



LEGAL SERVICES
of North Dakota

THE LEGAL SERVICES SENTINEL

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LSND's Bismarck and Fargo Offices Both Move



Bismarck and Fargo offices of Legal Services of North Dakota will be completely relocated by the 1st of the year. The Fargo office of LSND had been in the Black Building on Broadway since the Fall of 1997.

The Bismarck office of LSND was located in the Plaza Office Building on 3rd Street across from St. Mary's High School going back about 30 years.

Fargo moved its office to the Manchester Building in early November. The new office is located at 112 North University, Suite 220 on the second floor. Fargo staff includes attorneys Steve Simonson and Adele Page, two legal assistants and two interns from the University of North Dakota School of Law.

The Bismarck office of LSND is scheduled to move about the 20th of December to the corner of 5th and Broadway. The office will be located on the main floor of the City Center Plaza and the street address is 418 East Broadway, Suite 7.

The Bismarck office houses both the Bismarck Law Office, with attorneys Brad Peterson and Mikayla Jablonski Jahner and two legal assistants; and the Administrative Office of LSND.

According to Executive Director Jim Fitzsimmons, "It was an odd coincidence that both offices would move at essentially the same time. We had been looking for new office space in Fargo for a couple of years and finally found the right spot.

As far as Bismarck goes, the building was sold to a local business and our lease was coming due so we had to do some scrambling. Nobody likes to move in the winter, but I think this will turn out well."

Inside this Issue

Offices Moving	1
A View From the Top	2-3
Mel Webster	3
Child Trafficking	4
Job Services	5-6
Take Back Our Community	7
Phone Scam	8
Fair Housing	8-9
Consumer	10
McEvers/Maring	11
Charitable Contributions	12
Alzheimers	13
Strategic Planning	14
Outreach Schedule	15



Best wishes for a holiday filled with all your favorite memories!





A View From the Top

By: Jim Fitzsimmons, Executive Director

Ho, ho ho!
Santa Claus



A long time ago (the 1970's), I spent my winters in Grand Forks attending college and law school. College was a lot more fun than law school. My memories of college include the Red Pepper, Whiskey Palace, Crispy Critters and a few other names that occasionally pop into my head that I've long since forgotten what they were associated with. I do recall going out to Missoula, Montana, one spring break and not making it back to Grand Forks until finals week. I kept getting distracted along the way back – Billings, Belfield, Dickinson, Mandan, Fargo, etc.

Eventually I graduated (some say by accident) and started law school. I think I've tried to block out most of those memories, but occasionally I still wake up in the middle of the night with visions of Professor Kraft pontificating on torts or me staring blankly at one of those "blue book tests" unable to recall anything on the topic. I remember playing on a law school softball team, and they stopped one game because no one on the opposing team believed I was actually a law student. A good lawyer, even back then, Darrold Perrson, quickly found someone beyond reproach who could vouch that I was actually enrolled in the law school and the game continued. I am not sure why it was such a big deal; I wasn't that good of a softball player.

In order to support my education and extracurricular activities in the winter, I worked highway construction for my Dad during the summer months. To say the highway construction industry was more conservative than I was, is the understatement of the century. My hair was too long, my politics were to the left of Jane Fonda and Ralph Nader, and I could not keep my mouth shut. I recall one co-worker named Roger, who simply hated me. Once I asked him why, and when you remove all the stammering and expletives from his answer, it came down to I was "the poster child for everything that was wrong in America."

I'm sure my Dad took his share of grief from the company because of me and my views as well as my immaturity. But he hung in there with me, as he always did, and eventually – thanks in part to those summer jobs – I graduated again. But let's digress a moment.

The summer of 1972 took me to Ray, Tioga and Williston in northwestern North Dakota. Yes, the same Ray, Tioga and Williston that are now in the center of North Dakota's great oil boom or regional devastation, depending on your point of view. My memories of those towns and that summer are great....rural America at its best.

In Ray I stayed in the upstairs of an elderly widow's house. She did my laundry and packed me lunch every day. I think the charge was \$20 a week!

