

STATE BAR ASSOCIATION OF NORTH DAKOTA
BOARD OF GOVERNORS ZOOM CONFERENCE CALL

APPEARANCES

VIA ZOOM

Chief Justice Jensen
Zack Pelham (Past President)
Tony Weiler (Executive Director)
Judge Douglas Bahr
Pat Ward- Secretary (Treasurer)

IN THE CONFERENCE ROOM

Aubrey Zuger (President)
Judge Michael Hurly
Carrie Francis (President-Elect)
Jennifer Albaugh (Representative East Central Judicial District)

Location: Radisson Hotel Fargo
201 5th St. N.
Fargo, ND 58102

PROCEEDINGS

June 11, 2020

(WHEREUPON, the following proceedings were duly had:)

MS. ZUGER: Good afternoon, I'd like to call the 2020 general assembly to order. We have confirmed that we do have a quorum, and so we are ready to go ahead and start this meeting. We will start first with the President's address. I am Aubrey Zuger. I am the current State Bar Association of North Dakota President. And I certainly would not have anticipated one year ago that I would be finishing my year as president in the midst of a global pandemic, race riots, and high rates of unemployment. I never thought I would be providing this President's address via Zoom because we are socially distancing to avoid spreading COVID.

But here we are, and I'm happy to be here today. The State Bar Association has been for me a constant source of support and has provided me so many opportunities to grow as a leader and as an attorney.

This year proved to be the same. And I want to talk about four highlights from this year. First, we, like so many other Bar associations across the country, continue to face challenges related to our integrated Bar membership. In June 2019, the Bar Association argued its case at the 8th Circuit Court of Appeals and received a favorable decision later this last year.

After the plaintiff filed writ of Certiorari, we began the briefing process to the United States Supreme Court. We received great news in March when we learned that the Supreme Court had denied cert. That process really revealed to us that we had great support during this time and we're grateful to our local attorneys Randy Bakke and Sean Reynolds for their hard work on the case over four years. We're grateful for our D.C. attorney, who performed work on our case as part of a clinical education product, project with her Harvard Law students, and that resulted in excellent legal work and a significant cost savings for the Bar Association. And we're also grateful to our members who have supported us over the last several years as we worked through the Keller and integrated Bar issues.

A process that, while difficult, has made our Association stronger and even more focused on serving our members. In the days ahead, we will continue to be ever mindful of our responsibilities to all of our members with the primary goals of regulating the legal profession and constantly striving to improve the quality of legal services.

Second, I want to talk about the Bar association's relationship with the Judiciary. What we have in North Dakota is unique. We have a Judicial system that is closely connected to the Bar. We have a Judicial system that is concerned with the decisions they make and how it will impact our clients and our practices.

This fact was abundantly clear this spring when the Supreme Court reached out to SBAND to solicit feedback from members regarding concerns we had about COVID and how the court system was handling the rapid changes and disruptions to the cases. Then, not once, but twice, the Supreme Court answered our members' questions.

We also received detailed guidance from the District Court judges about how hearings and trials would move forward and how the Judicial districts would recover from the thousands of canceled court proceedings.

SBAND appreciates greatly its partnership with the court. We especially want to thank Chief Justice Jensen for his leadership and responsiveness during this time. I also want to thank Justice VandeWalle for his many years as Chief Justice of the North Dakota Supreme Court. His quite -- quiet confidence, humility, and dedication to the people of North Dakota is appreciated

by all members. And on a personal note, I have greatly appreciated his support and kindness to me throughout my time on the board. Third, SBAND appreciates greatly its close relationship with our law school Dean Mike McGinnis.

Every year, we welcome into our Association the newest admittees, many of whom are from the University of North Dakota School of Law. This year, our members continue to enhance their partnership with the law school by helping to raise money for energy law and clinical-- legal education. We are excited to see all of the great work that will be done with those funds. Finally, I want to talk about our annual meeting. One of SBAND's best ways to support and connect with its members is at our annual meeting.

There we received great CLEs, participate in our section meetings, have chance to see old friends and meet new ones. It is the highlight of my year for sure. To say that we have struggled with how to handle this year's annual meeting is an understatement. We have wrestled with balancing our desire to hold the event with the paramount concern of keeping everyone safe and healthy.

We are mindful of the costs that go into holding the annual meeting and making sure we would have adequate attendance to justify that expense. A few weeks ago, SBAND surveyed its members to determine whether our members would attend an in-person meeting in August. The results of that survey revealed that a large percentage of our members were justifiably concerned about attending a large in-person conference in just two months. Many who responded to this survey indicated that they would feel more comfortable with a virtual meeting.

