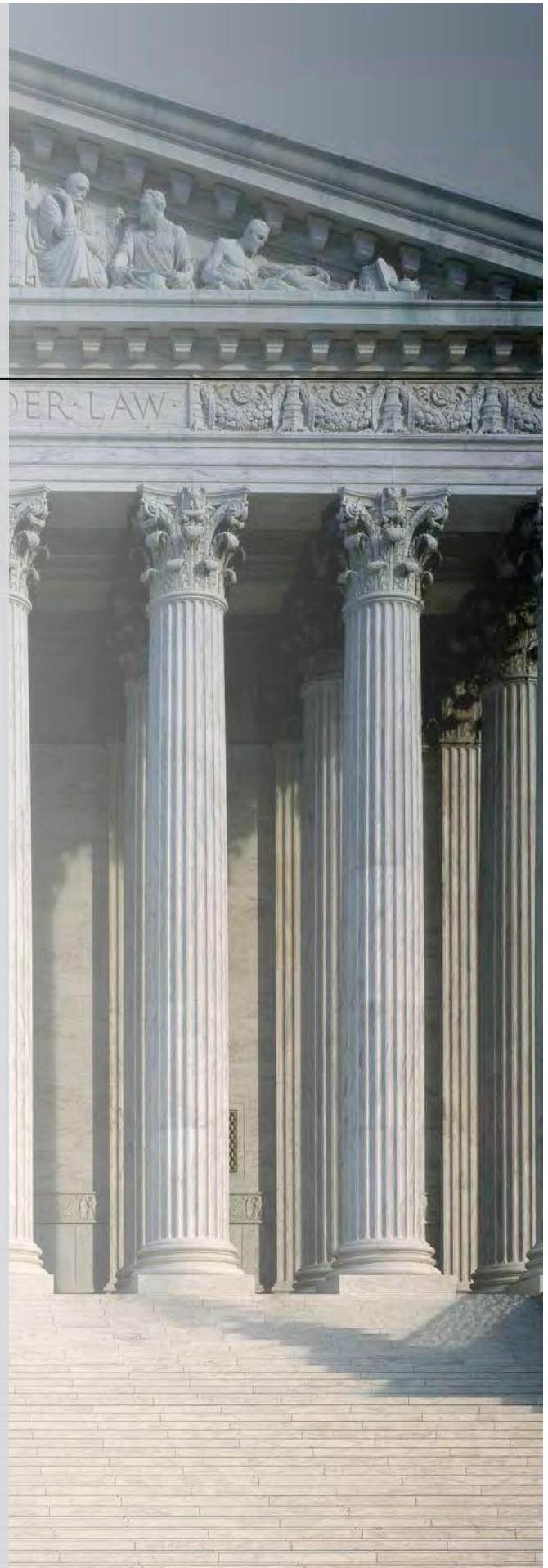


Mandatory State Bar Associations

Managing Keller

The following information regarding mandatory bars and how they manage Keller related activities was compiled by State Bar of Michigan between February 2014 and May 2014. This was a significant research initiative to support the Michigan Supreme Court Task Force on the Role of the State Bar of Michigan. As information was gathered, executive directors from several state bars expressed an interest in receiving this compilation of material. We are pleased to share this information with those who find it useful. Please note that the State Bar of Michigan does not update this compilation as policies and statutes change in various states. Users are encouraged to check with the state bars directly to learn of any relevant changes.

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STATE BAR ASSOCIATION OF NORTH DAKOTA CONSTITUTION

Amended: June 2005

ARTICLE 1 NAME

The name of this Association is State Bar Association of North Dakota.

ARTICLE 2 MISSION

The mission of the Association is to serve the lawyers and the people of North Dakota, to improve professional competence, promote the administration of justice, uphold the honor of the profession of law, and encourage cordial relations among members of the State Bar.
Amended at Annual Meeting in 2005.