In Tioga I developed hand signals with the waitresses at the local drive-in. One finger was a hamburger, 2 fries, 3 a Coke, etc. I'd drive by on the equipment, flash them the numbers, and the next time I came by they'd run out and toss me the food. At the end of the day, I'd stop and pay them. The road foreman had a problem (actually lots of them) with his equipment sitting idle in front of a drive-in restaurant during the working day – so we improvised. >>

In Williston we paved what was called the Foster Addition. I spent a month at a nice place called the El Rancho Motel. Just a quiet simple life and there were some good people on that construction crew like John Weir and Deb Burgess. >>

That was some forty years ago. Since then I've practiced law, got married, raised kids, taught college and a whole host of other things. Everything I've done has been my choice, my decision, and ultimately my responsibility. I've made enough mistakes for three lifetimes and even made a few good decisions along the way. >>

(continued on page 3)

Mel Webster Is Back

by University of North Dakota School of Law Students
Magdaleno Gutierrez, Austin Lafferty, and Brittany Wollin

When Melvin Webster retired from his legal practice, he did not envision returning to work. But Webster's desire to give back to his community made him search for a way to remain involved. Rule 3.1 of the North Dakota Admission to Practice Rules gave Webster that opportunity.

Rule 3.1 became effective on March 15, 2009. The Rule authorizes a lawyer to volunteer to provide civil legal assistance, under the supervision of an approved legal services organization, to individuals who are unable to pay for such services. On September 20, 2013, Webster became the first lawyer authorized to practice under the Rule in North Dakota.

Rule 3.1 allows lawyers to give back to the community by volunteering their services to bolster the limited resources of important legal services organizations. One such organization is Legal Services of North Dakota. Due to federal funding cuts, Legal Services is facing an ongoing struggle to staff its multiple locations across North Dakota. So, in August 2013, Legal Services became an "approved legal services organization" under the Rule.

A Lifetime of Experience

Webster was born and raised in North Dakota. After working on his family farm, and later as a teacher, he decided to pursue a law degree at the University of North Dakota School of Law. Webster views his experiences on the farm and as a teacher as instrumental in shaping the way he sees the legal profession. He believes working hard is the way to improve one's lot in life and help better others' lives.

After retiring, Webster felt he owed something back to the community. He found volunteering with Legal Services was his way to give back. Webster had worked as a legal intern for Legal Services for two summers while attending law school, focusing primarily on guardianship matters. His work with Legal Services provided the stepping-stone for his legal career. Now, Webster's volunteer work with the organization will again include guardianship cases, bringing him full circle back to the work that launched his career as a lawyer.

According to LSND Executive Director Jim Fitzsimmons, "Mel Webster was a class act when he was actively practicing. His ethics, legal competency and integrity make him the kind of lawyer we look up to. We are fortunate to have him on board."

(Continued from page 2)

But it is different for the folks I met in Ray, Tioga and Williston, their children and grandchildren. As this oil boom has steam-rolled into North Dakota, those folks have watched their world change radically for the worse. The traffic death of friends, harm to the environment, out-of-control costs of basic necessities like food and shelter, man camps, transients, felons, sex offenders, human trafficking, oil spills, drugs and still more drugs have changed their world forever. These are not changes ***they are responsible for***, but they were forced upon them.

They must now live with the consequences and make no win decisions for the sake of their families. Do they stay, do they move, what if they are elderly, widowed? As one resident said, "this is no longer home, it is an invaded land that brings monetary benefit to many and human suffering and tragedy to way too many others."

They will be in my thoughts and prayers this ***holiday season***. The price of oil is a lot more than \$110 a barrel. There is a human cost that is not measurable in dollars.

Oil Boom Brings Human Sex Trafficking and Prostitution to North Dakota

“Anyone who does not realize that our hometowns in western North Dakota are developing big-city crime problems has not been paying attention,” said U.S. Attorney Tim Purdon.

One of the most significant negative impacts of the oil boom in North Dakota is the prostitution and sex trafficking it has brought into our state. Throughout western North Dakota law enforcement has made efforts to put a dent in the prostitution and prosecute those involved.

In November an online sex trafficking sting in the Dickinson area resulted in eleven men being charged with sex trafficking of children.

Sex trafficking amounts to modern day slavery. Traffickers use force, fraud and coercion to control their victims and market them for sex. Trafficking can and does occur in western North Dakota in multiple locations, especially rest areas, truck stops, restaurants, strip clubs and private homes.

Often the victims of sex trafficking are minors and/or may not have good command of the English language.