Today, the board of governors met and considered the issue. The board voted not to hold an in-person meeting in August but instead to meet virtually. The format will be different, but we promise to still provide high quality CLEs and intend to continue with our tradition of highlighting awards, deserving of some of our exceptional members and community leaders.

More will be coming about that event in August, and I trust that Tony and his staff will do a great job planning this meeting. And we will look forward to gathering together, in-person, next year to collaborate, connect, and continue to grow. While this year was filled with interesting challenges and opportunities to connect with so many of you across the state, I know that the time it took to serve in this role would not have been possible without the support of my husband Peter, and close friends Lori Conroy and Jade Rosenfeldt, who reviewed speeches, articles, and perhaps most importantly, made sure that my children were taken care of while I attended to Bar Association work.

I appreciate greatly the support I received from my law firm Fredrikson & Byron, especially my partners in the Fargo office who covered depositions

and hearings while I was away. Tony and Jeanne, Carrie, and other SBAND staff, thank you for all of your hard work this year. You do a great job to make sure that SBAND operates efficiently and effectively.

I also want to thank my three children Aiden, Ellie, and Andrew, who have been very understanding over the past nine years as I've served on the Board of Governors. Although board meetings and commitments have caused me to miss some of their events, they've never complained and recognize how important the Bar Association is to me. I hope they someday feel the support and connection from working collaboratively on something they believe in, as I do in SBAND.

In closing, I want to thank you for trusting me with this role. I look forward to the great leadership from Carrie Francis and Judge Bar that will be coming in the next few years and more opportunities for us to remain engaged and continue to improve our ourselves and our profession. Thank you.

I do just want to say all participants are currently muted, but if you have any questions, feel free to use the chat function and Tony Weiler is here in the room, and he's going to be happy to answer those. Up next we do have an update from Chief Justice Jensen.

MR. JENSEN: Good afternoon. Thank you Ms. Zuger, and thank you Mr. Weiler for inviting me to speak today. This fall will mark my 30th year as a member of the State Bar Association of North Dakota. It's a privilege to provide comments to the general assembly today. My comments will cover three areas: The recent past, the present, as well as the future of the court.

With regard to the recent past, I'll just remind everyone that the mission of the court is to provide the people through an independent Judiciary -- Judiciary equal access to fair and timely resolution of disputes under the law. We -- we think we continue to accomplish this mission in an exceptional manner.

For example, in 2019, there were over 149,000 new case filings in our Judicial system. When we add in files that were re-opened, our courts handled approximately 180,000 files during 2019. On a per judge basis, that's the equivalent of over 2,800 new files per judge in North Dakota. We do that with what I believe is an exceptional docket currency. We have a docket currency system that requires reporting quarterly by all of our district court judges.

We have defined standards in each one of our case types and standards that set times or case resolution. There's also accountability in us -- in our docket currency system. Our resolution requires timely cases, those that are not timely are brought to the attention first of the -- to the presiding judge and then to the court. When a case is untimely, the court staff wishes a definitive plan for getting the case resolved.

It's fortunate that in North Dakota we have cases that are rarely outside of our docket currency standards. In 2019, North Dakota Supreme Court had 388 cases filed for an appeal, and there were 306 authored majority opinions. As most of you are aware, our district courts also act as juvenile courts in North Dakota. In this mission of our juvenile court is promote public safety, hold juvenile offenders accountable, increase the capacity of juveniles to contribute productivity in their community.

In 2019, there were a total of 10,908 -- or 98 unruly, delinquent, and deprivation cases filed in our Juvenile Court. What is amazing is that we accomplish all of this in North Dakota with a relatively modest budget. For the entire 2019 to 2000-- 2021 biennium, we had a budget of just \$110 million. Of that, 76.5 percent is dedicated to salaries. If you want turn our attention or my attention at least to the present, and first I'll acknowledge that all things can be made better and includes our Judicial System.

But I do not -- do want to note that our Judicial System in North Dakota works very well. In response to the pandemic, most of our judicial team members transition to working outside of foreign houses. And that is soon changing. We will be resuming in-court court proceedings. As I mentioned earlier, our court system handles approximately 180,000 cases per year. We simply cannot or one of the things that with regard to the Judicial System is we do not control the volume of our workload. The court responds to case filings. We do not have the ability to slow those case filings nor would we ask attorneys or the public to decrease case filings.

But as a result, if we don't continue or return to work, caseload will continue to stack up, and case resolution lengths will continue to increase. As of June 1st, sufficient staff resumed in-person court hearings returned to courthouses. The remainder of our staff will continue working at home until it is certain that we can provide a safe environment at the courthouse.