ARTICLE 3 MEMBERSHIP

3.1 The membership of the Association consists of every person who has secured a current annual license to practice law in this state from the State Board of Law Examiners, or who has an unrevoked certificate of admission to the Bar of the State of North Dakota and who has paid to the Association an annual membership fee as established by the Board of Governors. Members who are suspended or disbarred are thereby suspended as members of the Association during the continuance of such suspension or disbarment. *Amended at Annual Meeting in 1996. Amended at Annual Meeting in 2005.*

3.2 The members of the Association who have not secured a current annual license to practice law in this state are entitled to all of the rights and privileges of the Association, except that they are not entitled to vote at the meetings or to serve as an officer of the Association.

ARTICLE 4 OFFICERS

4.1 The officers of the Association are the President, President-Elect, and Secretary-Treasurer. The terms of office of the President and President-Elect are one year commencing at the close of an annual meeting and ending at the close of the next succeeding annual meeting. The term of the Secretary-Treasurer is two years.

4.2 A President-Elect shall be elected as described in 4.7 below at each annual meeting, and assume office at the close of that annual meeting.

4.3 The President-Elect shall succeed to the office of President upon the expiration of the term of the prior President, or upon that President's death, resignation, or disability.

4.4 If a President-Elect succeeds to the office of President by reason of the death, resignation, or disability of the sitting President, the President-Elect who thus succeeds to the Presidency shall serve as President for the remainder of the Association year in which that succession occurred, and for the next Association year.

4.5 In the event of the death, resignation, or disability of the President-Elect, the membership shall fill the vacancy by election to be held as soon as possible in a manner determined by the Board of Governors.

4.6 The Secretary-Treasurer shall be elected as described in 4.7 below at each annual meeting falling in an odd numbered year. In the event of the death, resignation, or disability of the Secretary-Treasurer the Board of Governors

shall designate a successor who shall serve the unexpired term of office.

4.7 Any member who has secured a current license to practice law as described in Article 3 may vote for any officer of the Association by absentee ballot. Absentee ballot shall mean by mail or electronic balloting methods and within time frames developed, approved and supervised by the Board of Governors. *Amended at Annual Meeting in 2000.* Candidates appearing on the ballot shall be nominated by petition signed by at least five other members of the Association and received by the Association at least 50 days before the General Assembly meeting. During the election at the annual meeting, the absentee ballots will be counted in the same manner as the votes cast by the members at the meeting. Members who have voted by absentee ballot may not vote at the meeting. In the event that no candidate is nominated by petition or in the event that a nominated candidate has stepped down or is otherwise unable to serve, nominations from the floor will be allowed. *Amended at the Annual Meeting in 2004.*

ARTICLE 5 BOARD OF GOVERNORS

5.1 The Board of Governors consists of: the President, the President-Elect, the Secretary-Treasurer and the Immediate Past President of the Association; the Association's elected delegate to the House of Delegates of the American Bar Association; a representative from each judicial district of the State of North Dakota, determined according to procedures specified in the By-Laws; and the Dean of the Law School of the University of North Dakota.

5.2 The President, President-Elect, the Secretary-Treasurer, and the Immediate Past President constitute an executive committee of the Board of Governors. The executive committee is empowered to act for the Board of Governors in an emergency or when a meeting of the Board is impractical.

5.3 A majority of the members of the Board of Governors constitutes a quorum, and each member of the Board of Governors present at the meeting is entitled to one vote on any matter to come before the Board.

ARTICLE 6 DUTIES OF THE OFFICERS

6.1 The President shall exercise the powers and perform the duties assigned to the President by law and the Constitution and By-Laws of the Association. The President shall be the chief executive officer of the Association, shall preside at all meetings of the Association and of the Board of Governors, shall generally supervise its affairs, and shall report regularly to the Association and the Board of Governors.

6.2 In the event of the absence of the President or an inability to act, the duties of the President shall be performed by the President-Elect. If neither the President nor the President-Elect is present the Board of Governors shall select one of its members to act.