According to Linda Isakson, Assistant Director of the North Dakota Council on Abused Women’s Services [NDCAWS], “Law Enforcement and Human Services organizations need to work together in order to address this situation in our state.”

If you see a suspicious situation, keep in mind victims generally:

- Lack knowledge of their community or whereabouts
- Not in control of own identification documents (ID/passport)
- Restricted or controlled communication - not allowed to speak for self
- Fearful demeanor, depression, submissive, tense, nervous

If you suspect a minor is working or suspect pimp control, you can call the National Hotline 1-888-373-7888 and report it. If you call the hotline, they will call the FBI and local police to deal with the trafficker and rescue the victim.

Approaching the trafficker is dangerous for you and the victim, and could lead to problems in eventual prosecution of traffickers.

{Excerpts from Make the Call, Save Lives. From Truckers Against Trafficking}

LSND is now on Facebook! Follow us and we’ll keep you up-to-date with our news and information. It is a chance for you to let us know what you think, too. We always appreciate your comments. If you are already set up with a Facebook account, simply head to our Facebook page (Legal Services of North Dakota), and click the ‘like’ button. If you don’t have a Facebook account yet, you can sign up for a free account and then follow the directions above.



What Happens If You Get A Notice of Overpayment from Job Service North Dakota?

By Renee Charon and Adele Hedley Page

The stress of unemployment can be overwhelming. The bills keep coming in and the job search must begin. But first, you must apply for unemployment benefits. Unemployment insurance is for most unemployed individuals a key life preserver while searching for a new position.

On top of mounting financial insecurity and searching for new employment, the application process for unemployment benefits can be intimidating. There are multiple deadlines and tasks that must be completed. Sometimes your former employer objects to your receipt of benefits. Sometimes you disagree with a decision made by Job Service. When either you or your former employer disagrees with a Job Service decision, you have certain appeal rights. You must follow the exact process or risk waiving your rights. What then happens when at this tumultuous time you get a “notice of overpayment” from Job Service?

The law surrounding unemployment benefits and overpayment is complex. This article addresses how overpayments occur, how long you have to repay the overpayment, what to do if you cannot afford to repay the overpayment, and how to apply for a waiver of overpayment.

How do overpayments occur?

An overpayment of unemployment benefits occurs when benefits are paid to an individual and it is later determined that the individual was ineligible for those benefits. Some of the most frequent reasons for overpayment are (1) failure to report gross earnings correctly, (2) being paid benefits and later being disqualified because

eligibility requirements were deemed to have not been met, (3) additional pay such as back pay or severance is received from the former employer, and (4) misrepresentation in the application for benefits. An overpayment determination does not necessarily mean that the claimant for benefits did something wrong.

The federal government under the Federal Unemployment Compensation Act (FUCA) allows states to establish their own procedures for reclaiming this overpayment. 42 U.S.C.A. § 503.

North Dakota law provides that, “a person who has received any amount of benefits under the North Dakota unemployment compensation law to which the person is not entitled shall be liable to refund the bureau for the fund the amount so paid.” (emphasis added) N.D.C.C. § 52-06-33.

A notice of overpayment letter is the letter that Job Service sends notifying you that you have received benefits to which you are not entitled and you are legally required to reimburse Job Service the amount indicated in the letter.

How long do I have to repay the overpayment?

If Job Service determines you were not at fault for the overpayment, you have 180 days to repay the overpayment without interest (this can be paid in a lump sum or in installments). Any unpaid amount after the due date determined by Job Service accrues interest at 1½% per month until payment and accrued interest are paid in full.

If Job Service determines a false statement was made to receive benefits, payment is due immediately and a penalty of 15% of the amount of the benefits overpaid will be charged. N.D.C.C. § 52-06-33.

(continued on page 6)

(continued from page 5)

What if I cannot afford to repay the overpayment?

Under North Dakota law, you may qualify for a waiver of overpayment if repayment would be against “equity and good conscience.”

N.D.C.C. § 52-06-33. Job Service of North Dakota does not have any statutorily or administratively mandated procedure for determining what type of factors should be considered in weighing “equity and good conscience.”