As most of you aware, our courthouses in North Dakota are owned by individual counties. As a result, the opening dates and the restrictions are different in each individual county. That will -- that will impact when the courthouses re-open for in-person hearings. Our District Court judges and our clerks of court have done a fabulous job in using reliable electronic means during this pandemic.

I will note however -- reliable electronic means is a tool that was borne out of necessity. It has a purpose and has been useful and in some instances we intend to use it in the future. However, we do recognize it is not a replacement for the personal interaction between Court, counsel, and litigants.

Beginning July 1st, we'll begin resuming jury trials. I do want to put perspective why it's important for us to resume jury trials. As of last Friday, there were already 3,404 pending jury trials on our district court calendar. As you are aware that's only going to continue to increase each day.

New trials will continue to be set between now and July 1st of 2021. Where possible, we need to begin jury trials. Criminal defendants have a right to a speedy trial and civil litigants have a right to be provided with a forum to resolve their disputes.

As -- as part of the emergency plan, our district courts will be taking steps to make sure that we provide a safe environment for both in-person proceedings as well as jury trials. That includes mapping out jury assembly areas in courtrooms to meet CDC and North Dakota Department of Health distancing guidelines as well as ensuring jurors (inaudible) are not (inaudible). We're working on signage for distancing in proper distancing and traffic flow in our public areas.

We're ensuring that we have masks, gloves, and hand sanitizer available for people when coming in the courthouse. Our judges will be instruct -- provide the instructions on wearing of masks and distancing in courtrooms in public spaces. While working, as I indicated our county courts, are operated and owned by the individual counties, and we're working with county staff as well as our own staff on adding additional cleaning standards during jury trial operations.

We're working on finding additional bailiffs and training them to do court files and ensure safety and effective flow of traffic for court operations.

We're also using technology to support social distancing standards during the trial so evidence doesn't need to be passed between jurors. We'll setting up lecterns with shielding and a microphone that will not need to be adjusted during the jury selection process. Individual jurors can -- will be able to walk up to the microphone, if necessary, and speak.

Sending out a questionnaire will likely be done by the individual district courts. We appreciate very much the input that we had on the proposed rule 33. Rest assured that the appropriate changes to the proposed rule will be made based on those comments before the rule is adopted.

With regard to jury trials, we'll be staggering jury report times and call in smaller groups of jurors. We'll also considering larger locations for large jury trials. As I've mentioned, the measures will diff-- differ based on location, facilities, local infection rates, and whether the courthouses are open to the public. We have encouraged our district courts to be conscious and mindful that you all have different risk levels with regard to the COVID pandemic.

But I do want to turn my attention to the future. As I indicated earlier, I think our system is working very well. With the acknowledgement that everything can be done better. We do have some challenges with our judiciary.

One of the largest -- larger challenges that will be facing us within the next few years is our budget. Although we are not an Executive branch agency, and we are a separate branch of government, during previous legis-

lative sessions there has been an expectation that the Judicial branch will increase or decrease its budget in tandem with the rest of state government. The Executive branch has requested its agencies submit budgets 15 percent lower than the prior biennium and that would not include the 4.5 percent raise in compensation provided during the last biennium.

The affect is that we would -- we are being requested to submit a budget that reduces our budget from the prior biennium by 20 percent. The legislature has not yet articulated what their expectation is with regard to our budget. There are not a lot of options in order to absorb a 20 percent cut. We could be -- we could ask the members of judicial team to harder, but our work case-load studies indicate that we are already understaffed in North Dakota.

We do not want to reduce the quality of our work or increase the length of our time to complete our work. We will look at ways we can change how we work. Whether or not all of our core functions are necessary, and we need to consider whether or not some of those non-adjudicate functions that we are currently doing can be eliminated.

Another challenge that we are facing is with regard to compensation. We're currently ranked number 36 in the nation with regard to judge compensation. I do however report to note that, if you look at that number closer, it actually overstates our judge compensation. We owe me a seven percent change in our judge compensation from placing us on the 49th position.

And in addition, there's no other state in the United States that has less direct support for their judges. We have a ratio of support for our judges that is less than one to one. Our district courts have on average one law firm for every five judges. Our district courts also have no direct administrative support.

While our court reporters and court recorders do assist, there's a ratio of less than one court recorder in accordance to our judges, and additionally the primary duty of our court reporters and recorders is completing transcripts.

There are positives with regard to the future. Our type of court staff is incredibly efficient. We are going to increase that even more as we [phase] in electronic initial filing for criminal cases. That pilot program has started and at Cass County, and at least one other county is now initiating a criminal filing with electronic filing. We also have an exceptional group of District Court judges. As I mentioned earlier, we had 388 appeals out of over 180,000 case files in 2019. That's an incredibly small percentage.

