



LEGAL SERVICES
of North Dakota

THE LEGAL SERVICES SENTINEL

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Redeveloping Our Community Legal Services in Grand Forks

By Breezy Schmidt, Managing Attorney



Since its incorporation in 2004, Legal Services of North Dakota (LSND) has had offices located in North Dakota's largest cities, Fargo, Bismarck, and Minot. The exception was Grand Forks, the third largest city in the State. Until recently, the Fargo office was tasked with handling the Greater Grand Forks area and the Northeast quadrant of North Dakota. It was a tall order to fill for LSND's smallest office. That has all changed thanks to the Bank of America settlement and the North Dakota Bar Foundation.

LSND's Executive Director, Richard LeMay, believed the Northeast quadrant to be under-served and dreamed of one day opening an office in Grand Forks. His chance came when North Dakota was awarded settlement funds from a nationwide lawsuit against the Bank of America. The funds were available in the form of a grant to legal aid organizations for the purpose of community redevelopment legal assistance and services or mortgage foreclosure prevention and related legal assistance.

In the meantime, North Dakota's only legal education program, the UND School of Law, was undergoing hefty higher education funding cuts from the State Legislature. As part of the funding cuts, UND School of Law had to make a very difficult decision to put its clinical educational program on hiatus for two years effective June 30, 2017. The clinical program provided UND law students hands-on legal experience in an academic environment. Around that same time, the American Bar Association (ABA) issued a mandate that law students attending accredited legal education programs must undertake a minimum of six (6) experiential credits as a requirement for graduation.

LSND and UND School of Law collaborated to join forces. UND agreed to allow LSND to use the UND School of Law's clinic space. LSND agreed to provide hands-on legal experience to law students through an expansion of the externship program. In April 2017 the vision became a reality. The ND Bar Foundation awarded LSND nearly \$1 million in grant funds to open an office in Grand Forks.

LSND immediately began preparing to open the new office which, in addition to traditional legal services to low income and seniors, will focus specifically on housing and community redevelopment. Breezy Schmidt, LSND attorney from the Minot Office was recruited as the Managing Attorney for the Grand Forks Office. Recognizing the need for a second attorney, LSND recruited John Best, a UND Law alumnus familiar with Northeast North Dakota. The Grand Forks office has recently added Mandi Olson, as secretary/paralegal to the team.

Grand Forks Office, continued from Page 1

Meanwhile, outreach began long before opening the new office. LSND attorneys reached out to community organizations in the Northeast region to inform them of LSND's upcoming office and to begin fostering new partnerships. The physical expansion to Grand Forks began the beginning of August and the doors officially opened on August 22, 2017.

The focus now is to boost outreach in the Northeast. Outreach is scheduled in Grafton at Walsh County Social Services on the second Wednesday of each month from 1:00 p.m. to 3:00 p.m., at the Red River Community Action Center on the first Thursday of each month from 10:00 a.m. to 12:00 p.m., and at the Grand Forks Senior Center on the third Thursday of each month from 9:30 a.m. to 11:30 a.m. Walk-ins are welcome at all

outreach locations. LSND is assessing the need for outreach in other locations as well.

The new office is becoming familiar with the unique needs of the population in the area. Significantly, in Grand Forks 20% of the population has an income below 200% of the federal poverty level. In other words, one in five people living in Grand Forks is low-income. In addition, the Northeast region has large New American, refugee, and agricultural worker populations with limited English proficiencies, as well as a large student population.

The Northeast has a new set of challenges and LSND is ready and eager to help. Within one month of opening, the Grand Forks Office has already taken on 16 cases and closed its first two cases. Going forward, LSND will begin gearing up for law student externships to start after the beginning of the new year.

LSND Winter CLE

Legal Services of North Dakota will be presenting its annual Winter CLE at the Bismarck Radisson Hotel. The CLE will include a three-part guardianship presentation: The Petitioner, The Visitor, The Judge.

There will also be a session on Elder Abuse.

There are 5.5 hours of CLE Credits available and CEU (for Social Workers) will also be provided.

Registration either by e-mail wrhoads@legalassist.org or by phoning 701-222-2110 ext. 314.

North Dakota is working hard at improving our guardianship process. Towards that end, we need more attorneys and social workers to be comfortable with the process and to volunteer to help our vulnerable neighbors in need of this service. Please attend this CLE and become one of North Dakota's panel of volunteer lawyers and social workers.



