.P. Lura Award from Minot State College for his work in higher education across the state. Dick McGee is married to Donna Norman of Grand Forks, North Dakota. They have two children, Tim, who is presently attending a seminary in Milwaukee, Wisconsin, and Rick, or Richard II, who graduated from the University of North Dakota Law School in 1977 and currently practices with our law firm. At this time I would ask that Dick and Donna McGee come forward to receive the Distinguished Service Award.

(Applause.)

PRESIDENT BACKES: Congratulations, Donna. Congratulations.

Better say something.

MR. RICHARD H. MC GEE: Well, I sincerely thank you for this award. You've already heard me once today, so I don't know what the hell I'm doing up here again. In any event, thank you.

(Applause.)

PRESIDENT BACKES: And the third main award this evening is a national award which I will call on the Honorable Kirk Smith, District Judge, to present. Kirk.

JUDGE KIRK SMITH: Thank you, President Orlin. The award that we have to offer tonight is from the American Judicature Society. And since there has been a mention of the percentage of members in the American Judicature Society, or the other society, ABA particularly, it being at 45 percent, I'm happy to report that 11 percent of the North Dakota attorneys are members of the American Judicature Society.

I'd like to also thank the North Dakota State Bar Association for the opportunity to join in your program to make this award tonight.

The Herbert Harley Award is a national award, as has already been mentioned. It has never been awarded to a North Dakota citizen before. Herbert Harley was one of the great leaders of court modernization movement in this country a full generation ago. His influence was exerted through the American Judicature Society of which he was founder and secretary-treasurer for more than thirty years. Today the Society with more than 30,000 members operates throughout this country bringing lawyers, judges, and leading citizens together to work for improvements in the administration of justice. The Herbert Harley awards have been established by the Society to give recognition to outstanding lawyers, judges and citizens for their contributions to this work primarily in their own states. Our recipient tonight is a former Director of the American Judicature Society for the State of North Dakota, having served in that office for a considerable number of years. I would like to ask our recipient to step forward as I would read the citation to him. And, Mae, would you come, too? Would you come forward?

(Applause.)

JUDGE SMITH: The citation reads as follows: The American Judicature Society presents its Herbert Harley Award to Eugene A. Burdick in recognition of services in promoting the effective administration of justice. Bench and Bar alike recognize the unique and outstanding talents of this dedicated Jurist. Through his career of public service Judge Burdick has personified the objective and compassionate individual who is ideal for service on the Bench. His sense of style and substance in the language of the law has made a lasting mark upon the codes and court rules of North Dakota. His commitment to the effective administration of justice is demonstrated by his years of committee service to improve both the Rules of Civil and Criminal Procedure, and service as Co-Chairman of the Uniform Juvenile Court Act Committee and as President of the National Conference of Commissioners on Uniform State Laws.

Judge Burdick is truly the Dean of the North Dakota Judiciary. We salute him today for his remarkable professional achievements and for personal strength so greatly admired by all who know him.

Given June 21, 1985, by the American Judicature Society to promote the effective administration of justice.

And to this I might want to add my own words to a good and faithful friend. Congratulations.

(Applause.)

JUDGE EUGENE A. BURDICK: I feel somewhat like Reggie Jackson after he hit three home runs in one game. He said, "To think we get paid for this." This is certainly the frosting on the cake as far as I'm concerned. And I feel somewhat like the rhyme or the adage that some people are born great, some people achieve greatness and others have greatness thrust upon them. And I feel that the latter is the way I feel tonight, that the greatness of this award cannot be denied, but I feel that in some ways it has been thrust upon me. And I am pleased to accept it with humbleness and gratitude on behalf of the people of North Dakota. Thank you.

(Applause.)

