

PROCEEDINGS OF THE ONE HUNDRED AND TWENTY-
SIXTH ANNUAL MEETING OF THE STATE BAR
ASSOCIATION OF NORTH DAKOTA

GENERAL ASSEMBLY

TRANSCRIPT OF PROCEEDINGS
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Taken by: Erin Jostad, Court Reporter

MR. SANDBERG: All right, good morning, everyone. We'll call the meeting to order. This is the general assembly meeting for State Bar Association of North Dakota. Thank you all for coming here this morning. Thank you all for being here. Just a reminder, we do have a full slate of really good CLEs coming up for the rest of the morning. Most importantly, we have the President of the American Bar Association will be here, at this very podium. Making a presentation when we're done with our business meeting. That'll be at nine o'clock. Last order, just as a reminder, we do have an election ongoing. Many of you have already collected your ballots and turned in your ballots. We'll make another announcement when it comes time for the election, which is going to be pretty shortly here.

That all being the case, do we have Abby here? There's Abby. Abby Silvernagel is from Bismarck High School and she is going to lead us in the National Anthem. If you'd all please rise. Gentlemen, remove your hats, as they say. I'm sorry, she graduated from Bismarck High, congratulations, Abby.

ABBY: I graduated two years ago.

(National Anthem is sung)

MR. SANDBERG: Thank you, Abby. Thank you in many different ways, because if anybody expected me to sing that lovely, it was not going to happen, so, thank you. All right. First official order of business is the election of the secretary-treasurer. We have Mr. Mark Larson, an attorney from Minot, Mr. Paul Myerchin, an attorney from Bismarck, are running for this position of Secretary/Treasurer in the State Bar of North Dakota Board of Governors. One last reminder, if anybody wants a ballot, has not already voted either this morning or through absentee, the ballots are available right over here. Otherwise, we will have some state bar volunteers who will now work their way through the room. Please put your hand up if you haven't turned your ballot in and it'll be collected for you. Thank you. We'll just take a moment while the ballots are collected.

So that everyone is aware, under the State Bar of North Dakota Constitution, specifically article 4.7, candidates for president elect and/or secretary-treasurer, shall be nominated by petition, signed by at least five other members of the association, and received by SBAND 50 days prior to the general election assembly. There are two candidates this year, who we indicated earlier, Mr. Mark Larson and Paul Myerchin. Notice was previously published in *The Gavel* and online in February. Following the provisions of the state bar constitution, the board provided all of the members the opportunity to cast ballot via absentee ballot. Those ballots were cast last week and the results will be added to the ballots that are cast today. We've taken now a moment for everyone who wishes to vote, to vote, and the results of this election will be announced at the end of this general assembly meeting. So, thank you all very much for participating, we'll announce the results at the end of this meeting, they're being tabulated right now. Thank you.

Next order of the agenda we have is the president-elect and the election of the president-elect. Under the State Bar of North Dakota constitution, specifically 4.7, article 4.7, rather, candidates for president-elect and/or secretary-treasurer, shall be nominated by petition by at least five other members of the association and received by SBAND 50 days prior to the general assembly meeting. The only candidate to do so thus far is President-Elect Rob Manly, an attorney from Fargo. Notice was previously published in *The Gavel* and online, so at this time, do I have a motion to elect Rob Manly as State Bar of North Dakota President-Elect? And who was that? Deb Hoffarth, so moved. Do I have a second? And Taylor Olson seconds. All those in favor please say aye? (Ayes) All opposed, same sign. The motion carries. Congratulations Rob Manly, you are now the President-Elect of the State Bar of North Dakota. Congratulations.

(Applause)

MR. SANDBERG: At this time, getting back to my schedule here. At this time on the schedule is the president's elect, this is, president's address, rather. This is my last opportunity to speak and I'll keep it very short. Thank you all very much, it's been a very interesting and exciting year. I've learned quite a great deal. As all of you know, many of you have served on boards, many of you've served on commissions and committees, and many of you have been chairpersons of those boards, committees, and commissions. And you're all well aware that you finally figure out exactly what you're doing somewhere around the last day that you're the president of that board or committee, and so that's kind of where I am right now. It's been a wonderful time, it's been very informative, I've met a lot of amazing people.