However, many other states have courts or legislatures that have established procedures that guide when a waiver of overpayment is proper. For example, the following are frequently deemed to be relevant to a determination of what is against equity and good conscience: the claimant’s ability to pay, see Giles v. Dir. of Labor, 621 S.W.2d 10 (1981); the claimant’s fault, see Serrant v. Virgin Islands Employment Sec. Agency, 57 F.3d 334 (3d Cir. 1995); the claimant’s receipt of public assistance, see Wells v. Everett, 635 S.W.2d 294 (1982); the claimant’s physical and mental disabilities; and the security of the claimant’s housing, see, e.g., Ill. Admin. Code Tit. 56, § 2835.45, Wash. Admin. Code 192-220-030, and La. Admin. Code Tit. 40, pt. IV, § 369.

The above factors may also guide North Dakota Job Service when its Waiver Committee determines whether to waive an overpayment for a claimant. Nonetheless, the above factors are not mandated by the North Dakota courts or legislature. Job Service is directed merely to make a determination whether collection would be against equity and good conscience. Nevertheless, it is wise to consider the existence of your ability to pay, fault, receipt of public assistance, physical and mental disabilities, and security of housing when determining whether to apply for waiver.

How do I apply for a waiver of overpayment?

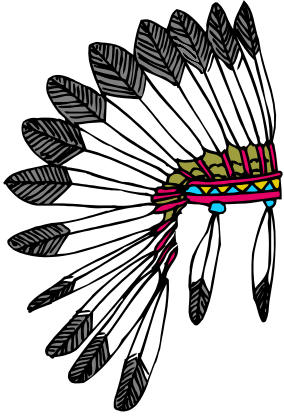
If you decide to apply for a waiver of your unemployment overpayment, collect the documents listed below and contact Job Service at 701-328-2818. Unfortunately, under the current state of North Dakota law, if your application for overpayment is denied, there is no right to an appeal. The documents typically requested by North Dakota Job Service are the following.

- ▶ A copy of your most current year’s tax returns (state and federal)
- ▶ Bank statements from the two most recent months
- ▶ Pay stubs from the two most recent months
- ▶ A financial statement listing all monthly income and expenses
- ▶ Any JSND medical statements you may have or are able to receive

In short, navigating the law surrounding unemployment benefits can add to the stress of unemployment. However, understanding how to address receiving an overpayment letter from Job Service is important to put a little order to chaos.



Merry Christmas!



Turtle Mountain says “TAKE BACK OUR COMMUNITY”

By Rhonda Belgarde, Tribal Advocate

On November 15th, community members, law enforcement personnel, youth members from local schools, federal agents and a panel of experts attended “Take Back Our Community,” a drug education forum held at the Turtle Mountain Community College. Presenters included Rolette County Sheriff Rodney Trottier, Bureau of Indian Affairs Special Agent Lenora Nioce, Indian drug and gang specialist Christopher Grant and Bureau of Criminal Investigations agent Craig Zachmeier. Coordinated by the Turtle Mountain Vocational Rehabilitation Project, presenters and the panel of tribal and state chemical dependency treatment professionals focused on the illicit drugs, gang education and the negative influences that are facing the Turtle Mountain reservation.

Trottier and Nioce opened the forum explaining that the number one killer on the reservation is alcohol. However, illicit drug usage is the second issue. It is taking hold of the community and no one is immune. According to Trottier, in the last three years, there have been about one hundred deaths in Rolette county. With those deaths, a toxicology blood draw is often done. Sadly, the results often come back as alcohol or illicit drugs in the system. Mr. Trottier stressed the importance of being proactive.

Additional information was presented by Christopher Grant. Mr. Grant is a nationally known Indian drug and alcohol specialist. In a recent assessment that he completed on the Turtle Mountain reservation this past December, it was indicated that there are some gang issues. However, the community coming together to deal with drug problems and heading off gang issues is the first

step. The fact that the community is interested in having this forum shows that they want to deal with these issues. And “getting into lives of young people, so that we break that cycle early” is one of the key issues.

While the oil boom has brought revenue, employment and opportunities into the state, there are also new elements that are coming into all communities. The reservation is not immune. While a vast majority of individuals are here to make a living and are law abiding, there are some individuals that aren’t. According to Grant, “there are some bad people because there is lots of money in terms of drugs, prostitution and some are gang involved.” Unfortunately, with the poverty rates, demand and jurisdictional issues, the Turtle Mountain Reservation is seeing those issues right in the heart of the community.