What's even more exceptional is the fact that there were only 88 opinions issued where a case was reversed or remanded either in whole or in part. Our district court judges doing a fantastic job. Advancements in technology are also bringing us closer to transcripts on demand in both civil and criminal proceedings. When we review jury questionnaires from our jury trials in our system, it's amazing how overwhelmingly positive those jury questionnaires

are and a positive reflection on our -- our court system in North Dakota. I think that if we're doing well. But we do recognize that we can do better. One of the things that I would request from the State Bar is that I would encourage you to serve on committees. The court will be responsive to all of your input, whether you serve on committee or you simply provide us with a comment through email or otherwise.

But again I think you will find that in North Dakota serving on a committee can be extremely rewarding. We are a small Bar. It's has a great relationship in my opinion with the Court, it and will listen to your concerns.

Mr. Weiler and Ms. Zuger, thank you for the opportunity to speak today.

MS. ZUGER: Thank you, Chief Justice Jensen. Up next we have the Executive Director report with Tony Weiler.

MR. WEILER: Thank you, Madam President. Good afternoon everyone. Thank you for being here. A little different, but we're making it work during challenging times. I think that what SBAND has tried to do is be responsive to our members and continued to do the good work that the Bar does for you. This is the 8th time that I've been able to address you as your executive director. On June 3rd, I -- I had my 7th anniversary as the Executive Director of the Bar, and it's been a fast seven years. It's been challenging. It's been rewarding.

I want to tell you that I get to work with a great Board of Governors and a great staff, and I'll talk a little bit about them here coming up. A little bit about who we are. We ended 2019 with 3,101 lawyers licensed in North Dakota. That is the most lawyers we've ever had in our 99-year history of being unified Bar. There have been practice of law in North Dakota longer than that.

We continue to have a fantastic staff. My Assistant Executive Director Jeanne Schlittenhard does a fantastic job for the Bar, for the Board, for our members. Jeanne, I want to thank you for all your efforts. I'll give you a virtual applause. Carrie Molander, who's helped us with the Zoom continues to do a fantastic job as an SBAND staff member. I want to thank Carrie for always taking on any and every challenge that's thrown at her including becoming what we like to call her now as our Zoom queen. I don't know that she likes the handle, but they have nicknames for me that I don't always like either so.

We also Debbie Bowen continues to be our COE Coordinator and -- and does a lot of great work. Deodar Eisenbraun is our full-time staff Administrative Assistant and has done a great job during trying times, and Jennifer Hague is a contract attorney who works with SBAND, too. I want to thank all of them for their work.

During the pandemic, we close the SBAND office. The SBAND office remains closed. However, we have had one staff person in the office per day

while the rest of us work remotely. That allowed us to continue to answer our phones and to do our mail and -- and June 1st, we moved to two people in the office a day, and I'm there daily now as well. We continued to maintain social distancing and all the protocols as established by the State of North Dakota and the CDC.

We worked hard during this trying time to make sure that you didn't see a disruption in the services that we provide you to make sure that we were responsive to our members and responsive to the needs of the bench and Bar during this time. I want to thank the Chief Justice and all of our justices as well all of our District Court judges for how responsive they have been.

We have tried to be a conduit between a bench and Bar by emails. By providing information early on, we established a COVID-19 page where we put all the information we received from the Supreme Court, all the information we received from district courts and provided as much information as we could. We worked with the Presiding judge in each district to provide information in those districts when needed and continued to work hard. I want to thank -- thank the Chief particularly for asking for input from the Bar.

We received a lot of input from our members that we forwarded to the Court and two times the Court responded to those, so that's fantastic, and I think that shows the relationship that we have. We also worked with our Federal District court in providing information that they asked us to share to those members, and we appreciate the relationship we have with our Federal Judiciary as well.

The one thing I want you to know is that we're still guided by our mission. Our mission is promote justice and serve the members of the bar and the public. And that's not always easy to do, but that is what we are guided by. We are -- are always striving to do that for our members and for the public. We don't always do it as efficiently as we'd like, and we don't always do it well -- as well as we'd like, but we continue to try to do that to the best of our ability.

President Zuger did provide you an update on the legal challenge that we've faced a mandatory or unified Bar that we have been in litigation over since 2015. We have worked hard to defend the North Dakota Bar, but we've also learned some things along the way.

We've learned that we need to continue to be mindful of our constitutional obligation and our legal obligation to utilize your license fees in the most prudent and constitutionally valid way possible. To that end, past President Pelham, Zack Pelham, set up a task force to analyze what we do in conjunction with the court. That task force is going continue to work in -- in, work on and look at ways to make sure that we are doing what we are supposed to do, both on a regulatory basis and -- and with your funds. So if -- if

you have thoughts, comments, or concerns, you can always email me, you can call me, and I'm more than happy to talk to you about those.