I want to give a couple of special thank yous. First of all, of course, to Tony Weiler. This board and this bar does not operate without the machinery that is Tony and his staff, all of his staff, who work five days a week, often-times seven days a week, on issues, matters, and important things that come up with the Bar. And it's been a really great opportunity to work with somebody and a staff that is so dedicated, so competent.

I also want to thank all of the past presidents who I served under on the board of governors for many years. Most acutely are the past presidents and the future president that I've worked with so closely over the last few years. And that's Taylor Olson and Deb Hoffarth. It's really really helpful to surround yourself with very smart people and it's really much more helpful to surround yourself with people who are a lot smarter than I am, so I appreciate both of those women so much because they are true amazing leaders, not just in the Bar, but in their community, in their firms, so thank you both very much it's been wonderful working with you. So, thank you.

The state bar is a wonderful institution. It's an institution that supports so many of the good things that is about North Dakota. I've traveled around the state giving speeches to various bar associations, and various legal groups, and lawyer groups, and law school groups. And I've seen one thing that we have in North Dakota that we don't have just about anywhere else in the country, and I've traveled about the country now, and I've met my fellow colleagues through the National Conference of Bar Presidents, and I've met my colleagues through the various bar associations throughout the country.

North Dakota has blessedly been spared in large part the incredible animosity that exists, and it's not political, it's just the animosity of power and control that exists in some other jurisdictions, where the bar is often fighting with the legislature, and fighting with the judges, and fighting with themselves, and fighting with their law school. And as much as everybody here might think that there are issues that we discuss amongst ourselves between the bench, and the bar, and the legislature, and the governor's office and the law school, and the supreme court, it is non-existent compared to what other people are dealing with, and that is a tremendous credit to every single person in the bar who understands that ultimately our top role is to serve the people of North Dakota and make sure that they have access to the legal system, access to justice, access to their opportunities to have their cases heard and matters taken care of.

And that is the primary and overriding goal, not just of the state bar but of the members of the state bar. So, I want to thank everybody who's an attorney in the state of North Dakota for rising above what oftentimes are in other jurisdictions very petty and very momentary disagreements with each other, and we don't have that in this state. And so, it's been a wonderful thing to see, so thank you all very much, it's been a wonderful time as president, I'm very happy to pass the gavel off, so thank you very much. Thank you.

(Applause)

At this time, I'll call up Tony Weiler. He'll be giving the executive director report.

MR. WEILER: Good morning, everyone. Everybody sits in the back. Maybe that's where everybody's comfortable. Thanks for being here, first of all, I'll start with that. The annual meeting is, I think, one of the best things we do. It's a lot of work, but for those of you that attend and attend regularly, I really appreciate it. It's always good to see friends, it's good to see colleagues, I appreciate that we can come together. We moved out of the Ramkota, so I hope you're all happy about that. It's, I think the event center has worked, I enjoyed the Radisson and so, I just, I kept hoping like Jack McDonald would build a hotel close to this place, but he hasn't done it yet. Jack, I thought you were going to do that.

But I want to say thank you to Ted, Ted, thanks for your leadership this year, I appreciate you being always a steady voice for the bar, someone I could rely on. You're, I think the third judge who's been my president. Which

is always interesting and always fun. And we've had several judges and I appreciate, I do really greatly appreciate our relationship with our court. All of our judges who come to our annual meeting and who partake in everything we do, that's unique. I'm connected to my National Association of Bar executives and really the relationship we have with our court is something that's special. So, Ted, thanks for your leadership this year. I appreciate all the good things we got to do together and I look forward to continuing our friendship. Of course, I was the class of '98, which doesn't really measure up to the class of '97, but I do appreciate you guys giving us Justice Thomas as our speaker that year, so thank you. If you don't know, 'cause of the flood, they were supposed to have Clarence Thomas, he couldn't come, he felt really bad, so then he came and spoke to the class of '98's commencement, so it was kind of neat.

I want to thank outgoing board members. Taylor, thank you for all you've done over seven years on the board, probably feels like longer. But you have been just such a great leader, you amaze me with how much you do for the bar, for your community, and having four small children. You are just simply amazing and Taylor's one of the newest members of the judicial nominating committee that I staff and that's busy and so I'll get to spend a lot of time with Taylor coming up here next week in Bismarck, the following week in Grand Forks.

