

Minnesota State Bar Association

Conflict of Interest Policy

Adopted by the MSBA Assembly
on April 25, 2013

Scope

This policy applies to members and alternates of the MSBA Assembly (member). A separate conflict policy applies to Council members and staff. Since the Council and staff have direct responsibility for financial decisions, that conflict policy requires greater disclosure, review, and control of conflicts.

Purpose

As the leading professional legal organization in Minnesota, the MSBA has a unique perspective on issues that affect the justice system and legal profession. In formulating its policies, the MSBA seeks the involvement of trusted, knowledgeable lawyers and judges, and encourages the expression of diverse views on important legal issues. At times, the diverse background and activities of its members may conflict with the interests and activities of the MSBA.

Assembly members hold a special position of responsibility within the Association, and owe the MSBA and its members an obligation to act in the best interest of the Association and above their personal, professional, business, and client interests. The MSBA has adopted this Conflict of Interest Policy to provide guidelines to assist Assembly members in identifying and resolving conflicts of interests.

Policy

The policy of the MSBA is that all Assembly members must be aware of and properly treat conflicts of interests between interests of the Association on one hand, and personal, professional, business and client interests on the other. This includes potential and actual conflicts of interest, as well as perceptions of conflicts.

A conflict of interest, or an appearance of a conflict, can arise whenever the interests, financial or otherwise, of an Assembly member, an immediate family member, employer, client or an organization in which he/she is a member, may influence the member's opinion or vote with respect to an action of the MSBA.

Disclosure/Abstention

Members must disclose to the Assembly all conflicts of interest or potential conflicts of interests on matters that come before the Assembly for debate or a vote. In most instances, personal, professional, business, and client interests will not prevent an Assembly member from rendering an objective opinion. To make appropriate and informed decisions, representation of different viewpoints is required, and an environment of full and open discussion must be maintained. At times, the contributions

of an individual with a personal, professional, business, and client interest are valuable precisely because of the knowledge or expertise obtained through the interest. Accordingly, full participation by all should be encouraged.

Where a member cannot separate his or her personal, professional, business, and client interest from the interest of the Association and render a fair and independent decision, the member should excuse himself/herself from discussion and/or any vote on the issue. If a member does not appropriately excuse himself/herself, but the majority of the remaining members believe that the member should be excused from either discussion or vote, the President shall require the member to excuse himself/herself from discussion and/or vote.

Implementation

At the beginning of each bar year the Executive Director shall distribute this policy to all members of the Assembly. The members will not be required to execute a written disclosure.

At the beginning of each Assembly meeting, the President will direct members' attention to the policy. When a member addresses the Assembly, he/she is encouraged to identify themselves -- including their name, the organization they represent, and if relevant, their employer and other affiliated organizations. At this time, the member must disclose any actual or potential conflicts of interests.

Interpretation

The Conflict of Interest Policy is intended to be an evolving policy, and questions of interpretation and application can be expected to arise. The MSBA Secretary shall provide guidance in resolving questions and conflicts.