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Constitution and By-Laws of the State Bar Association of North Dakota - As Amended

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Constitution and By-Laws of the State Bar Association of North Dakota — As Amended

Creation of Bar Association: In compliance with the provisions of an act passed at the 17th session of the Legislative Assembly of the State of North Dakota, approved March 11, 1921, entitled "An Act to Create, Define and Establish the Bar Association of the State of North Dakota," and for other purposes incident thereto, the membership of the Bar Association of North Dakota, in annual session assembled, adopts the following Constitution and By-Laws:

ARTICLE I

Name: The name of this Association is the Bar Association of North Dakota.

Source: 21 N. D. Bar Briefs 144 (1945).

ARTICLE II

Objects: The objects of this Association shall be to promote the administration of justice, uphold the honor of the profession of law, and encourage cordial intercourse among members of the State Bar.

Source: 21 N. D. Bar Briefs 144 (1945).

ARTICLE III

Membership: The membership of this Association shall consist of all practicing attorneys who have paid their annual dues and received their license from the clerk of the State Bar Board, of the State of North Dakota, and all other attorneys who have been duly admitted to practice by the Supreme Court of this state and are by law exempt from the payment of dues, and all such members shall be entitled to all the rights and privileges of the Association and to vote and participate in the business transacted at its meetings.

Source: 21 N. D. Bar Briefs 144 (1945).

ARTICLE IV

Officers: The officers of this Association shall be a president, vice president, and secretary-treasurer, who shall be elected at the annual meeting of the Association and hold their offices until the next annual meeting succeeding their election.

Source: 21 N. D. Bar Briefs 145 (1945).

ARTICLE V

Executive Committee: The Executive Committee shall consist of the president and vice president of this Association, the president of the several District Bar Associations of the state as such districts are now or may hereafter be organized, the dean of the School of Law of the University of North Dakota, and the president whose term of office expires in the preceding year, and the latter shall be a member of the Executive Committee until the next annual meeting after the expiration of his term as president of the Association. The presidents of the several District Bar Associations shall be elected for a term of two years, those in the even-numbered dis-

tricts being elected in the even-numbered years and those in the odd-numbered districts being elected in the odd-numbered years. In the event of a vacancy in the office of president of any District Bar Association, the president of this Association shall appoint from the territory of such District Bar Association a member for the Executive Committee who shall serve thereon for the remainder of such unexpired term. The secretary-treasurer of this Association shall act as secretary of the Executive Committee, but he shall have no vote.

Source: 21 N. D. Bar Briefs 145 (1945); 24 N. D. Bar Briefs 51 (1948); 26 N. D. Bar Briefs 139 (1950); 27 N. D. L. Rev. 147 (1951).

ARTICLE VI

Duties of the Officers: The duties of the officers of this Association shall be such as usually devolve upon officers of like organizations.

Source: N. D. Bar Briefs 145 (1945).

ARTICLE VII

Duties of the Executive Committee: The duties of the Executive Committee shall be such as may from time to time be imposed upon it by the by-laws of the Association.

Source: N. D. Bar Briefs 145 (1945).

ARTICLE VIII

Standing Committees: It shall be the duty of the president to appoint, with the concurrence of a majority of the Executive Committee, such standing committees of the Association as may from time to time be provided for by the by-laws of this Association, such appointments to be made immediately after the annual meeting each year, and such other committees as may be deemed necessary by him from time to time, with the concurrence of the Executive Committee.

Source: N. D. Bar Briefs 145 (1945).

ARTICLE IX

Referendum: Whenever a petition signed by not less than thirty members of this Association shall be presented to the President, asking that a vote of the members of the association be had on any measure affecting public interest, state or national or by way of indorsement of candidates for judicial or other office, the President and Executive Committee shall forthwith and within ten days provide for the submission of such question or measure to a vote of the members by the postal ballot, the details of which shall be prescribed by the Executive Committee. Such referendum shall be by secret ballot and thirty days from date of mailing the ballots shall be allowed for completion of the votes. At the expiration of that time the ballots shall be canvassed by President and Secretary, and by a Judge of the Supreme Court or District Court to be selected by the President, and the result shall be published at the capitol of this state. No expression of approval or disapproval by this Bar

Association on any measure or candidacy shall be given in any manner.

