



LEGAL SERVICES  
*of North Dakota*

# 2016 ANNUAL REPORT

[WWW.LEGALASSIST.ORG](http://WWW.LEGALASSIST.ORG)

# table of CONTENTS

1	Snapshot Information	7	Client Stories continued
2	A Look Forward	8	Closed Cases
3	Board of Directors	9	Closed Cases continued
4	2016 in Review	10	Income and Expenses
5	Client Stories	11	Funding Information
6	Client Stories continued		

## SNAPSHOT information

Legal Services of North Dakota (LSND) was formed in 2004 following the consolidation of two longtime North Dakota legal aid programs: Legal Assistance of North Dakota, better known as LAND, and North Dakota Legal Services (NDLS) establishing a statewide program.

LSND's mission is to provide high quality civil legal advice, education and representation to low income North Dakotans as well as disadvantaged elderly.

LSND is governed by a 12 member Board of Directors from throughout North Dakota. Board members include eight North Dakota attorneys appointed by the State Bar Association and four clients representing various low-income and elderly community agencies. LSND has offices located in Bismarck, Fargo, Grand Forks, Minot, New Town, and Belcourt with staff numbering twenty-six, including ten attorneys.

# A LOOK FORWARD

## into 2017

### “WE ARE NIMBLE... WE EVOLVE TO SUIT THE NEEDS OF OUR CLIENTS”

As the funding landscape changes, as the population changes, as crucial civil legal needs change, we will be there to serve our mission – Equal Justice for All.

We have a small but nimble and passionate staff spread out across the state using creative resources to serve our clients. With 10 attorneys and a support staff of 16, we serve the entire state. We are experts in civil legal needs: Veterans, Disaster Relief, housing, domestic violence, public benefits, consumer, bankruptcy, Indian wills, seniors, and much more. We do community education and partner with state, federal, and local governmental agencies as well as faith organizations and other non-profits. Our attorneys are in the courts and administrative forums, as well as a plethora of non-adversarial settings.

In 2016 we adjusted to the loss of Jim Fitzsimmons, our long time Executive Director . . . to two visits from Legal Services Corporation teams . . . to new grant opportunities in new areas such as human trafficking . . . and much more. Our team is experienced, stable, and loyal. As the years pass we have developed deep expertise in legal specialties not otherwise held in the state. We are proud of these facts.

As we move forward into 2017 we are hopeful that several projects we have worked hard on in 2016 will come to fruition. Time will tell, but we are hopeful that this time next year we will be announcing at least two new endeavors to aid statewide clients we serve.

Through partnerships with healthcare, educational institutions, and philanthropic funders, we are trying to do more each year. Look at our numbers in this Annual Report. I need not repeat them here. We did a lot in 2016. We hope to do more in 2017. Any support we receive in any form will serve to contribute to Equal Justice for All.

# board of **DIRECTORS**

## EXECUTIVE COMMITTEE



**Gary Ramsey**  
*President*

Dickinson  
SBAND  
Ramsey Law Firm



**Mary Kae Kelsch**  
*Secretary/Treasurer*

Bismarck  
SBAND  
Attorney General's Office

**Lisa Tomlinson**  
*Vice President*  
Benedict  
representing CAWS

## DIRECTORS

**Jodi Colling:** Mandan | SBAND | Colling Law Firm

**Laurel Forsberg:** Williston | SBAND | McKennet, Forsberg and Voll, P.C.

**Rob Manly:** Fargo | SBAND | Vogel Law Firm, Moorhead

**Paul Murphy:** Carrington | SBAND | Murphy Law

**Wade Enget:** Stanley | SBAND | Schulte & Enget

**Veronica Kirkaldie:** New Town | Nueta Hidatsa Sahnish College

**Clyde Houle:** Belcourt | representing NDLS (resigned in December)

**Alan Lerberg:** Bismarck | SBAND | retired attorney

**Lenora Kutz:** Jamestown | representing GAPS

# 2016 IN REVIEW



2016 was a year of progress and change.