And in the 12 years that I've been your executive director, I think next week in Bismarck will be the 40th time I've been involved in a judicial nominating process. It's a great process and it's one that you just never know when you're going to do it; you know, judges resign or retire and then you've got to go help select a slate of candidates for the governor. And then Katie Schmidt, I don't know if Katie's in here, she's leaving the board, I want to thank her for her service. And then Paul, thank you for your time on the board. And I want to thank Paul and Mark Larson for both putting in to run for the board. I think it's been interesting, and again in my 12 years we've never had a contested election and so I like the energy that it's brought to the annual meeting and I like the energy it's brought to I think, thinking about service to the bar and thinking about working with me which I'm sure is the real reason people would want to serve on the board. Thank you.

So, just a couple other things. Again, I want to thank my team, I think they're out counting ballots, but Carrie Molander is great, Jennifer Hauge is an attorney who contracts with us, she's amazing. We have such a good team at SBAND, we're small but I think we try to do a good job for you, we try to

do a good job for you in a way that's efficient as well. The finances, which you'll hear in a minute, are in good shape at the SBAND. Finally, Deb, I'm looking forward to working with you in your upcoming year. I've gotten to work with you and really all the people who serve on the board and who serve in leadership, I think really care about the bar, they care about the practice of law in North Dakota, they care about you. And they certainly care about me and my team, so I want to thank all my board members. If my board members are here, could you stand up please? Thank you, all.

(Applause)

I have to do that; they set my salary. But thank you all very much for what you do. Again, thank you for being here. If you ever have questions, right, give me a call. I'm totally accessible, I appreciate again very much that you attend. I know it's a little difficult or different when you have to move from a hotel to an events center, but I think it's worked out this year and so again, I appreciate you and thank you very much.

(Applause)

MR. MANLY: Good morning, everyone, thanks for coming out early on a Friday and not leaving early. As usual, this is a highlight, the reading of the financial report. It's the last time I'll be giving the financial report. I wish nothing but the best to Mark or Paul, whoever takes on this job next. Again, I hope you like reading through audits and reading numbers for crowds. But as Tony mentioned, he and his staff do a wonderful job of keeping the books balanced, they do a wonderful job of really ratcheting in the budget each year. Makes it pretty easy for us in the board of governors to review, understand where we're at financially, and make sure that this organization stays financially sound.

I also want to briefly thank, as Tony mentioned, his staff does an amazing job at this event. So, if you see Jennifer, you see Carrie, please give them thanks. This doesn't happen just with a snap of the finger; they do a wonderful job making sure this event is a success each and every year. So, with that, again, if you need to get coffee or caffeine, this is a good time, I'll run through the financials for the year 2025. A copy of this report that I'm going to run through with you is on the SBAND.org website, so I'm going to truncate a few of the numbers, but if you want to do more of a deep dive, please be aware all these numbers are available online.

So, first I want to start with the audit. Our 2024 audit reflect total year-end liabilities and net assets of about 3.2 million, compared to 2.98 million in 2023. This includes about 1.5 million in restricted cash assets and about 1.3 million in unrestricted assets. Including \$9,735 in equipment, an inventory of \$5,156. Net assets were 2.8 million dollars. I'll expand on that a bit. Net assets were \$2,813,171 this year, compared to \$2,807,000 back in 2023, revenues. The association's 2024 total revenue was about 1.65 million compared to 1.61 million in 2023. 46% of total revenue was from license fees available for SBAND's general operation, and 16% is legislatively mandated for operation of the disciplinary system.

Expenditures: our total expenditures for 2024 amounted to 1.6 million dollars compared to \$1,558,807, in 2023. This includes total disciplinary expenses of \$267,000, and general administrative expenses of 1.15 million dollars.

Future budgets: All association expenses are closely monitored by the board of governors to guarantee the membership receives the best value for their dollar. The board tracks all spending through detailed monthly financial statements, to ensure that the association continues to provide the quality services and programs our members have come to expect. If you'd like more information about the budget, as Tony mentioned, he's very available and accessible and he's happy to answer your questions. That's the financial report. I'll turn it over to the next speaker, thank you.