Financially, the Bar Association is in a very good position. Tomorrow, our year-end audit 2019 will be available on our webpage, and it will show you that we are a good steward of your money, that we continue to operate under budget, and we continue to provide services for less than what we bring in.

So that's always good news. The Client Protection Fund: I hope that you know what that is. If you don't, I'd encourage you to look at that. If you believe that there are clients of lawyers out there who could benefit from having files -- claim filed under the Client Protection Fund, I'd encourage you to do so. We paid out \$75,000, which is the max, to former clients of an -- of an attorney in northwest North Dakota for money that was basically stolen from them, and it's a way for the Bar to show that if somebody does steal clients' money, that's not how ethical lawyers operate, and the Client Protection Fund stepped in and paid as much as we could under the rules for that.

We did conduct a survey of the Bar, something that we hadn't done for a while, and we wanted to hear from you. We asked what we were doing well, and what we could be better, and the Board of Governors is committed to taking a look at the results of that survey and providing it or using it as a guide going forward in guiding us, sort of like a strategic plan.

So over the next year, we're going to work on what we can do -- what we do well, you -- you don't want to forget about the things that you do well and continue to do those well, but it shows up that there's areas that you believe we can do better, and we understand that we can do better, and it is going to guide us going forward for years to come, so I look to continuing the conversation with our Board about what we can do to serve you better.

One -- one of the goals is always pro bono, we're committed to doing more pro bono work. We're going to work hard this year to do more in the area of pro bono, and also the foundation. The foundation, you'll hear the report from the president of the foundation, McDonald, coming up. Going to look at ways to make sure that the foundation continues to be viable and does good work with the foundation funds and look at ways to make it even better than it is now, so look -- look for that as well.

Finally, I do want to thank the Board of Governors. I really enjoy working with the board of smart, dedicated, and bright lawyers. It -- it's, I've said this before, but one of my trepidations in taking this job over seven years ago was working for a board of 14 lawyers, and then they made it 15, so that was a concern.

But I found it to be actually one of the most rewarding parts. I get to work with smart, dedicated lawyers who really do want to make a difference

from all areas of the state and different practice areas and working with this board is great, and I want to thank you all of you for -- for the work that you do for the Bar, and the work that you do in guiding what the staff and I do. I want to thank you past President Zuger now, not quite yet, close.

We've had a great year. I've been really blessed with great presidents, and when you're the executive director of a Bar, every year you essentially get a new direct boss, and it -- I -- I've think I've said this before. It's like a box of chocolates: You don't know what you're going to get, but Aubrey you have been awesome, so thank you.

I want to thank outgoing past President Zack Pelham. Zack has been on the board for as long as I have been the executive director, so I made it long enough to outlast everyone who was here when they hired me, so that must be a good thing. I do appreciate Zack's leadership and continued leadership, and I know that we'll find ways for him to serve once he gets, you know, maybe some rest. I want to thank outgoing board member Judge Mike Hurly. Mike, you've been great, appreciate working with you very much. I want to thank outgoing board member from the southwest -- Mike's from the northeast, Christina Wenko. Christina has been great, serving on the board for four years, and then Andy Askew. Andy has been great on the board, and Andy also served as the young lawyer rep for the ABAs, so when we were at ABA meetings, and I wanted to know where the fun was, I would just call up Andy and see what was going on with the young lawyers, so I appreciate all of them greatly for the work that they've done.

I'm looking very much forward to working with incoming President Carrie Francis. Carrie and I have a great relationship already. I told her that now is the time that I'll start giving her a lot of compliments and not as much as Aubrey but, but that's -- I'm joking. I'm really looking forward to working with Carrie. I've come to appreciate her -- her leadership and -- and how dedicated she is to the practice and to the lawyers in North Dakota. So Carrie I'm really looking forward to your year, and then I do want to thank the members of the Bar.

I appreciate the service that you provide to SBAND which helps the Bar and helps your clients and the public. I want to thank you for the emails you send me when you don't like what we're doing because that's important too, but I want to thank you for allowing me to continue to serve as your executive director.

I really appreciate the work and like what we do, and I'll continue to do this for as long as you'll have me. And with that I want to thank you for putting up with the Zoom annual meeting, and next year we're going to come back bigger and better than ever in-person, so thank you Madam President.

MS. ZUGER: Next on our agenda is the SBAND financial report, and we have Secretary Treasurer Patrick Ward.