Perhaps the biggest eye opener of the forum was the presentation by Bureau of Criminal Investigator agent, Craig Zachmeier. Zachmeier shared recent prosecuted and non-prosecuted cases, large amounts of paraphernalia and narcotics that were seized on the Turtle Mountain Reservation and surrounding communities. He further noted there is currently no tribal drug investigator on the reservation. This is a huge issue because without an investigator, the problem will continue to grow.

Another issue is an overwhelming problem with prescription medication. It is quite clear that illicit drugs are a growing issue and that parents are not seeing the warning signs. “This is an epidemic,” stated Zachmeier, “We are way behind the drug trade.”

(continued on page 8)

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Throughout the day, speakers stressed what everyone must do as a community to win the war on drugs. The emphasis was that everyone has a responsibility in working to prevent the presence of drugs in the community. The consensus is that illicit drugs and alcohol continues to affect the children, elders and the community. Furthermore, the youth of the community are the most vulnerable.

The final portion of the presentation was the panel of tribal and state chemical dependency treatment professionals. All agreed that this is a problem and coming together to find alternative ways is a positive step moving forward. With the illicit drugs and gangs continuing to grow, there needs to be a three-prong approach. It begins with suppression, intervention and prevention. And in order for prevention to work, there must be education on drug usage including the youth. With the forum taking place on the Turtle Mountain Reservation, it is clearly a step in the right direction. It all starts with forums like this.

IRS Warns of Phone Scam



The IRS is warning the public about a phone scam that targets people across the nation, including recent immigrants. Callers claiming to be from the IRS tell intended victims they owe taxes and must pay using a pre-paid debit card or wire transfer. The scammers threaten those who refuse to pay with arrest, deportation or loss of a business or driver's license.

The truth is the IRS usually first contacts people by mail – not by phone – about unpaid taxes. And the IRS won't ask for payment using a pre-paid debit card or wire transfer. The agency also won't ask for a credit card number over the phone.

The IRS will never request personal or financial information by email, texting or any social media. Forward scam emails to phishing@irs.gov.

Fair Housing Law: Reasonable Accommodation Requests for Live-In Aides

By Breezy Schmidt, Staff Attorney

Federal and state laws prohibit housing discrimination against individuals who are members of protected classes. Individuals with disabilities are one such protected class. A disabled individual is defined as an individual who has a physical or mental impairment that substantially limits a major life activity. Examples of such impairments include: hearing, mobility, speech, vision, cancer, diabetes, epilepsy, chronic alcoholism or drug addiction, or chronic mental illness or handicap.

A disabled individual who is in need of a live-in aide may request a reasonable accommodation to change or alter a housing provider's rules, policies, practices, or services if necessary for the disabled individual to equally use and enjoy the housing. A housing provider may not require a disabled individual to pay extra fees or deposits as a condition of receiving the reasonable accommodation.

The United States Department of Housing and Urban Development (HUD) has implemented live-in aide regulations with which public housing authorities (PHAs) and federally subsidized housing providers are required to comply. Notably, the live-in aide regulations may not apply to private housing providers; however, the regulations provide a strong framework which private housing providers should strive to follow.

HUD has defined a live-in aide as: “[a] person who resides with one or more elderly persons or near elderly persons or persons with disabilities who: 1. [i]s determined to be essential to the care and well-being of the
(continued on page 9)

(continued from page 8)

person; 2. [i]s not obligated for the support of the persons; and 3. [w]ould not be living in the unit except to provide the necessary supportive services.” 24 C.F.R. § 5.403.

HUD regulations require PHAs to approve a live-in aide as a reasonable accommodation if needed by a disabled household. A PHA may refuse to approve a *particular* individual as the live-in aide if: (1) the person commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program; (2) the person commits drug-related criminal activity or violent criminal activity; or (3) the person currently owes rent or other amounts to the PHA or to another PHA in connection with the housing choice voucher or public housing programs. 24 C.F.R. § 982.316. A PHA may not approve an unidentified live-in aide.

A PHA may also withdraw prior approval of a particular live-in aide if the aide engages in any of the activities described above. A PHA may also establish other reasonable standards for screening live-in aides such as conducting criminal background checks, requiring approval of the live-in aide by the owner of the unit, and ensuring the need for and eligibility of a live-in aide is verified annually at re-certification.