ARTICLE X

Amendments: This constitution may be amended at any annual meeting by a two-thirds vote of the members present upon amendments which have been suggested at a previous annual meeting; or amendments which have been suggested at the next preceding annual meeting.

Source: N. D. Bar Briefs 145 (1945).

ARTICLE XI

Quorum: A quorum of any regular meeting or special meeting shall consist of twenty-five members.

Source: N. D. Bar Briefs 145 (1945).

By-Laws

ARTICLE I

Meetings: Sec. 1. *Regular Meetings.* This Association shall meet at least once a year, at which time and place as shall be designated for that purpose by the Executive Committee.

Sec. 2. *Special Meetings.* Whenever the exigency presents itself, the president of this Association may, and on request of any twenty members in writing, shall call a special meeting of the Association at a time and place to be designated by him.

Sec. 3. *Notice of Meetings.* The Secretary shall send notices of the time so selected to each member by mail at least ten days before the date of meeting.

Source: 21 N. D. Bar Briefs 146 (1945).

ARTICLE II

Dues: No payment of annual dues shall be required of members of this Association if the appropriation from time to time made by the Legislative Assembly shall be sufficient to defray the legitimate expenses of the Association, but assessments of not to exceed one dollar for each members may be made upon the resolution adopted by a majority vote at an annual meeting or at any special meeting if due notice be given in the call for such special meeting that such assessment will be proposed.

Source: 21 N. D. Bar Briefs 146 (1945).

ARTICLE III

Duties of the Executive Committee: The Executive Committee shall make all necessary arrangements for the meeting of the Association, and provide in their discretion for its entertainment, prepare the programs for its proceedings, audit all bills against the Association, and the accounts of the Secretary-Treasurer, and perform such other duties as may be required by the Association. The Executive Committee shall have full power and authority in the interval between meetings of the Association to do all acts and perform all functions which the Association itself might do or perform, except that it shall have no power to amend the constitution or by-laws.

Source: 21 N. D. Bar Briefs 146 (1945).

ARTICLE IV

Duties of the Secretary-Treasurer: The Secretary-Treasurer shall keep correct and full reports of the proceedings of the meetings of the Association and of its Executive Committee and shall collect and receive all money appropriated by the state or otherwise collected on assessments of the membership, and keep true and correct account of the same, and shall pay out such moneys on the Order of the Executive Committee from time to time and upon vouchers drawn by the President and Secretary, and he shall make a full and detailed report of all receipts and disbursements accompanied by the vouchers and paid checks, to be submitted to the Executive Committee and to the next annual meeting after his election, and he shall file in the office of the clerk of the State Bar Board a duplicate of such itemized statement of receipts and disbursements. The Secretary-Treasurer shall give a surety bond in the sum of two thousand dollars running to the state of North Dakota, the premium on which shall be paid by the Association. Said bond shall be conditioned for the faithful accounting by him for all funds and property which may come into his hands by virtue of his office, and for the delivery thereof to his successor at the expiration of his term of office. The Secretary-Treasurer shall receive as compensation for his service such sums as may be fixed or allowed from time to time by the Executive Committee.

Source: 21 N. D. Bar Briefs 146 (1945).

ARTICLE V

Standing Committees: There shall be appointed annually by the President immediately after his election the following standing committees:

1. Jurisprudence and Law Reform.
2. Legal Education and Admission to the Bar.
3. Legislative Committee.
4. Committee on Sectional Meetings.

The duties of the committees shall be as follows:

1. *Jurisprudence and Law Reform.* The committee upon jurisprudence and law reform shall receive and consider from any member of the Bar of the state at any time proposed amendments to the code, and shall at each meeting of the Association report what changes, if any, have been made by the Legislature since the last meeting, and any modifications of the rules of practice that shall have been made by the Supreme Court and in addition to such report shall recommend such changes in the code and in the practice as shall seem to said committee to be proper and advantageous to the end of securing a proper reform of the laws.

Three weeks prior to the date of any annual meeting it shall file with the Secretary of the Association a statement of the matters upon which it will recommend Legislative Action, such statement to embody all the proposed amendments to existing laws and all new laws recommended by such committees, and that upon filing such statement the Secretary shall cause the same to be printed or typewritten, and that he forthwith mail a copy thereof to each member of this association.