MR. WARD: Greetings everybody, I just want to start by saying it's one of the pleasures in my life to open for Jack McDonald who Tony (inaudible) on the agenda. This a financial report for the year ended December 31st, 2019. As Tony said, a copy of the report, the 2019 audit report in 2020 (inaudible) will all be available after tomorrow with the meeting materials on the SBAND website.

Financially, the Bar Association is in good shape. The audit which we received today at the Board of Governors meeting reflects total year-end viability. The net assets of \$2,559,500 compared to 2,449,645 in 2018. This includes \$1,238,481 in restrictive cash assets and \$1,138,808 in unrestrictive assets, including \$30,622 in equipment, and inventory of 1,296.

Net assets was \$2,377,289 compared to \$2,411,167 in 2018 representing a loss of 34,000 in total net assets over the year. The revenues of the Association 2019 were 1,506,987 compared to \$1,610,903 in 2018. 50.1 percent of total revenue or \$755,148 came from license fees available for SBAND's general operations and 17 percent or 257,475 is legislatively mandated for the operation of the disciplinary system.

The expenditure, the total expenditures for 2019 amounts to 1,540,865, compared to 1,624,647 in 2018. The actual expenditures went down \$84,000. That includes total disciplinary expenses of 199,135 and general administrative expenses \$1,105,856.

The future budgets, all Association expenses are closely monitored by the Board of Governors to guarantee that the membership receives the best value for its dollar. The Board tracks all spending through detailed monthly financial reports to ensure that the Association continues to provide quality services and programs that our members have come to expect.

If you would like more information about the budget, please contact Tony Weiler at the SBAND office in North Dakota (inaudible). That concludes my report.

MS. ZUGER: Thank you, Pat. Up next we have the report from the North Dakota Bar Foundation, Jack McDonald.

MR. MCDONALD: Okay. Thank you, President Zuger. The, as you know, the North Dakota Bar Foundation is the non-profit subsidiary defense of the -- of SBAND. And it really performs two roles: One role is to administer the state Ioka fund. That's the income off of lawyers' trust funds, and the other role is to provide some public service funding for various projects around North Dakota. Regarding the Ioka -- Ioka accounts, it kind of perked up this year.

Interest perked, first of all, the interest rates increased, and then as you heard from Executive Director Weiler earlier, we have more attorneys in North Dakota than we've ever had before. And thus, we have more attorney trust accounts.

And so our income through 2019 generated \$80,504, and so that was -- that was a nice change from the previous years where it ended at the income zeroed around 30,000-40,000 so forth. And in 2019 we directed the legal services before we donated the \$30,000 to those funds, the legal services of North Dakota. Also, about five years ago, 2015-2016, the State Bar Association North Dakota and the Bar foundation received a huge award for the Bank of North Dakota as a settlement with the Justice department.

That amount of one million eight -- One million eighteen thousand three hundred ninety-four thousand. That amount matched Pat Ward's donation that year as well.

So, but the funds were only to be used for foreclosure of legal assistance -- legal assistance and foreclosure projects and legal assistance and community redevelopment, so we were kind of limited what we could use those funds for. We took grant requests, and we ended up giving two grants: One to legal services of North Dakota and one to the High Plains Fair Housing Project. Legal services of North Dakota received \$908,132 that we distributed over four years, and High Plains Fair Housing received \$109,600, which was distributed over two years.

As far as our public service functions are concerned, we have been continuing to fund school of law and a Chair at the University of North Dakota School of Law for the late Randy Lee like Professor Randy Lee. In addition, we also give scholarships to law review case no comments, whereas we give the homecoming scholarships with top first-year law students a number of classes, and we grant UND school of law public interest law internship program that we fund as well.

Another aspect of our program was that in the 2019 legislature awarded a what they had termed the \$757,000 Matching grant program to the University of North Dakota Law School.

And that indicated that the State would pay \$250,000 if the UND Law School could match it with \$50,000. Put \$500,000. So as a part of that, the Board of Foundation -- Foundation Board of Directors approved a \$50,000 grant to the UND School of Law as part of that matching program. We heard in our meeting the other day, the Bar Foundation Board meeting, that UND has met this \$500,000 match. And so they will get that \$250,000 as well from the -- for the legislature. That's good.

As far as our fundraising is concerned, we had a 2000 and 2019, we raised just short of \$40,000. Three hundred -- Thirty-nine thousand, hundred and ninety-eight dollars. And that was awarded to legal service projects. The pro bono fund, the separate fund in the two best -- through SBAND that lawyers can contribute as well as their dues, they can contribute a certain amount of money, and each year, we have around \$15- 17- 19,000 distributed -- uh, contributed.