Legal Services Corporation Visits North Dakota September 2017



Jim Sandman, President of the Legal Services Corporation, addressed our board and staff at our meeting the end of September. Other LSC personnel who joined him in his visit to North Dakota include: Grayce Wiggins, LSC Program Counsel and

William Sulik, Office of Compliance and Enforcement, as well as Janice Fontell, Fiscal Compliance Analyst.

North Dakota guests of honor included Chief Justice of the Supreme Court Gerald VandeWalle, President of the ND Bar Foundation Jack McDonald, and Executive Director of the State Bar Association Tony Weiler all of Bismarck.

James J. Sandman has been president of the Legal Services Corporation since 2011. He practiced law with Arnold & Porter LLP for 30 years and served as the firm's managing partner for a decade. He is a past president of the 100,000-member District of Columbia Bar and a former General Counsel for the District of Columbia Public Schools.

President Sandman gave an inspiring talk on the value of legal aid services to the low income and elderly of our community. He is totally committed to helping those in need.

**Below—LSND Board with
Jim Sandman and
Chief Justice VandeWalle**

**Below—LSND
Staff with
President Jim
Sandman**



Medicare Scam

The new Medicare cards will automatically be mailed to all 58 million current beneficiaries. The cards arriving next year will no longer display Social Security numbers, a move designed to protect against fraud and identity theft.

Identity theft has been on the rise among those age 65 and older. According to the latest figures from the Department of Justice, the number of cases reached 2.6 million in 2014, up a half million incidents in just two years.

Here's what you need to know about the new cards:

- The Centers for Medicare & Medicaid Services (CMS) will begin mailing the cards to beneficiaries in April.
- The cards will automatically be mailed to all 58 million current beneficiaries. You don't need to do anything special to receive one.
- The new cards will feature a randomly assigned Medicare Beneficiary Identifier



(MBI) made up of 11 letters and numbers such as 1EG4-TE5-MK73

- Your benefits won't change under the new MBI.
- Scams relating to the new card are already surfacing. Some Medicare recipients report getting calls from scammers who tell them that they must pay for the new card and then ask them for their checking account and Medicare card numbers. Don't give out either number.



From the Deputy Director's Desk

By Adele Page

On September 29th the LSND Board and management staff gathered to plan strategically for the future of the organization. The planning was facilitated by Authenticity Consulting, LLC, specifically Carter and Teri McNamara. This skilled team led a day of small and large group discussions that resulted in distilling the wisdom of decades of Board and staff experience in the legal aid world.

Ultimately, a five-year Strategic Plan will emerge from this endeavor. It was a day of thoughtful discussion, laughter, and a bit of discovering that we have some talented pipe cleaner artists among us! Teri claims that using our hands to be creative helps us to think.

Common themes and issues to tackle for the future include: diversifying and strengthening our funding sources to better enable us to increase staff, improving salaries, and providing more services to those we serve. We recognize that we need to work upstream on our client's problems to more effectively tackle the high-priority civil issues they face.

Helping to guide us through this process was data accumulated through a Civil Legal Needs Assessment distributed to over 4500 stakeholders and clients. The Assessment overwhelmingly confirmed that the highest priority issues for our clients are family law, domestic violence, housing, and elder law.

Significant to all of the issues identified – funding, morale, etc. – is the need to improve our public image. We legal aid attorneys are silent folks. Many in the public do not know of us or if they do, they don't know exactly what we do. Two things were confirmed: our clients appreciate what we do, and we have great staff. So prepare for the future because we plan on being out there to let you know about all of the great things we do and that excites us. We are lions, hear us roar!

Staff Creative Artwork with Pipe Cleaners!



New Staff at Legal Services

Introducing Annique Lockard - Staff Attorney in the Bismarck Law Office



Annique lives in Bismarck with her husband, Mike, and cat, Sofia. She graduated from the Minot State University program at Bismarck State College with a B.S. degree in criminal justice.

After graduating, she attended the University of North Dakota School of Law receiving her JD in May 2016. She is currently licensed to practice law in North Dakota.

During law school Annique was a summer law clerk at LSND's Fargo office. She also served as a legislative intern for the 2015-2016 North Dakota Legislative Session and was Managing Editor of the North Dakota Law Review.

After law school Annique worked in private practice, primarily focused in the area of family law. She joins LSND's Bismarck Law Office as a staff attorney practicing in a variety of legal areas such as juvenile defense, elder, family, domestic violence, collections, and housing. She is very excited to be a part of Legal Service of North Dakota providing professional legal services and equal justice to those in need.



