PROCEEDINGS OF THE ONE HUNDRED AND TWENTY-SEVENTH 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

CHIEF JUSTICE MCEVERS: Thank you, Deb, and thank you Tony, reminded me, for the opportunity to say a few words on behalf of the court. Tony reminded me that it's been a few years that we've had representation from the court speak at this meeting and I appreciate the opportunity. As all of you know, we've had a change of leadership at the supreme court and I want to take this opportunity to publicly thank Justice Jensen for his six years as Chief Justice. Since there hasn't been a report, I'm going to mention a few of the things that have changed.

So, we've had some changes in how our judicial services are provided and how judges are supported in our judicial districts, ability on the type of staff that they have in their districts. Some of the changes, the electronic, the technology changes were really required as we went through the pandemic and we found that the changes were beneficial to folks. I've had some folks say to me, why do we have oral arguments on Zoom? But I'm going to tell you it becomes an access to justice for folks who can't afford to pay their attorneys to drive to Bismarck, so we've, that's something that we've kept on. To make sure that our court, even at the supreme court, is accessible to folks who can't otherwise afford it. Love it or hate it, there's no going back to what we might think were the good old days.

Technology will continue to push change and you've heard at several presentations during this learning session that AI and its ethical use, it's been discussed and it's also been considered by our court. In case you were not

aware of it, our court has recently convened a task force to study the use of artificial intelligence in the courts, and their work resulted in the adoption of the court's Administrative Order, 36, setting forth our court's policy on the use of AI. Of course, you're not required to use AI, but if you do, I would ask you to please take a look at the order and consider what your ethical obligations are under that order.

I would like to take this opportunity to thank Justice Bahr for chairing that task force and to Justice Tufte, Professor Datzov and everyone else who served on that committee for leading what is a complex and a difficult area and they led it capably and gave us a good opportunity, so thank you Justice Bahr and Justice Tufte.

(Applause)

We've also had a change in makeup of the Supreme Court, as you heard yesterday, Justice (inaudible) Mark Friese, he comes to us with many years of experience. I'm grateful for Justice Crothers, giving us over 20 years of his career to serve on the court, and I'm glad that Justice Friese was willing to pull himself away from private practice to serve on our court. So, thank you Justice Friese, I don't know if you're here, I haven't seen you yet this morning, yeah, thank you for your willingness to serve with us as you take on this new role.

(Applause)

We have also had several changes in leadership and resignations in the district courts. If you work in these districts you would know, but Nick Chase was a judge in Fargo and he is now the U.S. Attorney, and so he has been replaced by Scott Diamond in Fargo. And Judge Foughty, in Devils Lake after more than 30 years retired and Ashley Samuelson has replaced him. I think I saw Judge Samuelson here this morning. Are you here? Welcome and thank you for being willing, again, to take on this task.

There are now two pending, almost pending, Judge Cresap is retiring from Minot, so there will be an opening there and as you heard yesterday, or maybe through an email blast, we have an opening up in the Northeast Judicial District in Grafton, so if you're, the deadline for applying is today so if you're willing to serve or have someone you could encourage, please

encourage folks to apply for that judgeship so we have a good slate of candidates for the judicial nominating committee.

(Recording skips) of our past leadership in our courts. In the last six months, Judge Norman Backes passed away and also Judge David Nelson and we remembered them with a memorial resolution yesterday at our judicial conference. The court is appreciative of the support the bar has given us in the past, given the court when there's legislation affecting the judiciary, including the court's budget, and as we head into the next legislative session in the coming months, I ask for your continued support. And if there are administrators that you are concerned about, I hope you will reach out to me or other members of the court, or propose possible rule changes to take to our joint procedure committee. Justice Bahr is now chairing that committee. And if there are things that you think need improvement in the court, please reach out. I hope that if you don't know by now, I'm open to conversations and would welcome you to give me a phone call or drop me an email and we'll try to address your concerns as we are able.

As we look forward to the 250th Anniversary of the signing of the Declaration of Independence, I want you to consider the extraordinary role that lawyers have played in forming and shaping our country. Nearly half the signers of the Declaration of Independence were lawyers and the vast majority of the signers of the United States Constitution were trained in the law. These individuals changed the course of history and you, too, can stand up and protect the values announced in that declaration that all persons are created equal and entitled to certain inalienable rights that remain central to the American system of justice.

The state courts and the lawyers practicing therein, serve as guardians of those principles by resolving disputes peaceably, protecting individual rights, ensuring equal access to justice under the law, and maintaining public confidence in the administration of justice. This public trust in confidence is not built only through court decisions but through the visibility and engagement and accessibility by the bench and bar with the public. And as President Hoffarth has mentioned earlier, the State Bar Association is involved with many interactions with schools and with the public and I applaud them for sponsoring these events, such as Law Day, Mock Trial, or We the People competitions. So, thank you for encouraging our young people for taking an interest in the law and as was mentioned, they are going to be the next generation of people serving our state, so thank you to the state bar

for hosting and supporting those events. In closing, I'm grateful to be serving here in the state of North Dakota, where the bench and bar.