Like a PHA, a housing provider may adopt policies and procedures that require live-in aides to be identified and undergo some screening. A housing provider has an interest in ensuring that a live-in aide will comply with the reasonable requirements imposed on the tenant. If a housing provider screens live-in aides, the screening should be limited to appropriate areas such as criminal background checks if it is the provider’s policy to conduct such checks for all adult applicants. A housing provider may deny residency to a live-in aide who refuses to be identified or consent to a limited screening. A housing provider who conducts screening of all

applicants may deny residency to a *particular* live-in aide if the limited screening check reveals a record of disturbance of neighbors, destruction of property, or living or housekeeping habits at present or prior residences that may adversely affect the health, safety, or welfare of other tenants or neighbors; criminal activity; or a record of eviction from housing. Notably, a housing provider’s denial of a particular live-in aide should not deny a tenant permission to select another live-in aide.

Importantly, a live-in aide is an occupant of the unit, but is not considered a tenant for the purpose of income qualification and is not liable for paying rent. The live-in aide has no right to continue living in the unit if the tenant with the disability moves out or dies. The live-in aide is required to comply with tenancy rules and obligations. The tenant is responsible for the live-in aide’s behavior on the premises and has an obligation to take action in the event of a live-in aide’s wrongdoing. A housing provider may hold the tenant liable for the live-in aide’s actions. A housing provider may require a live-in aide to sign a live-in aide agreement as an addendum to the lease agreement.

An aggrieved person who has been injured by a housing provider’s discriminatory refusal or denial of a reasonable accommodation request for a live-in aide or believes they will be injured by a practice that is about to occur may seek relief. An aggrieved person may file a housing discrimination complaint with the North Dakota Department of Labor or HUD within one year after the discriminatory practice occurred or may file a private suit directly in federal or state court within two years after the discriminatory practice occurred.

Consumer Protection

Provided by Attorney General Wayne Stenehjem's Office

Q. I bought a car over the weekend - don't I have 3 days to return it if it isn't what I wanted?

No. There is no three-day right to cancel when purchasing a vehicle. The three-day right to cancel applies only to purchases made other than at a normal place of business, or in your home.

Q. Does North Dakota's "Lemon Law" apply to used cars?

No. The Lemon Law applies only to new cars (not motorcycles, motor homes, etc). When you buy a used car ~ whether from a dealer or an individual ~ you buy the car "as is" unless you purchase a warranty. When buying a used car, be sure to get all warranties and promises of repair in writing.

Q. When reviewing my phone bill, I found several charges listed for telephone services I did not request and do not want - what do I do now?

You may have been a victim of slamming/cramming. Slamming is when a carrier you did not authorize charges you for long distance calls. Cramming is when you are billed for telephone services you did not request or even know you had. If you believe either of these has happened to you, you should contact the Public Service Commission.

Q I saw an advertisement stating that I could earn \$2.00 for each envelope I stuff. I have to pay \$35.00 to get started. Is this legitimate?

Postal authorities and federal agencies have determined that you will not make money by investing in these "work at home" opportunities - you will likely only lose your money.

Q. I received a solicitation in the mail telling me I have won up to \$100,000. They request that I send them \$26.00. Did I really win?

No! You have not won anything. The first thing you should do is read the fine print on the back of the solicitation. You should find your odds of winning - which are slim to none. There is an increasing number of these sweepstakes solicitations being mailed to North Dakotans from foreign countries. Remember, if you send money to these companies, you will never see it again.

Q. I received a call from my credit card company asking me to verify my account number. I gave them the information, but now I am wondering, should I have done that?

More than likely the call you received did not come from your credit card company. They would never need you to verify your account number because they already have it. If you give your account number over the telephone, you may be charged for services you did not authorize. It is important never to give out account information over the telephone unless you initiated the call. You should review your monthly statements carefully, and contact the credit card company about your experience.

Q How Can I Reach the Better Business Bureau for North Dakota?

The Better Business Bureau serving North Dakota is actually physically located in Minnesota but serves both states. You can reach the BBB at (651) 699-1111 or 1-800-646-6222 (both numbers answered 24 hours), by email at ask@mnd.bbb.org or by mail to Better Business Bureau, 2706 Gannon Road, St. Paul, MN 55116-2600. Many people are not aware that the BBB is a member organization rather than a government or regulatory agency.