MR. WEILER: Thanks, Rob. So, I'm going to give just a brief foundation report. Thank you to those of you who attended the foundation silent auction last night. I think it's a fun event. The atrium at the Heritage Center is a really cool space. So, the foundation is our non-profit arm that obviously works closely with the association. So, I'm the executive director also of the foundation. We continue to provide a lot of funding in our partnership with legal services of North Dakota. And I know Jen's here, is Jen here somewhere? Hi, Jen. She does a great job. Jen sends me 14 emails a day with great ideas about how we can spend SBAND money, so thanks for that, Jen. No, she's a great leader, I really like the vision and energy she's brought to LSND, and your board engaged in some strategic planning this year and one of the two, we had two main goals, and the number one goal of the strategic plan was to spend more in our efforts to do pro bono in conjunction with legal services because our pro bono program just isn't working very well. So, that's one of the tenets.

But we continue to support the school of law, and if you were at the auction last night you saw we had a board up, showing what we spent SBAND's foundation money on in the last four years. We granted over \$262,000 to worthwhile organizations. So, I'm really glad we've been able to put our foundation money to use. We continue to support our rural attorney recruitment program. If you know how that works, it's a program that if someone, an attorney goes into a rural community, there you have a \$45,000 stipend, and SBAND's foundation pays 15% of that. The state pays 50, the local community pays 35, and we pay 15 out of the foundation. And there's eight possible spots in the program, right now six are full. And I know that Taylor and others are working on it. That was really a brainchild of Taylor Olson. So, thank you for that, Taylor. I call it the Taylor Olson Rural Attorney Recruitment Program.

Okay. We support our high school mock trial. Membership fundraising, we receive \$48,000. In our pro bono program, again, we're trying to make that better. I just want to thank the members of the foundation, first of all chairs, Charles Demancus, Carrie Francis, Bob Thomas, Ross Sundeen, Rebecca Binstock, Laurie Conroy, Rick Johnson, Meredith Larson, Leslie Oliver. And ex-officio members Brian Pappas, Dean Pappas, are you here? Oh, there he is. I want to thank you for all you've done for SBAND, thank you for all of the efforts you've put in to help us. I think you've been a tremendous leader, I am really going to miss you, so best of luck in the future.

(Applause)

And don't ever get into a pushup contest with the guy, you'll lose. That's the report. Mr. President.

MR. SANDBERG: Thank you, Tony, thank you Rob, for your reports. The next step on the agenda is the recognition of the attorneys from the Justice for All program and recognition. As Tony indicated, you'll see some of their names will come up on the screen here in a minute. And this is the pro bono hours and the leaders in our bar, our bar members, who completed and reported a significant amount of pro bono hours. And so, you'll see their names come up on the screen I believe here shortly.

And again, this is all part of, as Tony indicated, the work that the bar is doing to try to encourage, if not pro bono, what Tony likes to call low bono, reduced fees. Working with legal services of North Dakota, doing everything we can to try and assist North Dakotans to be able to get their business

handled. And that doesn't necessarily always mean an act of representation in court. It can mean things as simple but as critically important to families is will preparation, trust preparation, simple real estate transactions, and things of that nature that require a lawyer's expertise and as I think everybody here would agree, if a lawyer is involved in the programming and writing a will or transferring property at the outset, that reduces a lot of potential problems further on down the line if it's done correctly, and so some of the things that we're attempting to accomplish have been accomplished by the people listed up there on the screen and I want to appreciate all of them and would you please give all of these people a good round of applause, thank you.

Next, we have our resolutions. This year we have two resolutions. The first resolution will be read by President-Elect Ms. Hoffarth.

MS. HOFFARTH: Thank you. Resolution number one, is an, a resolution and appreciation, sorry, WHEREAS, President Ted Sandberg and his family have served the State Bar Association of North Dakota during the past year, at a great personal sacrifice to themselves and their family, and 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 Ted Sandberg and his family for their dedicated efforts.

(Applause)

MR. SANDBERG: Resolution number two, is WHEREAS, the businesses and organizations that graciously sponsored portions of the 2025 annual meeting, and those that participated as sponsors and exhibitors are, at the Platinum level, Larson-King, LLP, North Dakota CLE Commission, North Dakota Lawyers' Assistance Program, Sand Law, PLLC and the Vogel Law Firm.