LSND adapted to a new Executive Director, Rich LeMay, and a new management structure. Through it all the staff of 26 managed to take 6,791 applications for services and provided substantive legal services to 4,531 of those clients.

LSND was lucky to add an attorney to its Bismarck staff in January of 2016, adding much needed immigration law expertise to its menu of services. Three new support staff joined our team and have provided the organization with some great new talent. We received funding to provide legal services to victims of human trafficking, and we work closely with the North Dakota human trafficking task force.

On the technology front we have moved away from paper retention of documents, placing LSND squarely in the electronic document retention age.

In Fargo we partnered with Legal Services of Northwest Minnesota and the Family Healthcare Center to create a pilot medical legal partnership serving legal needs of the at risk population served by Family HealthCare. We are currently working on finding another source of funding to continue this important work and hopefully in the future imbed a legal practitioner in Federally Qualified Health Centers across the state.

We had several visits from our federal funder, the Legal Services Corporation, resulting in much work but good relationships.

As always, we continue to sponsor a Summer and Winter CLE at low or no cost to our members of the bar, teaching issues of importance to our population. Our attorneys teach and we also are lucky to obtain talented speakers who volunteer their services.

LSND continues to be energized by the clients we serve. In doing so, we also work closely with law student externs year round, hoping to instill our value of equal justice for all in our state's new lawyers.

We are looking forward to an equally fruitful 2017.

# client STORIES

## **Social Security Disability**

Richard, a 52 year old, came to LSND for help appealing his social security disability denial. Upon review of Richard's hearing record it showed he has dual diagnoses, which included an extensive history of substance abuse. Richard also had a history of homelessness, with him moving back and forth from treatment centers and the streets, as well as living with his aging mother. We were able to sit down with his Neuropsychiatrist and through this collaboration were able to better develop his hearing record. Richard received a favorable decision, receiving a \$16,641 back award and a monthly award of \$1,400. Richard is stabilized, living in long-term housing.

## **Housing – Reasonable Accommodation for Disability**

Simon is a disabled client who came to LSND because his landlord was telling him he needed to get rid of his companion animal – a rabbit. Before Simon moved into his apartment and signed the lease he was told as long as he had a medical note and animal vaccination history that the companion rabbit would be allowed. Soon thereafter his landlord found a city ordinance prohibiting rabbits in the city limits. The ordinance was actually about rabbit hutches outdoors. LSND explained the law to the landlord and the landlord allowed Simon to keep his companion rabbit.



## **Bankruptcy - Utility Shut Off**

Ethel and her new husband were given a shut-off notice from local power company based upon an old unpaid utility bill. They were referred to LSND on an emergency basis because the power company's notice indicated that the power would be

terminated at 4:00 pm in the afternoon. The LSND attorney met with the clients and prepared a Chapter 7 bankruptcy petition on their behalf. It was filed on an emergency basis the same day. Notices were then provided to the power company and, by virtue of the automatic stay provisions of the bankruptcy filing, the power was not shut off.

## **Domestic Violence**

Bonnie resided in a rural area with her boyfriend and infant child. Bonnie's boyfriend had a history of abusive conduct and had often threatened to kick her out of the house and take their child. One evening her boyfriend struck Bonnie several times in the face area, breaking Bonnie's nose, and knocking her unconscious. When Bonnie regained consciousness, her boyfriend forced her to clean the blood off the floor while she watched him disable her cell phone so that an emergency call could not be made. The LSND attorney assisted in getting Bonnie a domestic violence protection order and custody of her infant.

### **Bankruptcy - Foreclosure**

Sheila was unemployed while being treated for cancer and was unable to make her house payments for 9 months. Mortgage Company commenced a foreclosure action and obtained a judgment. A date was set for the sheriff's sale of her house. Our LSND attorney filed a Chapter 13 bankruptcy, which was contested by the mortgage creditor. The court approved the LSND attorney's plan that split the mortgage debt and allowed Sheila to remain in the house and pay off her mortgage arrearages over a 60-month period.