6.3 The duties of the Secretary-Treasurer shall be those prescribed in the By-Laws.

ARTICLE 7 POWERS AND DUTIES OF THE BOARD OF GOVERNORS

7.1 The management of the affairs of this Association is vested in the Board of Governors.

7.2 The Board of Governors may adopt, amend or rescind rules of general application to the membership, including, but not limited to, rules of professional conduct and continuing legal education, upon thirty days published notice of the substance of the proposed rule in an official publication of the Association. Any such rule may be rescinded by action of the general membership upon resolution. *Amended at Annual Meeting in 2005*

ARTICLE 8

MEETINGS

8.1 This Association shall meet at least once a year at such time as shall be designated for that purpose by the Board of Governors.

8.2 The President of this Association may, with the concurrence of a majority of the Board of Governors, call a special meeting of the Association.

8.3 The Association shall publish notice of any annual or special meeting in an official publication of the Association not later than sixty (60) days prior to the date of the meeting.
Amended at Annual Meeting in 2005

8.4 A quorum at any regular meeting or special meeting consists of twenty-five members.

ARTICLE 9 COMMITTEES & SECTIONS

9.1 The President shall appoint standing committees as provided for in the By-Laws of this Association.

9.2 The objects of the Association may be implemented by Sections established by the Board of Governors and consisting of members of the Association having a special interest in any phase of the law or bar activity. The duties and responsibilities of the various sections shall be as prescribed in the By-Laws.

ARTICLE 10 INITIATIVE AND REFERENDUM

10.1 Association members, by a petition signed by not less than 5% of the membership of the Association, may initiate a proposal or refer a matter to the vote of all members of the Association on matters relating to the governing of the Association, policies of the Association, support or opposition to proposed legislation or court rule, a subject of public interest on which the profession has expertise, or endorsement of candidates for judicial office, unless the matter to be proposed or referred is prohibited by law.

10.2 A petition shall contain the entire subject matter of the proposal, shall not exceed two hundred fifty words, shall require, Ayes@ or Ano@ vote, and be filed with the Association.

10.3 No petition to refer permitted in paragraph 10.1 is valid unless filed with the Association within thirty (30) days after the date of publication in an official publication of the Association of the action taken by the Board of Governors.

10.4 Should any petition to initiate or refer be approved or adopted by the Board of Governors within fifteen (15) days of its filing no vote of the members is required.

10.5 An initiative or referendum petition not approved or adopted by the Board of Governors shall be submitted to a vote of the members by mail ballot within thirty (30) days after the filing of the petition.

10.6 The procedures for a mail ballot shall be prescribed by the Board of Governors.

10.7 The Board of Governors may include a statement of its position on the matter, and the cost of implementing it, with the ballot.

10.8 Mail ballots shall be tallied as prescribed by the Board of Governors and shall be canvassed by the President or designees approved by the Board of Governors. The result of the vote shall be published in the next official publication of the Association.

10.9 A favorable vote by a majority of the members voting on a petition to initiate or refer a matter shall bind the Association until changed by a vote of the members.

10.10 When a petition to initiate or refer a matter has been defeated by a vote of the members, no petition addressing the same matter shall be filed for a period of one year from the date of publication of the result of the vote thereon.

**ARTICLE 11
AMENDMENTS**

11.1 This Constitution may be amended at any meeting upon a two-thirds vote of the members who have voted upon amendments which have been proposed and filed with the Association. Notice to the members of the form and content of any proposed amendment shall be published in not less than two official Association publications prior to action on such amendment. The notice shall include notice of the meeting at which action upon the proposed amendment is to be taken. *Amended at Annual Meeting in 2005*

11.2 Any member who has secured a current license to practice law as described in Article 3 may vote upon amendments proposed and filed with the Association, following the notice provided in Article 11.1, by absentee ballot. Absentee ballot shall mean by mail or electronic balloting methods and within time frames developed, approved and supervised by the Board of Governors. *Amended at Annual Meeting in 2000.*



**STATE BAR ASSOCIATION OF NORTH DAKOTA
BY-LAWS**



1. DUTIES OF THE BOARD OF GOVERNORS

- 1.1 The Board of Governors shall manage the affairs of this Association.
- 1.2 The Board of Governors shall provide a least annually for a financial audit of the Association.
- 1.3 The Board of Governors shall meet at least six times per year.