McEvers Replaces Maring on North Dakota Supreme Court

On November 18, Governor Jack Dalrymple announced the appointment of District Judge Lisa Fair McEvers to the North Dakota Supreme Court. McEvers will replace Justice Mary Muehlen Maring who will retire in December after more than 17 years of service on the state's highest court.

"Judge McEvers brings a wealth of experience to the position of Supreme Court justice, experience that includes private practice litigation, trying criminal cases before a jury and presiding over civil and criminal cases as a judge," Dalrymple said. "She has a proven track record of success at every position she has accepted, including her service as a District Judge and North Dakota Commissioner of Labor.

"I congratulate Justice Maring on her outstanding service on the Supreme Court and I also want to thank the candidates who were recommended for consideration by the Judicial Nominating Committee. They are all dedicated and highly qualified members of North Dakota's legal system."

Commenting on Justice Maring's retirement announcement, Chief Justice Gerald VandeWalle said: "I regret the news that

Justice Maring is retiring from her position as Justice of the North Dakota Supreme Court. I respect her decision, but we will greatly miss her presence on the Court."

"Justice Maring has an outstanding work ethic. Her analysis and research on each case that comes before the Court is thorough and detailed. She was the driving force for the establishment of the Juvenile Drug Court. As Chair of the Judicial Education Commission, she has been instrumental in greatly improving the quality of education we provide to our judges and court employees."

"Her devotion to education does not end with judges and court personnel. Through her efforts, the Justices Teaching Institute was created to raise the level of civic education in North Dakota. Her hand is evident in many other undertakings of the judicial branch. She has been tireless in promoting the rule of law. I personally will miss her guidance and wise counsel, her energy and her friendship. I wish Justice Maring well in her future endeavors."

Judge McEvers, a native of Minto, North Dakota and 1997 UND Law School graduate becomes the state's fourth woman justice, following justices Beryl Levine, Maring and Carol Kapsner.



Charitable Contributions

by Laurie Forsberg, Williston Attorney and LSND Board Member

Looking for a steady income, a smaller tax bill, saving estate taxes, a legacy for your heirs or the simple joy of giving? With our lives coming busier and busier, we may not have the time to commit to charitable causes as we would like. Consider making charitable gifts to assist a nonprofit organization such as Legal Services of North Dakota, while also receiving income and estate tax savings.

There are a variety of techniques and methods available for giving to a nonprofit organization, including, but not limited to:

- (1) making gifts of cash or property to a charity;
- (2) leaving property to a charity in your Will or Trust;
- (3) naming a charity as the beneficiary of a life insurance or annuity policy;
- (4) gifting an existing life insurance policy or purchase and gift a new life insurance policy to a charity;
- (5) transferring the ownership of investments, stocks, real estate, to a charity;
- (6) donating money or property to a charity in exchange for a fixed income for yourself and/or a survivor's lifetime;
- (7) designating traditional IRA funds to a charity through a beneficiary designation;

(8) gifting money or property to an irrevocable charitable remainder trust in exchange for an income for life and/or the life of your survivor;

(9) transferring property to a charitable lead trust wherein the charity receives income from the trust for a certain number of years or determinable period of time, with the remainder passing to one or more beneficiaries; and

(10) giving to a community foundation which allows you to make recommendations of grants to selected eligible charitable beneficiaries.

North Dakota law also allows for state tax credit for contributions to permanent irrevocable endowment funds of qualified North Dakota nonprofit organizations, as well as for contributions to the North Dakota Housing Incentive Fund to help build affordable housing.

Your donation will help Legal Services of North Dakota continue to provide assistance to clients. You not only will receive the joy of giving, but will also see a smaller tax bill. Please join me in making a contribution to Legal Services of North Dakota today.



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 persons and our many advocacy projects. 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 make checks payable to Legal Services of North Dakota which can be sent to us at:

Legal Services of North Dakota
PO Box 1893
Bismarck, ND 58502

Alzheimer's Disease and Related Dementias

What is Dementia?

Dementia is a loss of mental function in two or more areas such as language, memory, visual and spatial abilities, or judgment severe enough to interfere with daily life. Dementia itself is not a disease, but a broader set of symptoms that accompanies certain diseases or physical conditions.