(Applause)

MR. WEILER: Good morning, everyone. This is the portion of the program where you get the Executive Director's report. Thank you, Chief. We do also look forward to working with you, appreciate your leadership. I did follow Justice McEvers as labor commissioner, when she went to the district court. You'll all be very happy to know that I have no intentions of following her to any bench, at all.

So, but thank, where, Justice McEvers left off, I'll talk a little bit about judicial nominating. I'm the secretary of that, the judicial nominating committee, and it's been a very rewarding part of what I get to do. When we go to Grafton, to interview for the position there, Judge Whelan's position, it'll be the 46th time I've been involved in judicial nominating in my 13 years with you, which is kind of crazy since we have 55 district court judges and five supreme court justices. And it's interesting work in that you just never know when you're going to do it. Right? (Recording skips) or by the committee and then in 25, from May on, there were four district court judges and then the Supreme Court position that Justice Friese was appointed to, so, Governor Armstrong is going to be reshaping the court a little bit, I think, which is interesting 'cause he's a lawyer and we haven't had many, well, recently, I think Allen Olson was the last attorney who just passed away that was our governor.

But it's interesting work, it's rewarding work, and I really do appreciate the attorneys who step up to serve in that role and we have a lot of judges and justices in the room and I've always appreciated the relationship that our bar has with our court. And I do have to remind people sometimes that we're not an arm of the court; we're an independent, you know, independent group but we do work very closely and as Justice McEvers said, we support the court's budget and we work hard to help maintain that relationship so thank you to our judges who are in the room. I've had a couple of presidents, my very first president was Judge Hagerty, I think she's here, hi, Judge. We just came back from the Jackrabbit Bar and I started this job on June 1st 13 years ago and Judge Hagerty said you need to be in the Black Hills in three days for the Jackrabbit Bar. And I was like, what's the Jackrabbit Bar? I've never heard of that. We had a really good time. The Jackrabbit Bar is 8 states that are

really a lot like North Dakota. They're small, mandatory bars who have a lot of jackrabbits, and I guess that's what they are.

And the fun thing about that is we get to host that and next year we're going to host in Medora, it's the 60th anniversary of the Jackrabbit Bar. If you wear a tie to the Jackrabbit Bar, they cut it off, so if you do attend, they do, they cut it off. But the exciting thing is to be able to showcase Medora and showcase the new library. So, we're excited for that, so it's June 3 through the 5th, so if you want to go to Medora and enjoy the Jackrabbit and there's actually two weeks later, we'll be in Fargo for our annual meeting.

I hope that you've had a good meeting. Thanks for being here; we do put in a lot of work, a lot of time to make the annual meeting as good as possible for you. I think the content this year has been really good; I think the social events have been good. And those of you who attend, I really want to thank you and it really is a team effort.

I want to thank Jen, Jennifer's here, Jennifer Hauge, who's our staff attorney. Carrie Molander; Carrie never likes the spotlight, so she's probably sitting outside. And then Ben Striebel; Ben is our executive assistant who's going to attend law school in the fall so we're very excited for him. We hired Ben to come back from Denver and his mom was very happy that I brought him home. But yeah, it's been great. And then I want to thank my partner Tami for being here, Tami, thank you for what you do and supporting me. 13 years of doing this job, it's kind of amazing how fast it goes, but what I try to stress to my team and what I stress to the board is our job is simply to serve you, our members, so you can serve your clients, in whatever capacity that is. And so, we try to do that every day, we try to focus on that every day, and I hope that we're doing that for you. If you don't think we are, then let me know. Some of you do let me know that, and I appreciate that.

You know, it's every year we do the annual meeting and we do a survey and it's, I'll get the survey results, this is the best annual meeting you've ever done, this is the worst annual meeting you've ever done. Do appreciate if you fill out the survey and let me know, if you have ideas on content, let us know. If you have ideas on how we can make the annual meeting better, please let us know. SBAND, we're in very good shape financially, we have a good team. I think we have an amazing board. Thank you all for what you do and I want to thank Deb, Deb, I was the reign of terror I was talking about was the incoming president Manly, not your tenure. Deb has been an amazing

leader. I appreciate her how she thinks about people, how conscientious she is, she's been very, very, very, dedicated to doing this job well and you really have, Deb, so thank you. And Rob, I look forward to working with you very much. As much as I'm glad I got a break from the class of '97 between you and Ted, with Deb, the class of '97 is pretty, it's an impressive group.