2. DUTIES OF THE OFFICERS

- 2.1 The President shall preside at all meetings of the Association and of the Board of Governors, and exercise the powers and perform the duties assigned to the office by law and the Constitution and By-Laws of the Association.
- 2.2 The President-Elect shall perform all of the duties and have all the powers of the President when, for any reason, the President is unable to act. If the President and the President-Elect are absent or unable to act, the Board of Governors shall select one of its members to act in the place of the President.
- 2.3 The Secretary-Treasurer shall: (A) maintain the official record of the proceedings of the Association and of the Board of Governors; (B) serve on the Committee designated to prepare the Association's annual budget; (C) file annually with the State Board of Law Examiners a statement of receipts and disbursements as required by law; (D) present the annual financial audit to the Board of Governors; and (E) perform all other duties imposed upon him/her by law and the Constitution and By-Laws of the Association.

3. REPRESENTATIVES OF JUDICIAL DISTRICTS

- 3.1 If a district bar association holds a formal meeting, with notice to all members in the district, more than 75 days prior to the annual meeting, the representative may be elected at that meeting rather than by the ballot procedure set forth herein.
- 3.2 Unless one is elected under Paragraph 3.1, a representative from each judicial district to serve on the Board of Governors of the Association shall be selected by a district election conducted by the Association. All members of the Association within each district, determined by the addresses of record appearing on the official roster of licensed lawyers maintained by the North Dakota Bar Board on the sixtieth (60th) day prior to the close of the annual meeting at which the member elected would take office as a member of the Board of Governors, are eligible to vote. The member shall be elected for a term of two years, beginning at the close of the annual meeting following the member's election.
 - 3.2-1 Each district election shall be by ballot provided by the Association to each member eligible to vote in that district. Ballots shall be provided at least thirty (30) days before the annual meeting at the close of which the member to be elected is to begin to serve; each member may vote by marking the ballot with a vote for one of the nominees appearing thereon and returning the authenticated ballot to the Association, according to the authentication directions provided with it, at least twenty (20) days before that annual meeting.
 - 3.2-2 The nominees appearing on a district ballot shall be those members of the Association eligible to vote in that district who have been nominated by a petition, signed by at least five other members of the Association eligible to vote in that district, received by the Association at least fifty (50) days prior to the annual meeting at the close of which the elected member's term will begin, and containing the following information: (A) the judicial district for which the member's name is submitted; (B) the nominee's address

as shown on the official Bar Board list; (C) the name of each nominating member; and (D) each nominating member's official Bar Board address. Each nominee must consent to be nominated by signing the petition.

3.3 The rotation of election of district representatives shall be that in effect as to district bar presidents at the time these By-Laws are adopted. Should any district's boundary change, or should any new districts be created, any affected district shall elect a representative by the procedures described in these By-Laws upon a schedule announced by the President; the representative so elected shall serve a term of one year or two years, determined by the Board of Governors as constituted prior to the redistricting. That determination shall be made as necessary to keep as near an equal number of judicial district representative seats subject to election per year as possible. The determination shall be announced by the President with the schedule for the election.

3.4 The results of each district election shall be provided to each nominee as soon as available, shall be announced at the annual meeting following the election, and shall be printed in an official Association publication following the annual meeting at which the announcement is made.

3.5 Should any judicial district representative's seat on the Board of Governors become vacant for any reason, the President shall within thirty (30) days, with the concurrence of the remaining members of the Board, appoint a member eligible to vote in the district having the vacancy to fill the unexpired balance of the term.

3.6 Should a judicial district fail in timely fashion to nominate any eligible candidates, the President assuming office at the close of the annual meeting at which the district's elected representative would have begun to serve shall, within thirty (30) days and with the concurrence of the new Board of Governors, appoint a member eligible to vote in that district to a term on the Board; the term shall begin with the appointment and end at the close of the second annual meeting to occur thereafter.