And this year -- Excuse me, in 2019, we received eleven thousand -- between \$565, and that was distributed to the legal services for the poor. So that is basically a report. I would hope that the more detailed report would be available for not too long on the SBAND webpage. I also want to thank the work that the Board of Directors does. In addition to myself, the board members are Robert Thomas, Ross Sundeen, Rebecca Binstock, Lori Conroy, Charles Demakis, Rick Johnson, Meredith Larson, Leslie Oliver, and Patricia Castro.

And then as well as the Dean Mike McGinniss of the law school. And I also want to thank the efforts of Executive Director Tony Weiler who works so closely with the Bayer Foundation, manages a lot of its affairs day-to-day basis as well as Assistant Director Jeanne Schlittenhard. That's it for the report. I will -- I suppose if there's any questions, I'd be glad to answer them as soon as a chat room later on. Back to you, President Zuger.

MS. ZUGER: Thank you, Jack. We will not be going through resolutions, memorials, and awards. We'll do that in the future, likely in August. Up next we have our elections. The first is for the ABA Delegate position. The Honorable Judge Dan Traynor is up for re-election for the ABA Delegate, and I understand that we have Zack Pelham to nominate him.

MR. PELHAM: Zack Pelham. Good afternoon, everyone. Thanks for coming up here. My (inaudible) is Bismarck. (Inaudible) emotion that Dan Traynor. Dan will represent our State Bar Association with the highest challenges of the American Bar Association.

THE REPORTER: A little bit clear. A little bit --

MS. ZUGER: Thanks, Zack. Do we have a second for that nomination?

MR. HILL: We do. This is James Hill from Bismarck. I second the nomination of Dan Traynor. He's been an excellent partner in the process. He's been a very effective force. He's diligent, effective, and dedicated to the job, and he's representing this Association at the ABA.

He's great replacement for Justice VandeWalle who we lose on our delegation. He'll carry on the work. So I gratefully second the nomination of Dan Traynor.

MS. ZUGER: Thank you, Judge Hill. Because Judge Traynor is not opposed, we won't be actually taking a virtual vote, but we'll congratulate Judge Traynor on his reappointment to the ABA position.

(Applause)

Up next we have the election of President-Elect. Judge Doug Bahr has indicated an interest to be President-Elect, and I believe Judge Hill will be doing the nomination.

MR. HILL: Okay. Thank you once again. It's with great pleasure that I nominate my colleague Doug Bahr for the President of the State Bar Association, North Dakota. It's a lot of years since I served in that position, but I've

been a good friend of Doug and watched his progress over the years. He's just a wonderful hard-working lawyer. He'll be a great representative of our Association. And it's with a great deal of gratitude that I offer a nomination. Judge Bahr for position of President-Elect State Bar Association of North Dakota.

MS. ZUGER: Thank you, Judge Hill. I believe that that nomination is seconded by Carrie Francis who's here in the room.

MS. FRANCIS: Thank you, I second the nomination of Doug of Judge Bahr who are excellent -- State Bar Association of North Dakota. He's dedicated to our mission. He[] brings of wealth of knowledge, and it's -- it's my pleasure to second the nomination.

MS. ZUGER: Thank you, Carrie Francis. Judge Bahr has been nominated, and he has a second again. He's unopposed, and so we won't be taking a vote on that, but we congratulate Judge Bahr, and we look forward to having him serve as President-Elect.

(Applause.)

Up next we have President-Elect Carrie Francis with the resolution of appreciation.

MS. FRANCIS: Thanks Aubrey. I'd like to share with you the resolution number one of the State Bar Association of North Dakota. Whereas President Aubrey Zuger and her family have served the State Bar Association of North Dakota during the past year at a great personal sacrifice to themselves and their family. Whereas the State Bar Association of North Dakota has been greatly improved and enriched due to their efforts.

Now therefore be it resolved that the State Bar Association of North Dakota commend President Aubrey Zuger and her family for their dedicated efforts.

(Applause).

MS. ZUGER: Thank you, Carrie. The final election we have is a contested election. This is for the young lawyer's section ABA Delegate. We have three candidates from the young lawyer's section, and each of those three have been provided at an opportunity to provide some brief comments. The first candidate is Zack Eiken.

MR. EIKEN: Thank you, and good afternoon everyone. My name is Zack Eiken and a little bit about myself. I was born and raised in Williston which I'll always call my hometown. I received my undergrad degree from UND, and later received my Law degree from UND in 2015. After law school, I spent a year clerking for then Chief justice VandeWalle at the Supreme Court and then two more years working for magistrate Judge Pillar at the Federal courts. I practiced now at Crowley Fleck for the past two years in the firm's Bismarck office where I've primarily focused on Natural Resource Litigation but also about the General Commercial Litigation practice.