Well-known diseases that cause dementia include Alzheimer's disease, multi-infarct dementia, Parkinson's disease, Huntington's disease, Creutzfeldt-Jakob disease, Pick's disease, and Lewy body dementia. Other physical conditions may cause or mimic dementia, such as depression, brain tumors, head injuries, nutritional deficiencies, hydrocephalus, infections (AIDS, Meningitis, and syphilis), drug reactions, and thyroid problems.

Individuals experiencing dementia-like symptoms should undergo diagnostic testing as soon as possible.

An early and accurate diagnosis helps to identify reversible conditions, gives patients a great chance of benefiting from existing treatments, and allows them and their families more time to plan for the future.

Alzheimer's Disease

Alzheimer's disease (AD) is the most common cause of dementia affecting as many as 4 million Americans. AD is a degenerative disease that attacks the brain, begins gradually, and progresses at a variable rate. AD results in impaired memory, thinking, and behavior and can last from 3 to 20 years from the time of onset of symptoms. Warning signs of AD are memory loss that affects job/home skills, difficulty performing familiar tasks, problems finding the right words, disorientation as to time and place, poor or decreased judgment, difficulty with learning and abstract thinking, placing things in inappropriate places, changes in mood and personality, and marked loss of initiative.

In the last stages of AD, patients are unable to take care of themselves. Recent research has shown links between particular genes and Alzheimer's disease, but in about 90% of AD cases, there is no clear genetic link. With the help of standardized diagnostic criteria, physicians can now diagnose AD with accuracy of 85-90% once symptoms occur. However, a definitive diagnosis of Alzheimer's disease is possible only through the examination of brain tissue at autopsy.

What is the Difference?

Signs of Alzheimer's/ Dementia	Typical Age-Related Changes
Poor judgment and decision making	Making a bad decision once in a while
Inability to manage a budget	Missing a monthly payment
Losing track of the date or the season	Forgetting which day it is and remembering later
Difficulty having a conversation	Sometimes forgetting which word to use
Misplacing things and being unable to retrace steps to find them	Losing things from time to time

Early Detection Matters

It may be hard to know the difference between age-related changes and the first signs of Alzheimer's disease.

Ask yourself: Is this something new? For example, if the person was never good at balancing a checkbook, struggling with the task is probably not a warning sign. But if their ability to balance a checkbook has changed a lot, it is something to share with a doctor.

Some people may recognize changes in themselves before anyone else notices. Other times, friends and family will be the first to observe changes in the person's memory, behavior or abilities.

To help, the Alzheimer's Association has created a list of warning signs for Alzheimer's disease and related dementias. Individuals may experience one or more of these in different degrees. If you notice any of them, please see a doctor.



Legal Services of North Dakota **Strategic Planning** By Kim Kramer, Fiscal Officer



In mid-September, LSND board members and management staff met to develop a three year Strategic Plan. The strategic planning session was facilitated by Molly Sullivan, Government Relations Consultant with Kadrmas, Lee and Jackson (KLJ).

The workload for civil legal aid has increased in North Dakota, while funding resources have grown scarcer. Increasingly, funding organizations and donors want to see evidence that their gifts will be put to good use.

One piece of evidence they often require is a strategic plan.

LSND's 2014-2016 Strategic Plan was developed to identify key priorities and focuses on four primary priorities: workforce challenges, funding, public relations and continuity planning.

The strengths and weaknesses identified were used to pinpoint these four priorities. These four priorities outline opportunities for growth and collaboration to better serve and educate low-income, disadvantaged and elderly North Dakotans.

The plan will be presented for approval at LSND's December 12, 2013 board meeting.



OUTREACH*

LEGAL SERVICES
of North Dakota

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
Dickinson	Sunset Senior Center
Devils Lake	Senior Center
Devils Lake	Dakota Prairie Community Action
Fargo	YWCA Shelter
Fort Totten	Cankdeska Cikana Comm. College
Grand Forks	Senior Center
Grand Forks	Red River Community Action

City	Location
Jamestown	James River Senior Citizens Center
Mandan	Golden Age Services Senior Center
Minot	Commission on Aging
Minot	Milton Young Towers
New Town	Legal Services Office
Valley City	South Central Senior Center
Wahpeton	Community Center
White Shield	White Shield Senior Citizens Center
Williston	Community Action
Williston	Heritage Center



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