3.7 Should only one eligible member be timely nominated for election as a judicial district's representative to the Board of Governors, the district election shall be canceled and the sole nominee shall be declared elected.

4. COMMITTEES

4.1 The Board of Governors at its discretion may constitute standing committees to assist in its supervision, management, and control of the affairs of the Association; the responsibilities and powers of each such committee are those appropriate to its purposes as provided by the Board of Governors in the resolution constituting them or in subsequent resolutions and directives. Each committee constituted may be disbanded by the Board of Governors. *Amended at Annual Meeting in 2005*

4.2 The President-Elect shall, except as otherwise expressly provided, appoint the chair and members of all committees as follows: At least thirty (30) days prior to the annual meeting of the Association, the President-Elect shall announce the names of the committee chairs to serve for the ensuing year and until the next annual meeting of the Association, and the names of the new members of the various committees. The appointments are effective at the end of the annual meeting. The appointments shall also be published in the first issue of an official publication of the Association published following the annual meeting of the Association.

4.3 Unless otherwise prescribed in the Constitution and By-Laws or in the authority creating any committee, the membership of any committee shall be constituted so that there are three classes of nearly equal number with the terms to be staggered. One-third of the prescribed number of members shall be appointed annually, but any committee chair who has served as such for three consecutive years may not be reappointed chair until one year after the expiration of the term.

4.4 Each committee of the Association shall transmit a proposal for committee activities and a budget request for the next ensuing year.

4.5 Each committee of the Association shall make a report in writing to the membership of the Association at the annual meeting summarizing its actions during the preceding year and making any suggestions relating to its powers, duties or activities, which reports shall be filed with the Association not later than thirty (30) days prior to the annual meeting. Each committee of the Association shall make periodic reports if requested by the President, the Board of Governors, or the Association.

5. SECTIONS

5.1 The sections have the following powers: (A) adopt and amend By-Laws, subject to approval of the Board of Governors and not inconsistent with the Constitution or the By-Laws of this Association, providing for the election of officers, assessment of dues, and the administration of the section; (B) receive allocation from the Association; and (C) accept applications for membership from members of the Association and other interested persons.

5.2 Non-lawyers having an educational, professional, or commercial interest in the activities of a Section may be accepted as non-voting members of the Section upon payment of not less than Section dues established for members of the Association.

5.3 The sections have the following duties and responsibilities: (A) make an annual report to the annual meeting of the Association; and (B) cooperate with officers and the Board of Governors of the Association and coordinate their activities with appropriate committees of the Association.

5.4 A section which is inactive and which has not elected officers in two consecutive years may be dissolved by action of the Board of Governors. Funds remaining in the account of such section shall be credited to the bar Association general account for use at the discretion of the board of Governors.

5.5 The President, with the approval of the Board of Governors, shall appoint members of the Board as liaison to the respective sections.

6. EXECUTIVE DIRECTOR

6.1 The Board of Governors may appoint an Executive Director. The Board of Governors shall fix the compensation of the Executive Director and provide an office and other facilities as it thinks proper. The Executive Director may be removed by the Board of Governors.

6.2 The Executive Director shall: (A) prepare an annual budget for the Association for consideration by the Board of Governors and shall present the budget as approved by the Board to the annual meeting; (B) prepare and publish summaries of the minutes of proceedings of the Association and the Board of Governors; (C) receive all funds of the Association and make disbursements there from as necessary and as required by the Board; (D) unless the Board of Governors determines that the coverage is not available, provide fidelity bond in favor of the Association in an amount determined by the Board of Governors, the premium for which shall be paid by the Association; and (E) perform all duties imposed by law and the Constitution and By-Laws of the Association. *Amended at Annual Meeting in 2005*

7. NOTICE TO THE ASSOCIATION

All notices, petitions or other documents required by the Constitution or By-Laws of the Association to be filed with or delivered to the Association shall be addressed or delivered to the Executive Director.