I'm engaged to Krista Thompson, a fellow attorney here in Bismarck. We have a five-year-old German Shepherd named Mika.

If elected as the young lawyer ABA representative, I'd do my best to represent SBAND and its members along with -- less than bates members. I'd appreciate your support and thank you for your time and consideration.

MS. ZUGER: Thank you, Zack. The next candidate is Brady Pelton.

MR. PELTON: I thank you President Zuger. My name is Brady Pelton, and I currently serve as the Government Affairs Manager for the North Dakota Petroleum Council. And I've held that position since September of 2017. That same year, I was admitted to the North Dakota Bar. Keeping the phrase forever be has really been mine, and I see the clock winding over to 5:00 o'clock closer and closer. I'll keep things most relatively brief.

As you can politely gather from my biography, and I'd be happy to provide that if requested, leadership through service is something that's been a priority in my life for a long time, both in my professional career and on the personal level. I -- in our profession, service is simply what we do.

I hope to use my prior leadership experiences to the benefit of those in the Bar and the young lawyer section. As many of us know, as most of us know, starting out in the practice of law is not without challenges, and -- and I would do my best to curb the efforts to bring that perspective to the ABA house of delegates if selected for this position. I thank you all for your time, and I appreciate any support.

MS. ZUGER: Thank you, Brady. Our final candidate is Nick Surma.

MR. SURMA: Thank you President Zuger. First I'd like to thank SBAND for holding this general assembly meeting via Zoom, and also for allowing us candidates for this position to speak. As mentioned, my name is a Nick Surma. I am a 2019 graduate of the UND School of Law. I am currently a law clerk at the Supreme Court, and after completion of my clerkship in August, I will be joining the Vogel Law Firm in Bismarck. In law school, I was very involved serving as managing editor of the Law Review and President of the Student Bar Association as well as participating in numerous other events and organizations. I am running for ABA repetitive to remain active in the legal community and learn how the ABA impacts North Dakota's lawyers and especially its young lawyers. I also find serving the leadership positions personally satisfying because they help me understand other perspectives and learn and stay informed on various issues.

But most importantly, I am running for ABA representative to ensure the values, integrity, and importance of North Dakota's young lawyers is represented with diligence and honesty at the ABA.

I believe that I have the ambition and experience to serve as ABA representative, and I hope to receive your vote. Thank you.

MS. ZUGER: Great. Thank you, Nick. Now, I believe we should be getting a survey for each you, which will allow you to vote for either Zack, Brady, or Nick. We'll just take a minute here for you to cast that vote.

We're going to do one more minute to vote, so if you want to vote for the ABA Delegate for the young lawyer section, please go ahead and cast that vote.

(Voting discussion.)

MS. ZUGER: I understand there are a few people who are on the phone who want to submit a vote. If you want, you can email Tony Weiler.

MR. WEILER: Or I'm going to put my cell number.

MS. ZUGER: Or he'll put his cell phone number, and you can text him.

MR. WEILER: And I'll keep it confidential.

MS. ZUGER: We have received 73 ballots so far, so we'll just hold on for a few more minutes for people to submit any additional ones. We appreciate the patience. It's a new process for us all.

(Voting discussion.)

MS. ZUGER: If anybody does want to text Tony, Tony has provided his text message via chat, and that number is 701-220-5846.

(Voting discussion.)

MS. ZUGER: 5846.

MR. HURLY: This is very surreal.

(Voting discussion.)

MS. ZUGER: Okay. We are going to -- we are going to go ahead and close the election. We do have the results in, and the new young lawyer ABA House of Delegates Representative will be Zack Eiken. So we want to congratulate Zack on his new position. That is going to conclude our meeting. I will come -- at this time, I'm going to have Carrie Francis come forward, and we will hand over the gavel to her. Again I want to thank everyone for a great year, and I wish everyone a very healthy summer. So here's Carrie Francis with the new gavel.

MS. FRANCIS: Thank you. Thanks Aubrey. I just want to say thank you Aubrey for your service this last year. It -- they're tough shoes to follow in. I only hope that I can do part of what you've done. I'm excited for the upcoming year, and thanks everybody for your support in getting here today and being cooperative of the Zoom process. We're done.

(The proceedings were concluded at 12:00 o'clock p.m.)

REPORTER'S CERTIFICATE

I, Matthew L. Hanneman, Shorthand Reporter and duly and qualified in and for the state of North Dakota do hereby certify that the preceding forty-four (44) pages represents true and correct transcript of my original stenographic notes.

Matthew L. Hanneman

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