Introducing Britney Thompson - Law Clerk in the Minot Law Office

Britney is a recent graduate from UND Law School. She grew up in Herndon, Virginia with her parents, two older brothers, and four dogs. Britney's father is retired military. He met her mother in North Dakota and most of her family is in North Dakota, where she chose to make her home.

Britney graduated high school in 2010 and moved to North Dakota where she attended Minot State University. Graduating from Minot State in 2014 with a degree in Criminal Justice, she decided to stay close to her family and still pursue her dream of becoming a lawyer by attending the University of North Dakota Law School.

Britney says that when she was growing up she always wanted to be a lawyer. She learned that she had an interest in helping those that don't always have the resources for legal help and are not always aware of the resources that are available. Britney came to LSND with this mind set. She wants to help make a difference in other people's lives, and she knew that LSND was where she was meant to be. She said it is a place where she can learn and grow as an attorney and professional. Britney says she is excited to start off her legal career with LSND!



New Staff at Legal Services, continued

Introducing Jack Best - Staff Attorney in the Grand Forks Law Office



John “Jack” Best was born in Naperville, Illinois. At a young age he moved to Shakopee, MN where he spent the majority of his youth. He graduated with the class of 2009 from North Dakota

State University, where he received a BS in political science with a minor in philosophy. In 2012 Jack earned his JD from the University of North Dakota School of Law.

Prior to his employment with Legal Services of North Dakota Jack spent time working as an attorney in Grand Forks and Fargo. His practice primarily focused on criminal defense, representing privately retained clients as well as clients assigned through North Dakota’s Commission on Legal Counsel for Indigents. He most recently worked for a legal outsourcing firm in Fargo, where he provided legal services for a major financial firm.

Jack has always had a strong desire to help others. He was drawn to Legal Services by the opportunity it offers him to help clients that may not be able to find representation with a private attorney. He enjoys the freedom to focus on a client’s needs without having to worry about how much money they have available in their retainer.

Although Jack has not been with Legal Services long, he has already learned much about the organization and its mission. He has also enjoyed working with, and learning from, the office’s Managing Attorney, Breezy Schmidt. She has taught him a great deal about how to best serve a client’s needs with access to limited resources.



One of the greatest benefits Jack has found about working for Legal Services is the balance it allows him to maintain between his professional and private life. Jack spends his time away from the office with his supportive fiancée, Melissa, their two wonderful children, Chase (6) and Ava (4), and a beautiful English Cream Golden Retriever named Nevaeh. Melissa is currently a full-time nursing student at Minnesota State Community and Technical College and works part-time at Sanford in Fargo. She has been supportive and understanding of Jack’s desire to work for Legal Services, even when it involves him commuting two hours a day. In his free time Jack enjoys biking, swimming, and camping with his family.

Jack is excited to be back in the Grand Forks community. He looks forward to the new opportunities and challenges working for Legal Services of North Dakota will bring.



New Staff at Legal Services, continued

Introducing Patricia Castro – Staff Attorney Bismarck Law Office



Patty is originally from Winnipeg, Manitoba. She obtained her Bachelor of Arts Degree in History and Political Science from the University of Winnipeg and came to North Dakota for Law School. Patty graduated from the University of North Dakota School of Law in May, and was sworn into the North Dakota Bar in September of 2017.

While in law school, Patty was a member of the University of North Dakota Trial Team, competing in several competitions against law schools in the region. Aside from Trial Team, she worked for the Grand Forks Public Defender's office, the Grand Forks States Attorney Office, and the Equal Employment Opportunity Commission for the University of North Dakota.

Patty says she came to work for Legal Services of North Dakota because she knew that she would be doing great work for her community, and it was work for which she had a passion.

During law school, Patty had the opportunity to work for the Law Clinic, in the Immigration section, and there she developed a deep passion for the work she was doing. Being an immigrant herself, she recognized the need in the community for committed individuals who would be able to assist others to navigate the complex system.

In large part, Patty says that's why she came to Legal Services. She knew that she would be able to continue working in Immigration law, but also work in other areas of law that require capable and committed legal professionals.

While Patty has only been working for LSND for a short while, she says it has been an incredible learning and growing experience. She is reminded every day that she made the right choice to come and work here.

