

Introduced by

Representatives Froseth, Clark, Onstad

Senators Andrist, Warner

1 A BILL for an Act to create and enact a new subsection to section 6-08.1-02 and a new section
2 to chapter 27-13 of the North Dakota Century Code, relating to an exemption to bank
3 confidentiality requirements for attorney trust account overdrafts and to the conduct of
4 attorneys.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new subsection to section 6-08.1-02 of the North Dakota Century Code
7 is created and enacted as follows:

8 A disclosure made to the disciplinary board of the North Dakota supreme court or
9 another state's authority with responsibility for enforcing rules of professional
10 conduct for lawyers regarding dishonor of an instrument issued against any trust
11 account maintained by an attorney or law firm, as these terms are defined in
12 section 6-08-16.2.

13 **SECTION 2.** A new section to chapter 27-13 of the North Dakota Century Code is
14 created and enacted as follows:

15 **Attorney for attorney fiduciary required - Exception.** An attorney who serves as a
16 fiduciary of an estate, trust, or conservatorship must be represented by another attorney. The
17 attorney who serves as fiduciary or the attorney's law firm may not serve as attorney for the
18 fiduciary. This section does not apply to United States bankruptcy court proceedings or to
19 matters in which the decedent, trustor, beneficiary, or protected individual is a spouse, child,
20 grandchild, parent, grandparent, or sibling of the attorney serving as a fiduciary.