

Lawyers

Lawrence R. Klemin
Karen L. McBride
David D. Schweigert **
Tyler J. Siewert ***



Reply to:
P.O. Box 955
Bismarck, ND 58502-0955
Telephone: (701)258-8988
Fax: (701)258-8486
Email: lawyers@bkmpc.com

** Admitted in ND, SD & MT
*** Admitted in ND, MT & MN

20160082

August 30, 2016

FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT
AUGUST 30, 2016
STATE OF NORTH DAKOTA

Sent via U.S. Mail and Email: GvandeWalle@ndcourts.gov

Chief Justice VandeWalle
Supreme Court
State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505-0530

Dear Chief Justice VandeWalle,

The Operations Committee of the Supreme Court met on August 16, and discussed the new proposed Disciplinary Rules, as well as the Office of Disciplinary Counsel's budget for the current and upcoming biennium. Even with the recent budget cuts by the Legislature, that current budget remains in a good financial position. The Office will be operating at 5.5% under budget for the biennium even after the 2.5% cut is made. Disciplinary Counsel Erickson indicated the office is very busy, and it would be in their best interests to fill the open Administrative Assistant position as soon as possible. The position has been open since June 1, 2016. The Operations Committee agrees that this position is essential and should be filled.

The Operations Committee had previously written a letter dated to you dated June 23, 2016, regarding the Administrative Assistant position. In response, we received a letter from Penny Miller via email on June 29 indicating the Court was not going to take action on the position until after the amendments to the Disciplinary Rules were finalized. Considering the recent proposed changes to the Rules for Lawyer Discipline submitted by the Court, it appears that the administrative workload for Disciplinary Counsel will be considerably more substantial as a result of the docketing changes at the informal level and handling all the investigations. As a result, the Operations Committee would respectfully request permission from the Court to authorize the Office of Disciplinary Counsel to begin the process of having that position filled.

Additionally, while the new Rules are not final, the Operations Committee is also concerned that the office may need an additional part-time investigator, or at least funds for a contract position, to assist in handling its increased investigative caseload currently contemplated under the new Rules. The Operations Committee realizes the State's budget issues may impact that decision and whether necessary funds will be available for an investigator; however, as a Committee, we are concerned about whether there will be adequate funding available to support the implementation of the proposed rule changes.

Yours Truly,

A handwritten signature in black ink, appearing to read "D.D. Schweigert". The signature is fluid and cursive, with the first two initials "D.D." being particularly prominent.

David D. Schweigert
President, Operations Committee
dschweigert@bkmpc.com

DDS:kjs

cc: Tony Weiler (Email only tony@sband.org)
Kara J. Erickson (Email only kjerickson@nd.gov)