8. OFFICIAL ASSOCIATION PUBLICATIONS

Official publications of the Association include any written communication mailed to the members of the Association. In determining its membership for this purpose it is sufficient for the Association to refer to the current roster of members maintained in good faith by the Association. *Amended at Annual Meeting in 2005*

9. ASSESSMENT

Assessments may be made upon resolution adopted by a majority vote at an annual meeting or at any special meeting of those members who voted if due notice is given in the call for the special meeting that an assessment will be proposed if funds to which the Association is entitled under Section 27-12-04 NDCC, and all funds from other sources, are insufficient to meet the obligations of the Association. Assessments may not exceed one hundred (\$100.00) per year for each member. *Amended at Annual Meeting in 2005*

10. NOMINATION TO THE STATE BOARD OF LAW EXAMINERS

For each appointment to be made to the State Board of Law Examiners pursuant to the provisions of Section 27-11-06 of the NDCC, the Board of Governors shall act for the Association. *Amended at Annual Meeting in 2005*

11. MEMBER OF HOUSE OF DELEGATES OF AMERICAN BAR ASSOCIATION

There shall be elected in each even-numbered year one delegate to represent the Association in the House of Delegates of the American Bar Association who will hold office for a period of two years ending at the adjournment of the annual meeting of the American Bar Association in even-numbered years, or until a successor has been elected by the State Bar Association. Duties of the ABA Delegate are those prescribed by the American Bar Association and the State Bar Association. The Delegate shall attend all meetings of the House of Delegates of the American Bar Association called during the term of office or until a successor is elected.

12. RESOLUTIONS

12.1 The Executive Director shall publish in an official publication a call for resolutions not later than 60 days before the date of the general or special election where such resolution is to be considered. *Approved at Annual Meeting in 2005*

12.2 Any substantive resolution proposed by a member of the Association for consideration at any general or special meeting shall be filed with the Executive Director of the Association at least 30 days prior to the date of the meeting. The Executive Director shall mail notice to the membership of all properly filed resolutions not later than 7 calendar days before the date of the general or special meeting of the Association. *Approved at Annual Meeting in 2005*

12.3 Any substantive resolution approved by the Board of Governors for consideration at a general or special meeting of the Association must comply with the language of § 12.2 of these By-Laws but will be deemed filed when approved by the Board of Governors. *Approved at Annual Meeting in 2005*

13. CONDUCT OF MEETING

13.1 The meetings of the State Bar Association of North Dakota, the Board of Governors of the Association, and the sections and the committees of the Association shall be governed by Roberts Rules of Order. At the beginning of the fiscal year the President may designate an individual member of the Board of Governors to act as parliamentarian during that year and shall designate a member of the Association to act as parliamentarian at the annual meeting(s) of the Association during that fiscal year.

13.2 A roll call vote shall be taken by the Board of Governors on all matters other than procedural matters.

13.3 Board meetings may be conducted by electronic means by which participants can hear and be heard.

14. AMENDMENT

14.1 These By-Laws may be amended by the Board of Governors of the Association at any regular meeting; but only if the proposed amendment was considered by the Board of Governors at a preceding meeting and notice was given in an official publication of the Association before final consideration.

14.2 These By-Laws may also be amended at any regular or special meeting of the Association by a majority of the members who have secured a current license to practice law as described in Article 3 of the Constitution who are present or who have voted by absentee ballot, provided notice of the proposed amendment was contained in the notice of meeting. Absentee ballot shall mean by mail or electronic balloting methods and within time frames developed, approved and supervised by the Board of Governors.

14.3 Any amendment to these By-Laws adopted under Paragraph 14.2 above shall not thereafter be amended or repealed under Paragraph 14.1 above.

By-law 13 amended by adding By-law 13.3 at BOG meetings of June 12, 2001 and September 15, 2001; notice published in June/July 2001 issue of the GAVEL

By-law 14.2 amended at Annual Meeting in 2000.

By-law 4.1 amended at Annual Meeting in 2005.

By-law 6.2 amended at Annual Meeting in 2005.

