



LEGAL SERVICES  
of North Dakota

# THE LEGAL SERVICES SENTINEL

Volume 13 Issue 2  
July 2019

## History of Legal Aid in North Dakota

### Legal Aid Beginnings

The first attempt to bring legal aid to low-income people in North Dakota was in the late 1960s. This was during the era of President Johnson's Great Society and the War on Poverty. The plan envisioned would place law offices throughout the state of North Dakota with staff attorneys and secretaries that would regionally serve the needs of the low-income people. This plan never got off the drawing board due to various problems and pressures.

Serious discussion and action to provide legal services to low-income people in North Dakota didn't start until the 1970s. At that time both the Indian people on the Fort Berthold Reservation of Three Affiliated Tribes and the concerned people in Fargo, North Dakota saw a need and acted to establish legal services offices in their respective communities.

The Society for Legal Aid was established in Fargo using Model Cities funds returned to the city of Fargo by the federal government. Ultimately it became the last legal services program funded by the federal Office of Economic Opportunity (OEO) in the United States prior to a 1971 funding freeze initiated during the Nixon Administration.

At approximately the same time, North Dakota Legal Services (NDLS) was established by the OEO to serve low-income Native American

clients on the Fort Berthold Reservation. Other than these two formalized attempts, there were some efforts in different parts of the state by the local bar associations to provide a modicum of legal services to the client population through pro bono programs or localized lawyer referral programs. In addition, individual attorneys throughout North Dakota represented low-income individuals for free on a case-by-case basis.

In 1974, due to political pressures and controversy surrounding the OEO legal services effort, a new national non-profit Legal Services Corporation (LSC) was created by an act of Congress. This law separated the delivery of legal services from the OEO and placed it in a separate corporation with a national bipartisan board. This was an attempt to insulate it from the political pressures of the late 1960s and early 1970s.

The primary purpose of LSC was to provide federal funding to legal services efforts for low-income and other disadvantaged persons throughout the United States. The first practical goal was to transition all of the OEO legal services programs into LSC funded programs.



## History of Legal Services

### Statewide Legal Services Programs

#### Elderly

The year of activity for legal services in North Dakota was 1974. During the first year, two new legal aid services were established. The federal Older Americans Act provided money to be used specifically for the delivery of legal services to each state, including North Dakota. Under that mandate, the Aging Services Division of North Dakota funded a statewide network to the elderly.

There were offices in Bismarck, Minot and Fargo. For the elderly clients, there was also a toll-free number for elderly clients to access each office. At least one licensed attorney was staffed in each office to take calls and handle simple legal problems.

#### Low Income

Offices of the Society for Legal Aid in Fargo, North Dakota Legal Services (NDLS) and the local Community Action Program Legal Aid Office in Devils Lake were also approved by LSC for transitional funding.

At the strong recommendation of the LSC Corporation representative from Denver, a statewide program was developed in 1976. This was the basis of the establishment of Legal Assistance of North Dakota, Inc. (LAND)

Since North Dakota Legal Services was an Indian Legal Services program and LSC had already recognized critical issues which set Indian programs apart from the mainstream of legal services delivery, the two programs were not mandated to merge. The decision was left to the boards of directors of each agency. Ultimately the decision was to continue with two separate programs, with NDLS based in New Town, and LAND having offices throughout the state of North Dakota.

### LAND

LAND was incorporated in July of 1976. At that time it merged the Society for Legal Aid in Fargo, the statewide Legal Services for the Aged program and the Legal Aid program in Devils Lake.

In January of 1977, LAND began full operation as the new, statewide provider of civil legal services to the poor in North Dakota. Law offices were established in Bismarck, Minot, Fargo and Devils Lake. The administrative office was located in Bismarck.

The Legal Services Corporation (LSC) did not, at that time, intend to provide enough initial funding to be sufficient to serve the needs of all the citizens in the state of North Dakota. The plan was for LSC to go to Congress for increased funding for civil legal services to the poor. Federal funding for legal services had been frozen at between \$70 and \$71 million nationally.

The goal was to increase the appropriation based on the need for minimum access established at two lawyers per 10,000 low-income persons for purposes of access to the justice system. Congress agreed with the need for steadily increased appropriations through LSC funding. This funding peaked in 1980 at \$321 million nationally.

With the advent of the Reagan administration and huge budget deficits, LSC, as with many other federal endeavors had a reduction of funds of 25%.

## History of Legal Services Continued

This cut came at a time when legal services throughout the nation had been in a state of rapid expansion. North Dakota was hit dramatically by the sudden and substantial cuts in funds immediately upon the heels of a substantial increase over a three year period.

LAND was able to maintain its four law offices in Bismarck, Fargo, Minot and Devils Lake, but the law office in Dickinson, which was opened briefly in 1978 and 1979, had to be closed after only nine months.

In the late 1980s, small cost of living increases from federal funding sources allowed the maintenance of effort in those offices. In the late 1980s and early 1990s, the Interest on Lawyers Trust Account fund and a \$10 Surcharge on selected civil filing fees were implemented.