At the Gold level, ALPS, Fredrikson-Byron, Maring-Williams Law Office, P.C., Pearl Insurance, and the Serkland Law Firm.

At the Silver level, ABST Law, Bismarck-Mandan Convention and Visitors Bureau, Brady, Martz & Associates, P.C., Crowley Fleck, PLLP, Eide Bailly, PLLP, First International Bank and Trust, SW & L Attorneys.

At the Bronze level, Nicolet Law Office, S.C., Starion Bank, and the Title Team. And Partners Attorneys Title Guaranty Fund, Clearwater

Communications, Farmers National Company, The GA Group, PC, Image Printing, LexisNexis, Meagher and Geer, PLLP, Mineral Tracker, the North Dakota Attorney General's Office, North Dakota Community Foundation, North Dakota Department of Labor and Human Rights, North Dakota Protection and Advocacy, the University of North Dakota School of Law, Vasek Legal Nurse Consulting, and vLEX Fastcase.

Whereas, without their participation and financial support the 2025 annual meeting of the State Bar Association of North Dakota would not have been the success that it has been. BE IT FURTHER RESOLVED, that the above be thanked for their gracious support. Can we have a round of applause thanking the sponsors?

(Applause)

State bar has lost several of our members this year and at this point in time, just ask just a quick moment of silence, I believe the memoriam for the individuals who we've lost this year will come on the screen and we'll just take a moment of silence to reflect on these attorneys who have passed away in the past year.

(Video is played)

It's interesting when you see a list like that, how many mentors, even myself can see that popped in, so many people. So, thank you. And just kind of keep those people and those families in your prayers as you go through your day.

All right, at this point in time, I would invite the new SBAND president, Ms. Hoffarth, Deb Hoffarth, come on up. Sorry Deb, I lost my place in my script. Before Deb comes up, one of my last acts as president is to read the election results. So, without further ado, the results are as follows, for attorney Mark Larson, 52 votes, for attorney Paul Myerchin, 65 votes. Being that the case, it appears that Paul Myerchin has won the election. Congratulations, Paul, and thank you Mark, thank you very much, you ran a very nice campaign. Thank you. Thank you, Mr. Larson has moved to cast unanimous ballot for Mr. Myerchin, very graciously and much appreciated. Do I have a second on that motion? Who is that? Thank you. We have a motion and a second. Any discussion? All in favor say aye, please. (Ayes). All opposed? Thank you very much and thank you Mark and Paul, again, consistently

reflecting the gentlemanly conduct and womanly conduct that we have in our wonderful state bars. Thank you.

(Applause)

MS. HOFFARTH: Thank you very much. Tony, could you join so we could hand off the gavel to Ted? I personally would like to thank Ted for his thoughtful leadership over the past year, I mean it's really not bad considering he's from the class of '97, so. So, his approach was to be collaborative and he always held the leadership at the top of his mind in all the decisions he made in the last year. He really is a lawyer's lawyer; he believes in the practice of law and its future. He spent much of the year working to get more North Dakota students to think about going to law school. Met with various colleges throughout the state, encouraged new people to think about it, to take the LSAT, and to apply to UND School of Law. As he's told us in his last Gavel article, what a difference a lawyer can make. So, thank you, Ted.

(Applause)

Okay, so what we're going to see here on the screen, don't forget that we have some CLEs coming up this morning, please be sure to attend those. Also, our meeting in 2026 is going to be in Grand Forks, please join us there. Any question that you're going to have for next year, please feel free to give myself or Tony a call. And is there a motion to adjourn the meeting? A second? Meeting adjourned.

(Applause)

COURT REPORTER'S CERTIFICATE:

I, Erin Jostad, ATTEST that I transcribed the foregoing transcript from the digital recording provided to me. I further state that I was not present during these recorded proceedings, and I am only the transcriber of the digital-recorded hearing.

I FURTHER ATTEST that the foregoing and attached typewritten pages contain an accurate transcription of the proceedings, to the best of my ability, then and there taken.

Dated this 8th day of July, 2025.