By-law 8 amended at Annual Meeting in 2005.

By-law 9 amended at Annual Meeting in 2005.

By-law 10 amended at Annual Meeting in 2005.

By-law 12.1, 12.2, 12.3 amended at Annual Meeting in 2005.

By-law 14.2 amended at Annual Meeting in 2005.

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Legislative Policy

The stated objectives of the State Bar Association of North Dakota include promotion of the administration of justice and upholding the honor of the profession. In order to effectively accomplish these goals it is often necessary to deal in the legislative arena and with initiated and referred measures.

As an integrated bar, the State Bar Association of North Dakota endeavors to speak for the Association as a whole, while fully recognizing that it is a practical impossibility to gain unanimity of opinion on almost any issue. The most controversial issues are almost always the most divisive and they are also invariably the ones that the Association is asked to comment on. While it is gratifying to note that the Association's judgment is welcomed and sought after in many of these difficult issues, this policy is intended to set parameters for Association legislative activities and make the work of the Legislative Committee and the professional staff manageable.

Since the Association's role in legislative proposals and initiated and referred measures properly should vary depending upon the nature of the proposal under consideration, this policy delineates categories and parameters for Association action. While recognizing that clear categorical lines are difficult, the Association should generally posture itself as follows:

1. Generally the expertise of the Association's committees, sections and members is respected and welcomed. This is especially true with the myriad of bills and measures dealing with the complex laws affecting commerce, such as the Uniform Commercial Code, trade regulation and business organization laws, laws relating to estates and trusts; laws relating to family law; or those particularly affecting the practice of law, such as regulation of attorneys, budget appropriation for the judiciary and legal aid, proposed changes in litigation procedures, regulation of attorney's client trust accounts or law school and bar admission standards.

Legislators and legislative committees often seek out the views of knowledgeable representatives of the Association in these areas and pay close attention to their recommendations. Within that framework the Association does have a significant impact on legislation and will maintain an aggressive policy of supporting, opposing and proposing legislation in this area.

2. When it comes to broader issues of social policy the Association's role and influence is necessarily different. These are issues that generally have strong political overtones. In these areas the Association may be viewed more as a special interest group than as a body of experts. The Association will take great pains to recognize this important distinction, and will generally avoid taking positions on issues of this nature.

3. A third category of proposals are those which may be termed "technical" issues. These are bills and measures affecting specific areas of the law in which various sections or committees have a particular interest and expertise. The key consideration as to these matters is for the Association not to act as a "lobbyist" in the popular sense of the word, but rather to offer its expertise and informed judgment. Representatives of the Association may be invited to impartially explain the probable legal consequences of the proposed bill or measures.

It is further the policy of the Association that decision-making on important issues be broad based, and that the views of individual members be taken into account. The Legislative Committee should endeavor throughout the interim to identify the major issues to come before the next legislative session and invite discussion of these matters by the General Assembly. This discussion may come in the form of committee or special reports or other programs, and after ample notice to the full membership and the opportunity for full discussion a vote will be taken as to the position of the membership on these issues.

The Legislative Committee and the Board of Governors are empowered to consider any and all legislation that is considered by interim committees or is introduced during a legislative session and may seek the introduction of legislation the Association favors. The Association ought not however, become actively involved in every issue that remotely may affect lawyers and it must be especially circumspect regarding measures that are likely to be regarded by the legislature as having significant political importance—those on which other pressure groups are expected to have strong views. It is necessarily a balancing process in which clear guidelines are hard to articulate. In deciding to press a point of view the Association shall consider (1) how and to what degree the matter really affects the vital concerns of lawyers (2) whether the Association, in any contact with the legislature, is likely to be regarded as merely an interest group or as a more impartial (and, therefore, more credible) expert and (3) what the likelihood is that the Association's efforts will be successful.

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Any member of the Association who dissents from a position on any legislative or ballot measure matter and records that opposition in writing to the Executive Director may receive a refund of that portion of his or her dues which would otherwise have been used in the Association legislative or ballot measure activity complained of.

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