There was a long list of substantive riders on the appropriation which more closely regulated both the legal and administrative operations of nonprofit law firms receiving LSC funds. These included prohibiting class actions, or the claiming and collection of attorney's fees, and representation of anyone in jail or prison.

In order to streamline the client intake process, LAND transitioned into a *centralized intake system* with one toll-free number. That unit is located in the Minot office. The goal is to provide an increased ability to provide more comprehensive client services, while at the same time, keeping access to LAND simple and quick for applicants.

### Legal Services of North Dakota

Legal Assistance of North Dakota, Inc. (LAND) and North Dakota Legal Services (NDLS) of New Town consolidated January 1, 2004, to form a statewide civil legal services program. The new program is named Legal Services of North Dakota (LSND). LSND serves all 53 North Dakota counties and the three northern Indian Reservations in the state. The Standing Rock Sioux Reservation continues to be served by Dakota Plains Fort Yates Office.

LSND has its administrative office in Bismarck with regional law offices located in Fargo, Minot, Bismarck, Grand Forks, New Town and Belcourt. Jim Fitzsimmons was appointed the Executive Director of the statewide program.

Following Jim Fitzsimmons' death in 2015, Richard LeMay, Litigation Director in the Minot Office, was hired as Executive Director. LSND continues to work to increase visibility and to improve access statewide to our services.

**LSND**  
**Senior Legal Helpline**  
**1-866-621-9886**  
**8-5 Mon, Tues, Wed, Thurs**

---

**LSND**  
**General Intake**  
**1-800-634-5263**  
**9-3 Mon, Tues, Thurs**

## A Student Extern's Perspective

Legal Services of North Dakota Grand Forks Office, located in the UND School of Law building, provides law students the opportunity to experience working with real cases and clients while on campus. Steven Stadnyk was a student extern with our office during the Spring 2019 semester. Steven recounted his experience with our office as follows:

“My goals this semester were pretty broad—I wanted to have some kind of interaction with clients, and expose myself to as many varieties of law that I could. I love to learn, and Legal Services helped me do that.”

The externship experience “was a good balance of fun and educational. I say fun because my supervisors and co-externs were a pleasure to work with and were always willing to lend a hand when I required a ‘learning’ moment. At my previous externship, I got to see a perspective from the judges point of view. “At Legal Services, I was able to see a totally different side: that of a lawyer with clients who are in need of help.”

“I was able to observe a few client meetings and was eventually given an opportunity to lead a client meeting of my own.

My supervisor, Breezy Schmidt, was there making sure I kept on track and she jumped in to save me a few times.” I started the externship with two cases and ended with about five or six active cases. I was assigned tasks “that involved drafting client letters, health care directives, or requests for information from various government agencies. By doing these tasks, I had to learn how to quickly prioritize which tasks should be done first.”

Overall, it was a great experience and I would recommend any law student to extern with Legal Services for at least one semester. Aside from seeing the day to day functioning of a law office, “a student is also able to help low income clients who genuinely need legal assistance and cannot get it anywhere else.”

By: Breezy Schmidt and Steven Stadnyk

*Steven graduated from UND School of Law in May 2019 and has recently taken the North Dakota Bar Exam.*



## Turtle Mountain Juvenile Court

We represented a thirteen year old juvenile in a Tribal Court juvenile proceeding. The client had ongoing behavior issues while living with the parent and two younger siblings.

There were prior issues in the home that resulted in an eviction. The client, mother and younger siblings were living with relatives.

Upon moving to a low-income housing unit, client became involved with other juveniles that were involved in criminal activity. This led to the parent having no control over the juvenile's behavior.

The client had anger issues that resulted in physical, violent behavior toward family. The most recent incident involved the client continuously consuming alcohol, repeated issues with substance abuse, involvement in theft of a vehicle, refusing to attend school and being defiant at home.

If the client did attend school, this usually had an end result of referrals for behavior. The client believed there would be no accountability for the behavior. After having been charged with a non-status offense, countless referrals, proceedings commenced in juvenile court.

We helped obtain wrap around services, referrals to mental health and following up with any recommendations. We assisted through the entire juvenile process in Tribal Court and completed a follow up review hearing.

The client's charge was dismissed due to being in complete compliance with all recommendations. Ultimately, the client completed all requirements and is involved in a wrap around program that continues to monitor and provide services.

The client has obtained mental health services, attends therapy sessions on a regular basis, medication services were provided and is enrolled in a substance abuse program. The client continues to thrive and is doing exceptionally well in school and has passed all the courses. To date there have been no juvenile referrals or any other issues.

Written by Rhonda Belgarde, Tribal Advocate,  
Belcourt Legal Services Office



## Housing Assistance/Eviction

The client contacted LSND regarding a Notice to Quit and Vacate received from the Minot Housing Authority (MHA). The lease termination was due to an incident that allegedly caused serious damage to the dwelling unit.

