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A family portrait of Aubrey Fiebelkorn-Zuger and her three children. The father is on the left, wearing a dark blue polo shirt. The mother is on the right, wearing a light pink blazer. They are standing with their three children in front of a green, leafy background. The children are a girl on the left in a blue top and white skirt, a boy in the center in a blue and grey polo shirt, and a boy on the right in a striped polo shirt.

**2019-2020 SBAND President**  
*Aubrey Fiebelkorn-Zuger and Family*

# Thanks for SBAND's ProfFound Support!



A panel of law professionals discussed the career path of trial lawyers during a ProfFound session.

By Julia L. Ernst

During the 2019 SBAND Annual Meeting, the Vogel Lecture program highlighted an innovative course initiated in 2014 by the University of North Dakota (UND) School of Law called Professional Foundations, affectionately known as ProfFound. The law school extends an enthusiastic and heartfelt thank you to everyone in SBAND who has helped to make Professional Foundations such a meaningful experience for its students. As described below, the success of this course depends in large part on marvelous volunteers from the legal community, to whom we are deeply grateful.

Originally conceptualized, designed, and coordinated by Professor Patti Alleva and Dean Mike McGinniss, this team-taught course provides first year students with an opportunity to step back from their doctrine-heavy law school experience and self-reflect on what type of legal professional each of them endeavors to become. ProfFound enables students to explore their own personal and professional values and helps them ensure their lived values align within both of these spheres, allowing them to maintain integrity in both their personal and professional lives.

At the heart of Professional Foundations, students explore 12 core professional qualities the faculty team has determined are central to being a good lawyer (recognizing, of course, lawyers should strive to attain many other admirable qualities, as well):

1. Adaptability/Dealing with Unpredictability
2. Confronting Mistakes
3. Courage
4. Diligence/Reliability
5. Empathy/Compassion
6. Generosity/Public-Mindedness
7. Honesty/Trustworthiness
8. Humility/Respectfulness/Courtesy
9. Integrity under Pressure
10. Loyalty
11. Patience/Perseverance/Resilience
12. Professional Objectivity/Sympathetic Detachment

In numerous class sessions, students engage in hypothetical scenarios acting as lawyers in challenging situations that position these core professional qualities in tension with each other. The students work in small groups coming up with potential solutions to these dilemmas, which they then discuss with the entire class. Various faculty lead interactive exercises in sessions on becoming a self-reflective lawyer; lawyers as both advisors and advocates; special circumstances facing lawyers who represent businesses, organizations, and governments;

and lawyers in private law firms. The members of the small groups change every four weeks, enabling students to work closely with a variety of colleagues addressing these problems.

For example, one discussion presents a scenario in which a junior associate discovers a senior partner in the law firm has been padding hours and over-billing clients. The students assume the junior associate role and discuss with colleagues how each would handle that situation. These exercises enable students to reflect upon how they should approach professional quandaries before they occur, so they are ready to face them in their professional lives.

Another class examines the significance of the law as a *profession*, including the special privileges and responsibilities that status entails. For example, since members of the legal profession – through the legal education and bar admissions process – limit the practice of law and determine who is (and is not) authorized to practice law, this session examines why lawyers have a concomitant responsibility to ensure access to justice for those who cannot afford normal legal fees. We also have a responsibility to ensure members of traditionally excluded or marginalized populations are reflected in the legal profession. We must cultivate a proactive pipeline enabling them to enter and succeed in law school and the practice of law.

As another important facet, historically the law was considered to be one of the three *learned professions* along with medicine and theology, in recognition these are helping or healing professions – medicine healing the body, theology healing the spirit, and law healing society and relationships among people. The law is also known as a *noble* profession – as the bulwark maintaining and enforcing the rule of law – without which society would descend into tyranny and chaos, as exemplified throughout history and in some regions of the world today. Yet, sometimes society does not perceive lawyers in the most positive light. This session also encourages students to explore various reasons for these negative perceptions, as well as ways in which



New this year, a ProfFound panel focused on lawyers' professional and personal well-being.



individual lawyers and the profession as a whole can work together to reduce the deleterious practices in which some lawyers engage and to elevate the countless positive contributions legal professionals provide to society.

