

SUPREME COURT OF NORTH DAKOTA

Weigel v. Albertson

2026 ND 4 · No. No. 20250342 · Decided January 15, 2026

SUMMARY

The North Dakota Supreme Court dismissed an appeal from an order disqualifying the plaintiff’s attorney because the order was not immediately appealable. The court exercised supervisory jurisdiction, upheld the disqualification, and denied the petition for a supervisory writ, concluding that the attorney represented both Alan Weigel and Veritas Crane LLC and therefore faced a concurrent-conflict violation under North Dakota Rule of Professional Conduct 1.7(a).

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Jerod E. Tufte, Justice; Lisa Fair McEvers, Chief Justice; Daniel J. Crothers, Justice; Jon J. Jensen, Justice; Douglas A. Bahr, Justice
JURISDICTION	Supreme Court of North Dakota
DECIDED	January 15, 2026
DOCKET	No. 20250342
DISPOSITION	other
PROCEDURAL POSTURE	Weigel appealed from an order disqualifying his attorney and alternatively petitioned for a supervisory writ directing the district court to vacate the order. The Supreme Court dismissed the appeal as involving a nonappealable interlocutory order, exercised supervisory jurisdiction to review the disqualification order, and denied the petition for a supervisory writ.
STANDARD OF REVIEW	Orders on motions to disqualify counsel are reviewed for abuse of discretion. Underlying factual findings are reviewed under the clearly erroneous standard.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Alan Weigel, Veritas Crane LLC v. Jason Albertson

TOPICS

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QUESTIONS PRESENTED

1. Whether an order granting a motion to disqualify an attorney in a civil case is immediately appealable under N.D.C.C. § 28-27-02(3).
2. Whether an order granting attorney disqualification is immediately appealable under the collateral order doctrine.
3. Whether the Supreme Court should exercise supervisory jurisdiction to review the disqualification order.
4. Whether the district court abused its discretion by disqualifying Fremstad based on his concurrent representation of Weigel and Veritas.
5. Whether the district court's conclusion that representation of a shareholder bringing derivative claims necessarily establishes an attorney-client relationship with the company was legal error, and whether that error was harmless.

HOLDINGS

1. An order disqualifying an attorney is not a form of injunctive relief and is not immediately appealable under N.D.C.C. § 28-27-02(3).
2. An order granting disqualification of an attorney in a civil case is not immediately appealable under the collateral order doctrine.
3. The Supreme Court may exercise supervisory jurisdiction to review an attorney-disqualification order when an appeal from final judgment would not provide an adequate alternative remedy.
4. A district court's decision on a motion to disqualify counsel is reviewed for abuse of discretion, while its factual findings are reviewed under the clearly erroneous standard.
5. A district court does not abuse its discretion in finding an attorney-client relationship with a company when objective manifestations, including legal advice to the company's officers or employees and representation in company matters, establish that the attorney represented the company.
6. When an attorney represents both a company and a shareholder who is adverse to the company in derivative claims, N.D.R. Prof. Conduct 1.7(a) prohibits the concurrent representation and supports disqualification.
7. A lawyer's representation of a shareholder bringing derivative claims does not, by itself, establish an attorney-client relationship with the company; additional evidence of actual representation is required.

KEY QUOTATIONS

“We hold that, like an order denying disqualification in a civil case, an order granting disqualification of an attorney in a civil case is also not immediately appealable under the collateral order doctrine.” (¶ 10)

“This Court has discretionary authority to issue supervisory writs exercising superintending control over inferior courts to rectify errors and prevent injustice when no adequate alternative remedy exists.” (¶ 12)

“A finding that a lawyer in fact represented a company must be supported by more than the lawyer’s representation of a shareholder bringing a derivative claim on behalf of the company.” (¶ 19)

“We dismiss Weigel’s appeal because this Court lacks jurisdiction to consider it. After reviewing the district court’s order under our supervisory authority, we hold that the court did not abuse its discretion in disqualifying Fremstad. Therefore, we deny the petition for a supervisory writ.” (¶ 21)

FACTUAL BACKGROUND

Veritas Crane LLC was formed by Albertson in 2018, and Weigel joined the business in 2019; each claimed to own at least 50 percent of the company. After their relationship deteriorated, Albertson sought to restrict access to Veritas's bank accounts and Weigel restricted Albertson's access to company facilities. Weigel then filed an action asserting direct claims and derivative claims on behalf of Veritas, with attorney Joel Fremstad signing as counsel for the plaintiffs. Fremstad also advised Weigel in his capacity as a Veritas officer and directed company employees to contact him regarding business operations.

PROCEDURAL HISTORY

Weigel and Veritas Crane LLC sued Albertson, asserting direct and derivative claims arising from a business dispute. Albertson moved to disqualify Weigel's attorney, Joel Fremstad, and the district court granted the motion after finding that Fremstad represented both Weigel and Veritas. The Supreme Court dismissed the appeal but reviewed the order under its supervisory jurisdiction and upheld the disqualification.

DISPOSITION

other

CASES CITED

- Allen v. White Drug of Minot, Inc., 346 N.W.2d 279 (N.D. 1984)
- Young v. White, 267 N.W.2d 799 (N.D. 1978)
- Sheets v. Letnes, Marshall & Fiedler, Ltd., 311 N.W.2d 175 (N.D. 1981)
- Almon v. Am. Carloading Corp., 380 Ill. 524, 44 N.E.2d 592 (1942)
- Heringer v. Haskell, 536 N.W.2d 362 (N.D. 1995)
- Thompson v. Goetz, 455 N.W.2d 580 (N.D. 1990)
- Olson v. District Court, 271 N.W.2d 574 (N.D. 1978)
- Gonzalez ex rel. Colonial Bank v. Chillura, 892 So. 2d 1075 (Fla. Dist. Ct. App. 2004)
- Roe v. Rothe-Seeger, 2000 ND 63, 608 N.W.2d 289
- Martinson v. Martinson, 2010 ND 110, 783 N.W.2d 633

- Cavare, Inc. v. Kjelgren, 2021 ND 236, 968 N.W.2d 141
- Kunz v. Slappy, 2021 ND 186, 965 N.W.2d 808
- In re Disciplinary Action Against Ward, 2016 ND 115, 881 N.W.2d 226
- Cain v. Merchants Nat'l Bank & Tr. Co. of Fargo, 66 N.D. 746, 268 N.W. 719 (1936)
- Nodak Mut. Ins. Co. v. Ward Cnty. Farm Bureau, 2004 ND 60, 676 N.W.2d 752
- In re Disciplinary Action Against Bullis, 2006 ND 228, 723 N.W.2d 667
- Edison v. Edison, 2024 ND 196, 13 N.W.3d 110
- Shen v. Miller, 150 Cal. Rptr. 3d 783 (2012)
- Simms v. Rayes, 316 P.3d 1235 (Ariz. Ct. App. 2014)

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