

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

**ORDER OF ADOPTION**

Supreme Court No. 20130379

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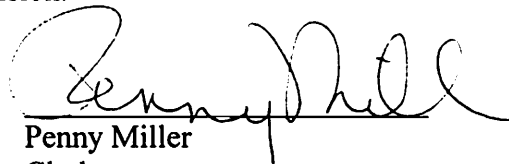
**Proposed Amendments to North Dakota Administrative Rules 49 Regarding the  
Lawyer Assistance Program and Admission to Practice Rules 2  
Regarding Standards for Admission**

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[¶1] On November 18, 2013, the Lawyer Assistance Committee forwarded proposed amendments to North Dakota Supreme Court Administrative Rules 49 regarding the lawyer assistance program and to North Dakota Supreme Court Admission to Practice Rules 2. On November 29, 2013, the Court referred the proposed amendments to the Joint Attorney Standards Committee. On April 7, 2014, the Joint Attorney Standards Committee submitted its suggested amendments to North Dakota Supreme Court Administrative Rules 49, noting amendments to Dakota Supreme Court Admission to Practice Rules 2 would be forwarded at a later date. Amendments to The proposed amendments are available at <http://www.ndcourts.gov/Court/Notices/Notices.htm>. Individuals who do not have internet access may contact the Office of the Clerk of the Supreme Court to obtain a copy of the proposal. The Court considered the matter, and

[¶2] IT IS HEREBY ORDERED, that amendments to North Dakota Supreme Court Administrative Rule 49 are **ADOPTED**, effective June 1, 2014.

[¶3] The Supreme Court of the State of North Dakota convened this 30<sup>th</sup> day of April, 2014, with the Honorable Gerald W. VandeWalle, Chief Justice, and the Honorable Dale V. Sandstrom, the Honorable Carol Ronning Kapsner, and the Honorable Lisa Fair McEvers, Justices, directing the Clerk of the Supreme Court to enter the above order. The Honorable Daniel J. Crothers, being unavoidable absent, did not participate in the decision.



Penny Miller  
Clerk  
North Dakota Supreme Court

**Administrative Rule 49 - LAWYER ASSISTANCE PROGRAM**

**Section 1. Purpose.**

In furtherance of the Supreme Court's constitutional responsibility for the supervision of lawyer conduct, this rule provides for the establishment of a mechanism to protect the public, assist lawyers in the performance of their duties and responsibilities in the representation of clients, and to maintain and improve the integrity of the legal profession.

**Section 2. Lawyers Assistance Program — Establishment.**

The State Bar Association of North Dakota may establish an assistance program for lawyers and for students attending the University of North Dakota School of Law to aid in preventing and alleviating problems that may adversely influence a lawyer's or student's performance.

**Section 3. Lawyer Assistance Committee**

A Lawyer Assistance Committee is established to oversee the operations of the lawyer assistance program established pursuant to this rule. The Committee shall be comprised of three members, including one lay member, appointed by the Board of Governors of the State Bar Association and three members, including one lay member, appointed by the Chief Justice. Of the members initially appointed and as determined by lot at the first meeting, two members will be appointed for one year, two members will be appointed for two years, and two members will be appointed for three years. Thereafter, each appointment is for a three year term. Each member is eligible for reappointment, but may not serve more than two consecutive terms. Each member serves until the member's successor is appointed. Each member is entitled to reimbursement by the member's appointing authority for actual expenses incurred in the performance of committee duties. The president of the State Bar Association, after consultation with the Chief Justice, shall appoint the committee chair, whose term as chair shall not exceed two years.

**Section 4. Confidentiality.**

Information regarding a lawyer's or a student's participation in a lawyer assistance program and any communications made to or information received by a committee member, peer counselor, or program staff of the program are confidential and may not be disclosed without the consent of the affected party. Confidentiality under this section does not prohibit the disclosure of information when disclosure is considered reasonably necessary to prevent the commission of an act that is believed likely to result in imminent death or imminent substantial bodily harm.

**Section 5. Immunity.**

A committee member, peer counselor, or program staff in a lawyer assistance program is immune from suit for any conduct in the course of the person's official duties. Any person who in good faith reports information in connection with the program is immune from suit for reporting the information. A lawyer who participates in the program as a committee member, peer counselor, or program staff has qualified immunity from disciplinary complaints for conduct in the course of the lawyer's official duties as a participant in the program.

**Section 6. ~~Effective Date.~~**

~~This rule is effective August 1, 2004 \_\_\_\_\_.~~

~~Dated at Bismarck, North Dakota, May 12, 2004 \_\_\_\_\_.~~

ATTEST:

~~Penny Miller, Clerk~~

**EXPLANATORY NOTE**

Rule 49 was adopted, effective August 1, 2004; and amended effective June 1, 2014.

Sources: Joint Committee on Attorney Standards Meeting Minutes of June 11, 2002, November 15, 2002, February 28, 2003, September 25, 2003, ~~and~~ November 14, 2003; and March 14, 2014.