Staff and Board at Strategic Planning Session



MARCEY'S LAW

This past November the voters of North Dakota overwhelming voted to amend the North Dakota Constitution to add Section 25 to Article I Declaration of Rights. The amended section referred to as “Marcy’s Law” made certain victims rights constitutional in North Dakota.

Because it is a constitutional change and not a statutory change with legislative history to determine its meaning, Section 25 is subject to being interpreted more broadly or narrowly depending a particular Judge’s viewpoint on the constitution. A judge may take an expansive view that Section 25 is a step for fairness in the courts while a judge across the hall may choose to restrict the interpretation of Section 25 to prohibit it from conflicting with other constitutional or statutory rights.

Until either the federal court system or the North Dakota Supreme Court weighs in on how they interpret Section 25, legal practitioners with unresolved issues are likely to explore new ideas on old arguments.

Will we see crime victims request their own attorney to represent their interests in criminal proceedings? At first blush such an argument for a victim attorney makes no sense.

The State’s Attorney handles legal representation in a criminal case, but the States Attorney represents the state and not the victim. Perhaps victims worry they are not being heard, thus making it realistic to request an attorney to represent their interests in a criminal trial.

But who would pay for the victim’s lawyer? Section 25 does not provide for a court-appointed lawyer, but Section 25 does say a crime victim is, “protected by law in a manner no less vigorous than the protections afforded to criminal defendants and delinquent children.”

Because a delinquent child and a criminal defendant are entitled to their own court-appointed attorneys it would not be such a stretch to have a court-appointed attorney for a victim, thus opening the door for North Dakota to recognize “civil Gideon.”

Gideon v. Wainwright is the US Supreme Court case that recognized a criminal defendant’s right to an attorney.

The recognition of civil Gideon would allow low-income people to have access to court-appointed attorneys in civil proceedings when basic needs are involved, such as health, safety, shelter, and custody of their children. The recognition of a civil Gideon has been a long time goal for many, me included. Perhaps Section 25 will be the catalyst to bring this change.

This article was written by Brad Peterson, Attorney in the Bismarck Law Office.



Connect with LSND

Community Education

Legal Services of North Dakota will provide speakers for your agency/organization on specific topics affecting low-income and/or elderly people or on civil legal services in general.

We also have a number of brochures that are available on various topics relating to problems with which our clients are faced.

To obtain these public awareness materials or to have someone come and address your group, please contact our Administrative Office—
Phone 701-222-2110.



LSND is on Facebook!

Follow us on our Facebook Account and we'll keep you up-to-date with our news and information!

**LSND
Senior Legal Helpline
Number
1-866-621-9886**



You Can Donate to Legal Services of North Dakota

As a nonprofit organization, Legal Services of North Dakota (LSND) relies on contributions to continue providing free legal services to low-income and elderly North Dakotans. Any donation, large or small, supports the vital role we play in the struggle for equal justice.

LSND is a 501 (c)(3) organization, meaning that all contributions are fully tax deductible. You can either make your check payable to Legal Services of North Dakota which can be sent to us at:

**Legal Services of North Dakota
418 E Broadway #7, Bismarck, ND 58501**

or

You can go to our Donate Button on the home page of our website www.legalassist.org





LEGAL SERVICES
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OUTREACH*

Listed below are the cities and locations where Legal Services of ND conducts legal outreach. The dates and times vary; however, if you check our web site at www.legalassist.org, under the Legal Outreach Calendar you will find a current schedule complete with dates and times.

**Outreach involves our attorneys and paralegals going into the rural areas of our state to provide needed legal help and community education.*

City	Location
Belcourt	Legal Services Office
Belcourt	Retirement Home
Bismarck	Burleigh County Senior Center
Devils Lake	Senior Center
Devils Lake	Dakota Prairie Community Action
Fargo	YWCA Shelter
Grafton	Walsh County Social Services
Grand Forks	Senior Center
Grand Forks	Red River Valley Community Action
Jamestown	James River Senior Citizens Center

City	Location
Mandan	Golden Age Services Senior Center
Minot	Commission on Aging
Minot	Milton Young Towers
New Town	Legal Services Office
Spirit Lake	Cankdeska Cikana Comm. College
Valley City	South Central Senior Center
Wahpeton	Community Center
White Shield	White Shield Senior Citizens Center
Williston	Community Action/Heritage Center

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www/legalassist.org

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1-800-634-5263

Senior Hotline

1-866-621-9886

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