2. *Legal Education.* The committee on legal education and admission to the Bar shall confer with and recommend to the faculty of the School of Law of the State University a suitable course of study to be pursued as a qualification for admission to the Bar, and shall also confer with and recommend to the Supreme Court a standard of education and qualification to be adhered to as a prerequisite to admission to the Bar, and shall report in regard to such matters at each meeting of the Bar Association.

3. *Legislative Committee.* There shall be appointed by the president for a term of two years a Legislative Committee of fifteen members of which the President of this Association will be chairman. The duties of said committee shall be to properly formulate all propositions approved by the Association for the amendment of existing statutes to supervise and direct the due presentment and course in the Legislature of legislative bills formulated by it at the next succeeding session of said Legislature, and to use, in the name of the Association, every honorable means and influence to secure the passage and enactment into law of the measures so introduced.

4. *Committee on Sectional Meetings.* The committee on sectional meetings shall make all arrangements for the sectional meetings to be held at the annual convention. Such arrangements shall include the subjects to be discussed at such sectional meetings, the leaders of such discussions, and the chairman thereof. All such arrangements shall be made and completed at least two weeks prior to the annual convention.

Source: 21 N. D. Bar Briefs 147 (1945).

ARTICLE VI

Compensation: No officer other than the Secretary-Treasurer shall receive compensation for his services, but the expenses of the officers of the Association and the members of the Executive Committee who shall attend the regular or special meetings of the Association, or duly called meetings of the Executive Committee, shall be paid out of the funds received from the State Bar Board as provided by law. Such payment shall be made upon the detailed statement to be rendered by each officer, or committeeman, showing the actual cash expenses of attendance at each meeting or such meetings.

Source: 21 N. D. Bar Briefs 148 (1945).

ARTICLE VII

Additional Committees: In addition to the standing committees provided by Article 5 there shall be appointed by the President, with the concurrence of the Executive Committee, such other committees as shall be necessary from time to time to effectively accomplish the purpose for which this Association is organized and to carry out the work undertaken by the Association at its annual meeting.

Source: 21 N. D. Bar Briefs 148 (1945).

ARTICLE VIII

Nomination to State Bar Board: For each appointment to be made to the State Bar Board, the Executive Committee shall select three members of the Association in good standing to be submitted

to the Supreme Court. Members of the Association may make additional nominations by petition signed by ten members which shall be timely filed with the Secretary. Reasonable notice shall be given in the North Dakota Law Review of the time within which such petition should be filed. If additional nominations are made, the Secretary shall then prepare a ballot which shall contain the statement "nominated by petition" after all names are so nominated. The ballots shall be mailed to each member of the Association thirty days before the day when it must be returned, of which date notice shall be given by the Secretary when sending out the ballot. The President shall appoint a canvassing committee to canvass the ballots. Those receiving the highest number of votes up to the number of nominees to be chosen shall be presented to the Supreme Court as nominees of this Association for members of the State Bar Board.

Source: 21 N. D. Bar Briefs 148 (1945); 26 N. D. Bar Briefs 139 (1950); 27 N. Dak. L. Rev. 148 (1951).

ARTICLE IX

Member of House of Delegates of American Bar Association: There shall be elected in each even numbered year one delegate to serve as a member of the House of Delegates of the American Bar Association, who shall hold his office for a period of two (2) years after his election, or until his successor has been elected by the State Bar Association, and whose duties shall conform to those prescribed by the American Bar Association and State Bar Association, and it shall be his duty to attend the annual meetings of the American Bar Association until his successor is elected. The actual expenses of said delegate so elected in attending such meetings of the American Bar Association shall be paid by this Association.

Source: 21 N. D. Bar Briefs 149 (1945).

Amended: Annual Meeting, 1956.

ARTICLE X

Amendments: These by-laws may be amended at any time by a majority vote of the members present and voting at a regular meeting of the Association.

Source: 21 N. D. Bar Briefs 149 (1945). Amended: Annual Meeting of 1956.

Errata

In the first installment of the article entitled "*The Uniform Rules of Evidence and the North Dakota Law of Evidence*", by Leo H. Whinery, Assistant Professor of Law at the University of North Dakota and appearing at 32 N. Dak. L. Rev. 205, the following correction should be made.

The quotation from Professor Morgan at the end of the first paragraph on page 221 should read: "[i]n short, there is no argument for departure from the orthodox practice [of permitting the judge to decide the question] which does not strike at the validity of the exclusionary rules themselves." Professor Morgan deserves special apologies for having been inaccurately quoted in the article.