PRESIDENT BACKES: This past year I had the great privilege of being a part of Herbert Meschke and Beryl Levine becoming members of the supreme court in the ceremony that was held in the chambers at the State Capitol. This was an exceptional ceremony. And it was great that the Bar Association could be a part of this ceremony. It is traditional that the North Dakota Bar Association present the robe to the Supreme Court Justice when he becomes a member of that court. Beryl Levine's robe was presented to her at a ceremony in Grand Forks, North Dakota. And tonight we have the special privilege particularly I do, of presenting to Supreme Court Justice Herbert Meschke his robe. Would you and Shirley please come forward?

(Applause.)

PRESIDENT BACKES: Congratulations. Herb, congratulations.

JUSTICE HERBERT MESHKE: Thank you.

PRESIDENT BACKES: No other judge will be able to get ahold of this robe, because we have H. M. put right on the robe. Herb, it is a great privilege to present you with your supreme court robe. I won't put it on tonight.

JUSTICE MESCHKE: Thank you, Orlin, very much.

Orlin has run such a beautiful and efficient annual meeting banquet tonight. I want to share this moment with you and with someone else. And in a lighter vein I'd like to ask you to help me. I learned today that a diplomat was someone who remembered his or her spouse's birthday, but did not remember which one. Would you help me, since I have not been able to get a present for my wife Shirley, whose birthday is today, and join me in singing Happy Birthday.

(Whereupon, Happy Birthday was sung to Shirley Meschke.)

(Applause.)

MRS. SHIRLEY MESCHKE: Thank you.

PRESIDENT BACKES: Well, I'm getting kind of sad, because my year is coming to an end. Finally it is a great pleasure to turn the helm and the gavel of the State Bar Association to our new President David Peterson. Dave is an outstanding lawyer. And Millie and I consider Dave and Diane wonderful and close friends. The great reward of Bar Association work has been the special friendships that we have made. Dave and Diane are one of those friendships. We're even planning on taking a skiing trip this coming winter to Colorado. So, Dave, at this time it is my privilege to hand to you the helm and the gavel of the State Bar Association of North Dakota.

(Applause.)

PRESIDENT-ELECT PETERSON: Thank you very much, Orlin.

Orlin, as Herb has mentioned, runs just an excellent meeting. But he got real nervous this afternoon. There was a rumor afloat that someone was going to run against him for Past-President. But it was squelched and his opposition didn't show up. So he's going to get to be Past-President for the next year at least.

Orlin, would you and Millie please step up here, both of you, at this time? It gives me great pleasure to present Orlin with the Presidential Plaque as a token of appreciation from the entire Bar Association for your fine leadership of this Association for the past year. Millie, we want to thank you for sharing Orlin with us, and also for your personal contribution to the Bar Association in your travels around the country. Thank you very much, Orlin and Millie.

(Applause.)

PAST-PRESIDENT BACKES: I'm just like Dick McGee. Thank you.

(Applause.)

PRESIDENT PETERSON: A few years ago when I was a young member of the Bar, and that's getting to be a lot of years ago, we had the meeting in Bismarck. And I don't know if many of you recall, but there was a gentleman from Texas by the name of LeRoy Jeffers who gave the closing speech. And I can't remember if it ever got over, but I left after an hour and a half. We're going to do a lot better than that tonight. We're now adjourned. And we thank you very much. And please come to Winnipeg next year.

(Applause.)

(Whereupon, the General Assembly and Annual Meeting Banquet were concluded at 9:30 P.M.)

CERTIFICATE

STATE OF NORTH DAKOTA)
)
 COUNTY OF CASS)

I, NORMAN E. MARK, Registered Professional Reporter, 312 Black Building, Fargo, North Dakota, of Norman E. Mark - Court Reporter Service, certify that I am the Reporter who was present and reported above-entitled 85th Annual Meeting of the North Dakota State Bar Association. This record is a true and correct transcript of my shorthand (Stenograph) notes made at the time and place herein indicated.

Dated this 6th day of September, 1985.

Norman E. Mark - R.P.R., C.P., C.M.
 312 Black Building
 Fargo, North Dakota 58103