MHA believed the client had ripped the bathroom sink off the wall causing water damage to several units on floors below the client's unit.

The client adamantly denied the allegations and explained that the sink was merely bumped when it fell off the wall. LSND contacted MHA and requested the client be given an informal hearing regarding the issue. The informal hearing request was approved and later scheduled.

The client provided LSND with maintenance requests and work orders showing that the sink had previously fallen off the wall the month prior to the incident.

Additionally, the client provided pictures of the sink on the floor and the current state of the wall it was mounted on. After reviewing the documents provided, LSND researched the proper procedure for wall mounted sink installations.

Research revealed that a properly installed sink would have two bottom anchors securing the sink to the wall. The pictures provided by the client show no holes drilled into the wall where anchors would be placed.

LSND contacted MHA and expressed the belief that the prior maintenance done by MHA maintenance workers had failed to properly secure the sink to the wall.

MHA after being contacted revoked the eviction and cancelled the informal hearing. The client was allowed to stay in his residence and was relieved of any liability to pay for damages resulting from the improperly installed sink.

Further, MHA replaced similarly installed sinks in multiple other units as a result of correspondence with LSND.

Article by Mallory Block, Law Clerk, Minot Legal Services Office

### **LSND** **BOARD OF DIRECTORS:**

Wade Enget, President  
Stanley, ND

Laurel Forsberg, Vice President  
Williston, ND

Mary Kae Kelsch, Secretary/Treasurer  
Bismarck, ND

Jim Wang  
Minnewaukan

Robert Manly  
Fargo, ND

Tracy Laaveg  
Park River, ND

Paul Murphy  
Carrington, ND

Lisa Tomlinson  
Benedict, ND

Gary Ramsey  
Dickinson, ND

Bob Woods  
Fargo, ND

Lenora Kutz  
Jamestown, ND

## Legal Services Outreach Calendar

### **Belcourt (Senior Outreach) (Tuesday 10:00 AM - 11:00 AM)**

Retirement Home: 1001 Louis Riel Drive  
Contact Audrey Morin @ (701) 477-5366



### **Bismarck (Second Wednesday of each month 1:30 PM - 3:00 PM)**

Burleigh County Senior Center: 315 N 20th Street  
Contact Jamie 701-222-2110 Ext. 303 for appointment

### **Devils Lake (Third Wednesday of each month 10:00 AM - 3:00 PM)**

Devils Lake Senior Center: 202 4th Avenue (10:00 AM - 12:00 PM)  
Dakota Prairie Community Action: 223 4th Street NE (1:00 PM - 3:00 PM)

### **Fort Totten (Every other Monday 10:00 AM - 2:00 PM)**

Cankdeska Cikana Community College Room A14, 214 1st Avenue

### **Grafton (Second Wednesday of each month 10:00 AM - 3:00 PM)**

Grafton Armory: 5 E 4th Street (10:00 AM - 12:00 PM)  
Walsh County Social Services: 516 Cooper Avenue #101 (1:00 PM - 3:00 PM)

### **Grand Forks (First Thursday of each month 10:00 AM - 12:00 PM)**

Red River Community Action: 1013 N 5th Street

### **Jamestown (Fourth Wednesday of each month 1:00 PM - 2:30 PM)**

Senior Center: 419 5th Street NE

### **Mandan (Third Tuesday of each month 2:00 PM - 3:00 PM)**

Mandan Golden Age Services: 301 - 15th Street NW  
Call (701) 663-6528 for appointment

### **Minot (Second and Fourth Wednesday of each month 11:00 AM - 12:00 PM)**

Milton Young Towers: 310 2nd Street SE (Second Wednesday)  
Coalition on Aging: 21 1st Avenue SE (Fourth Wednesday)

### **New Town (Thursday 10:00 AM - 12:30 PM)**

Fort Berthold District Court: 609 Main Street

### **Valley City (Fourth Wednesday of each month 10:00 AM - 11:30 AM)**

South Central Senior Services: 139 2nd Avenue SE  
Contact Dolly at 1-800-472-0031 for appointment

### **White Shield (Third Wednesday of each month 10:30 AM - 3:30 PM)**

Senior Center: 2 Central Main Street

### **Williston (First Wednesday of each month 10:00 AM - 2:30 PM)**

Community Action: 120 Washington Avenue (10:00 AM - 12:00 PM)  
Heritage Center: 18 Main Street (1:00 PM - 2:30 PM)

Materials prepared by Mary Jo Ripplinger, Minot Legal Services Office



**LEGAL SERVICES**  
*of North Dakota*

*418 E Broadway #25  
Bismarck ND 58501-4086  
(701) 222-2110*

[www/legalassist.org](http://www/legalassist.org)

*The Legal Services Sentinel is published by Legal Services of North Dakota, 418 E Broadway #25,  
Bismarck, North Dakota 58501-4086., Audrey Solheim, Editor; Mary Jo Ripplinger, Assistant*