If you don't know the joke about the class of '97, I mean, Chief Justice McEvers is '97, Judge Sandberg's '97, my incoming president's '97, both of our Article 3 judges are '97, if there's any other '97ers in here and I'm forgetting you, you're all amazing. And then people are like, well what about your class, Tony? '98? I'm like, I guess you got the Bar Director. So, that's all we've got. I'm really looking forward to, Rob's here, and then after that, our incoming president, Hernando Perez. Hernando, thank you for agreeing to step up and serve, I'm really looking forward to working with you; I think we're going to have a great year.

I do just want to follow up on what Deb had said that I'll be the President of National Association of Bar Examiners. Patra, I hope you didn't get a little nervous that I was going to lead that organization, 'cause I'm not. The organization I'm going to lead is called NABE, it used to be called the National Association of Bar Executives, it's NABE, now. It's NABE, the Association for Bar Professionals, because it's a much bigger group than just bar executives. There are a lot of people in bar associations like my team that do work that isn't just what executive directors do. I will be the second North Dakotan ever in the 85-year history of that organization.

The first was Alfred Schultz, he was the president of that organization in 1969, which is the year I was born. Which is kind of ironic. He was the first full-time executive director of our association and I found his obituary, and it said that one of the highlights of his professional life was being the president of that organization. I don't know that that'll be the highlight of my professional career, (inaudible) professionally, but it's been a really good ride, I really appreciate the support I've gotten from so many of you, so many of my friends and colleagues in this room. And we're excited for the future, you know the practice of law, it's always evolving, it's always changing.

AI is not coming, it's here. What we try to do is make sure that you know what's out there and we often, just, we follow along with what others are doing. The Texas Bar Association did a major task force and a major report which we've shared on our website, we've also been sharing seminars from

the New York State Bar. When you have a bar like Texas with 100,000 lawyers and 150 staff and a probably 35 million dollar a year budget, they have the capacity to do it and when they allow us to use stuff like that, I think we do. I think that's the benefit of being part of a national organization.

I'm also serving on an alternative pathways commission, appointed by former Chief Justice Jensen, and I thank him for that. Looking at alternative pathways to admission, but also looking at allowing those that are not lawyers to do some sort of legal work. That commission will come out with recommendations and it is being chaired by Justice Tufte, I think, and I don't know if he's here today but he's been here. Oh, there he is. You can't see anything up here, I'm sorry. Hi Justice. And he's been great, he allows me to call him Jerod on that commission, so thank you for that.

But I think the report will help us; every state is looking at the alternative pathways to admission and also looking at other ways for the delivery of legal services and when I took this job 13 years ago, I think that that was looked at as anti-lawyer. That that was going to impact what we do, it was going to impact the (recording skips) legal services. They're not coming to you because they can't afford you, and all of you have more to do than you care to do, and so I really am hopeful that there are other ways to deliver services to people who can't afford it, and frankly, too, not this year but next year, when Patra is here, the next gen bar exam, that'll be a much different exam. I think the intent and I believe the intent is to make sure that we're looking at the competency of the people coming out of our law school and not whether they can just be good test takers, and I really hope, and think that that's really going to change the admissions process.

We're in Fargo next year, I hope you can join us. Again, thank you for being here. I do love this work; I love being your Executive Director. I hope that you find value in what we do for you and I appreciate you all very much. Thank you.

(Applause)

MR. MYERCHIN: Good morning, everyone, thank you for attending this business meeting here this morning. I'm Paul Myerchin, your association's secretary/treasurer. Just for the record to Tony, I'm also of the class of 1997, and I'm more than happy to ride on the coattails of my fellow classmates.

This is your preliminary financial report for the year ending December 31st, 2025. Our longtime accountant retired at the end of 2025 and we are in the process of transitioning to a new accountant and an accounting system. A copy of this report will be available in the meeting materials found on the SBAND website (inaudible) total year end liabilities and net assets of $3,224,815. Compared to $3,204,623 in 2024. This is an increase of $20,192.

Revenues; the association's 2025 revenue was $1,685,111. Compared to $1,650,807 in 2024. 43% of total revenue or $728,608 was from license fees available for SBAND's general operations. 15%, or $245,850 is legislatively mandated for operation of the disciplinary system. Expenditures; our total expenditures for 2025 amounted to $1,608,413 compared to $1,644,814 in 2024. Future budgets; the association's expenditures are closely monitored by the board of governors. The board tracks to the spending through detailed monthly financial monthly reports to ensure the association continues to provide the quality services and programs our members have come to expect. If you would like more information about the budget, please contact our Executive Director, Tony Weiler. Thank you all.