We added a new session this year, focusing on lawyer well-being and based on the National Task Force on Lawyer Well-Being's 2017 report entitled, "The Path to Lawyer Well-Being: Practical Recommendations for Positive Change."<sup>2</sup> As the syllabus describes:

*The ABA recently issued a report "emphasizing that well-being is an indispensable part of a lawyer's duty of competence."<sup>3</sup> This session will examine key components of professional and personal well-being for legal professionals. It will explore various challenges lawyers may face in maintaining their physical, mental, and emotional health; as well as strategies to enhance your personal and professional well-being throughout your legal career.*

Professor Tammy Oltz organized a panel for this session including:

- Judge Ralph Erickson, U.S. Court of Appeals for the Eighth Circuit,
- Penny Miller, clerk of the North Dakota Supreme Court, secretary-treasurer of the State Board of Law Examiners, and secretary of the Disciplinary Board of the Supreme Court,
- Anna Dearth, attorney and UND School of Law alumna, and
- Jodi Ramberg, staff counselor at the UND Counseling Center and substance abuse prevention coordinator at the UND Wellness Center.

The students provided positive feedback, such as this excerpt from a student email:

*I wanted to reach out to you all and say how great I thought today's panel was on well-being... I thought the entire panel was AMAZING and could have stayed much longer to listen to each person's insights... Thank you so much for this experience.*

In addition to strategies for maintaining physical, mental, and emotional well-being, the panel addressed challenges prevalent in the legal profession such as stress, mental illness, including anxiety and depression, and alcohol and drug abuse. The speakers highlighted that these issues frequently emerge in law school and emphasized the importance of seeking help, noting the primacy of making and implementing a plan to overcome these problems, and that doing so can reflect positively on candidates seeking admission to the bar instead of posing a barrier.

Other sessions featuring guest speakers exposed students to different career paths in addition to underscoring the importance of professionalism and civility as fundamental components of the twelve core professional qualities. These sessions included Peter Welte, nominee to the U.S. District Court for the District of North Dakota, discussing law firm practice, as well as panels on trial lawyers including:

- Judge Shon Hastings, U.S. Bankruptcy Court,
- Justice Jon Jensen, North Dakota Supreme Court,
- Jennifer Puhl, Office of the U.S. Attorney,
- Bruce Quick, Vogel Law Firm,
- Mike Williams, Maring Williams Law Office,
- Peter Zuger, Serkland Law Firm,

**Call for Mentors:** To sign up for the UND School of Law's Professional Foundations Mentoring Session on Wednesday, April 1, 2020, please visit: [https://www.sband.org/events/event\\_list.asp](https://www.sband.org/events/event_list.asp).

and the judiciary including:

- Judge Alvin Boucher, Grand Forks Municipal Court,
- Judge Alice Senechal, U.S. Magistrate Judge,
- Judge Jim Hovey, North Dakota District Court,
- SheraLynn Ternes, Assistant Cass County State's Attorney, former supreme court clerk,
- Conor Smith, U.S. District Court Clerk, former Supreme Court clerk,
- Morgan Croaker, Serkland Law Firm, former Supreme Court clerk, and
- Sarah Aaberg, O'Keeffe, O'Brien, Lyson & Foss, former Supreme Court clerk.

Moreover, the law students provided overwhelmingly positive feedback about the mentoring program initiated this year, where more than 60 members of the legal profession volunteered to meet in one-on-one sessions with two law students to discuss their resumes and Roadmap documents outlining their plans for their remaining law school experiences. We were extremely grateful to the mentors, some of whom travelled great distances, who engaged in enriching dialogues with their mentees, and many continued interacting with law students and colleagues during the reception afterwards.



Law students and professionals take part in a mentorship program as part of ProfFound.

Finally, on behalf of the entire law school community, we offer our deepest appreciation to everyone in SBAND for your support – not only through Professional Foundations, but also in a myriad other ways, such as externships, jobs, coaching/judging trial team and moot court, mentoring students and graduates, attending law school events, donating to student scholarships and other financial assistance for the law school, encouraging prospective students to apply, and expressing support for maintaining a strong UND School of Law to the North Dakota Legislative Assembly. Many thanks!

1. Associate Dean, UND School of Law.
2. National Task Force on Lawyer Well-Being, "The Path to Lawyer Well-Being: Practical Recommendations for Positive Change," [https://www.americanbar.org/content/dam/aba/administrative/professional\\_responsibility/lawyer\\_well\\_being\\_report\\_final.pdf](https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/lawyer_well_being_report_final.pdf) (Aug. 14, 2017).
3. National Task Force on Lawyer Well-Being, [https://www.americanbar.org/groups/professional\\_responsibility/task\\_force\\_lawyer\\_wellbeing/](https://www.americanbar.org/groups/professional_responsibility/task_force_lawyer_wellbeing/) (Feb. 7, 2018).