(Applause)

MR. WEILER: Sorry, I overlooked your class of '97, Paul, I apologize, there's probably six more of you in the room, too, that I haven't mentioned. Just real quick on the bar foundation charitable arm of the association. Charles DeMakis from Minot couldn't be here. I just want to give a couple real quick updates in that the IOLTA commission is separate from the foundation, but, the IOLTA commission did some work this year that I wanted to point out. It used to be we'd get about $40,000 a year on IOLTA accounts, and then we had, and that would mostly go to legal services of North Dakota. In 2022, 23, interest rates went up and I think Rob Manly had a huge case that stayed in his trust account for six months and we, that was a joke. And we brought in about $300,000, which is pretty amazing. And really, IOLTA commission money can only go to fund legal services and so we've committed, and we've already donated to LSND $350,000 and (applause) thank you, thank you. And to help them hire a pro bono coordinator, I think Zach's here. Yeah, Zach Tomczik, hi, you can't see anything up here hardly. And we're super proud of that.

The association is also supporting that with $100,000 of our money, we're super excited to work with Zach and continue to do the work we do with LSND to serve those who can't afford our services but need the help. So, excited for that. We continue to support the law school through the foundation, but we had between 21 and 25 granted over $265,000 to worthwhile organizations in North Dakota. We're hoping to increase the amount of money in the foundation so we can continue to do good work. We've supported the Rural Attorney Recruitment Program. We are supporting rural practice scholarships and internships. We support high school mock trial, which we're continuing to grow. We have our pro bono fund. We're trying to do good things with the money that's in the foundation and so those of you who bid on everything by Judge Borgen, but that's okay, it's okay, I'm not bitter. But that's it. Thank you.

(Applause)

MR. MANLY: Good morning, everyone. I'm here to present a couple resolutions on behalf of the board of governors. And our first resolution is entitled appreciation. Resolution is as follows, whereas President Debra Hoffarth and her family have served the State Bar Association of North Dakota during the past year at 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 President Debra Hoffarth and her family, for their dedicated efforts. Thanks, Deb.

(Applause)

Resolution number two, also entitled appreciation. Whereas the businesses and organizations that graciously sponsored portions of the 2026 annual meeting and those that participated as sponsors and exhibitors, are listed in your programs. I'm not going to list all of them, this morning. We've got Platinum Sponsors, Gold Partners, Silver Sponsors, and of course general partners. Whereas without their participation and financial support, the 2026 annual meeting of the State Bar Association of North Dakota would not have been the success that it is. Be it further resolved, that the above be thanked for their gracious support. So, thank you to our sponsors and I'll turn back to President Hoffarth. Thank you.

(Applause)

MS. HOFFARTH: We are, we lost some members this year, so we have our memorials from 2025-26. They're listed here on the screen. And we'll let those roll through. Norman Backes, (inaudible), Vivian Berg, James Britton, Richard Crockett, Ronald Fischer, Laurie Fontaine, Elizabeth Forbes, Mark Fraase, Laurel Hanson, J Phillip Johnson, James Johnson, Ulysses Jones, Marvin Kaiser, Lori McMullen, Carla Murray, David Nelson, Harry Pearce, William Robbins Jr., and William Zuger.

Next on our agenda is the election of the ABA representative under the SBAND constitution, Article 4.7, candidates for ABA representative 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 assembly meeting. The only candidate to do so for the ABA representative is Zachary Pelham. Do I have a motion to elect Zachary Pelham as SBAND ABA representative?

MR. BARRETT: So moved.

MS. HOFFARTH: Okay, I have a motion. Do I have a second?

JUDGE OLSON: Second.

MS. HOFFARTH: Thank you. We have a motion and a second. All those in favor, please say aye.

VOICES: Aye.

MS. HOFFARTH: All those opposed, same sign. Motion carries. We're now move on to the election of the president elect. Under the SBAND constitution, Article 4.7, candidate for president elect 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 assembly meeting. The only candidate to do so for president-elect, is Hernando Perez. Do I have a motion to elect Hernando Perez as president-elect?

MR. FREY: So moved.

MS. HOFFARTH: I have a motion. Do we have a second?

MR. WEILER: Second.

MS. HOFFARTH: We have a second. All those in favor, please say aye.

VOICES: Aye.

MS. HOFFARTH: All those opposed, same sign. Motion carries. Congratulations.

(Applause)

MS. HOFFARTH: So, this is the part of the meeting where I will pass the gavel to Rob Manly. So, congratulations.

(Applause)

MR. MANLY: Deb says it's passing the gavel to me. It's actually passing the gavel to her. Deb has been a wonderful president and I could not be happier to present her with this little keepsake on behalf of the bar. So, thank you for your service, Deb. And look at this, I had nothing to do with this. But that's a lot of pink. Cool stuff, Deb. You've been awesome. Thank you, everybody, for getting up early and joining us this morning. Next presentation will be at 9 a.m. with the ABA president coming here, and then we have some programming from there. So, I hope you'll stick around, grab some coffee, and we'll see you in about 20 minutes. Thank you.

(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 23rd day of July, 2026.