### **Domestic Violence**

LSND represented a domestic violence survivor – Claire – in a divorce and custody case. In addition to physical abuse, Claire suffered financial abuse and was left with a great deal of debt that was not hers. Not only was LSND able to obtain primary residential responsibility (custody of the child) for Claire with supervised parenting time for the father, LSND was also able to help Claire protect her wages from garnishment and file bankruptcy.

### **Food Stamps**

Ricky and Lucy asked LSND for help appealing a notice that due to an intentional program violation (“IPV”) they were barred for one year from receiving food stamps. Ricky and Lucy were both child care providers and were certified by the state to provide reimbursed child care assistance through the state. Ricky was being investigated for possible child abuse. Although he was eventually cleared, during the investigation neither Ricky nor Lucy could receive state reimbursement for child care. Lucy continued to care for her grandchildren for whom she had previously received state reimbursement. She was not paid but she did keep records in hopes that when Ricky was cleared that she might be able to retroactively apply for wages. Lucy and Ricky both certified that they were not receiving self employment wages. These certifications of no self employment were the basis of the alleged IPV. Lucy never received retroactive wages. The case proceeded to an administrative hearing where LSND defended that Lucy was not self employed and even if the judge disagreed, any representation of no self employment was not intentional. Ricky and Lucy won, and food stamps were reinstated.

### **Guardianship**

Francesca - a disabled, eight year-old child - arrived in the United States from a refugee camp. Francesca's disabilities were severe and both her mother and father abandoned her. Francesca's aunt, Maddie, also arrived in the United States with her husband and three young children. Maddie wanted to become Francesca's legal guardian so she could care for her and make decisions on her behalf. On behalf of Maddie, LSND petitioned the Court to appoint Maddie as Francesca's legal guardian with full authority to make decisions while she was a minor. The entire family attended the legal hearing and celebrated when Francesca finally became a legal member of her aunt's family.

## **Medicaid**

Freddie contacted LSND because the basic care facility (“BCF”) where he was admitted after a hospitalization was trying to evict him. Freddie refused to pay his bill because when he was transferred to the BCF, he said the doctors told him Medicaid would pay. But Freddie was not qualified for Medicaid because he owned a home and did not intend to return to it. He did not want to sell the home. Freddie was deemed by his doctors to be competent. Although Freddie was single with no children, he did have a niece who cared about him and was willing to be his power of attorney (“POA”). LSND negotiated with the BCF’s attorney to allow him to stay in the facility pending resolution of the Medicaid issue. The niece/POA convinced Freddie to sell his home, and he was approved for Medicaid. The BCF was paid in full and Freddie was not evicted.

## **Tax Preparation to Reservation Communities**

LSND operates a Volunteer Income Tax Assistance (VITA) program. LSND VITA staff and volunteers are IRS certified and several are tribal members themselves. LSND staff travel out to the rural communities of White Shield, Twin Buttes, and Fort Totten so that clients, especially the elderly, do not have to travel hours from their homes and communities to obtain tax return preparation services. Approximately 790 federal returns are prepared resulting in nearly \$1.4 million in refunds.



## **Human Trafficking**

Amy and her fiancé met on another continent through social media. Amy arrived in the US on a fiancé visa and married. Amy learned within a few months of marriage that she was not allowed to leave the house without her spouse or to call family or friends. Amy’s spouse forced her to perform unwanted acts and, upon refusal, beat her. Amy’s spouse threatened her with deportation if she did not comply. After seeking other help, Amy made contact with LSND, and we were able to assist Amy, who was a victim of human trafficking. Amy now has her work permit and is getting back on her feet.

## **Domestic Violence**

Maria, a victim of domestic violence, applied to LSND for assistance. She spoke little English, having moved here from Mexico. Maria was a young mother of two very small children with few resources or support. LSND worked with Maria, the Domestic Violence advocates, and interpreters to make sure Maria was granted the safety that she and her children desperately needed.

## **Housing – Security Deposit**

Kim lived in her subsidized senior apartment for 31 years before moving. She was 85 years old. Her landlord refused to give her security deposit back after her move, claiming deterioration in the apartment’s condition. LSND argued this was not reasonable and any damages were normal wear and tear under the statute. Landlord returned the full security deposit plus interest.

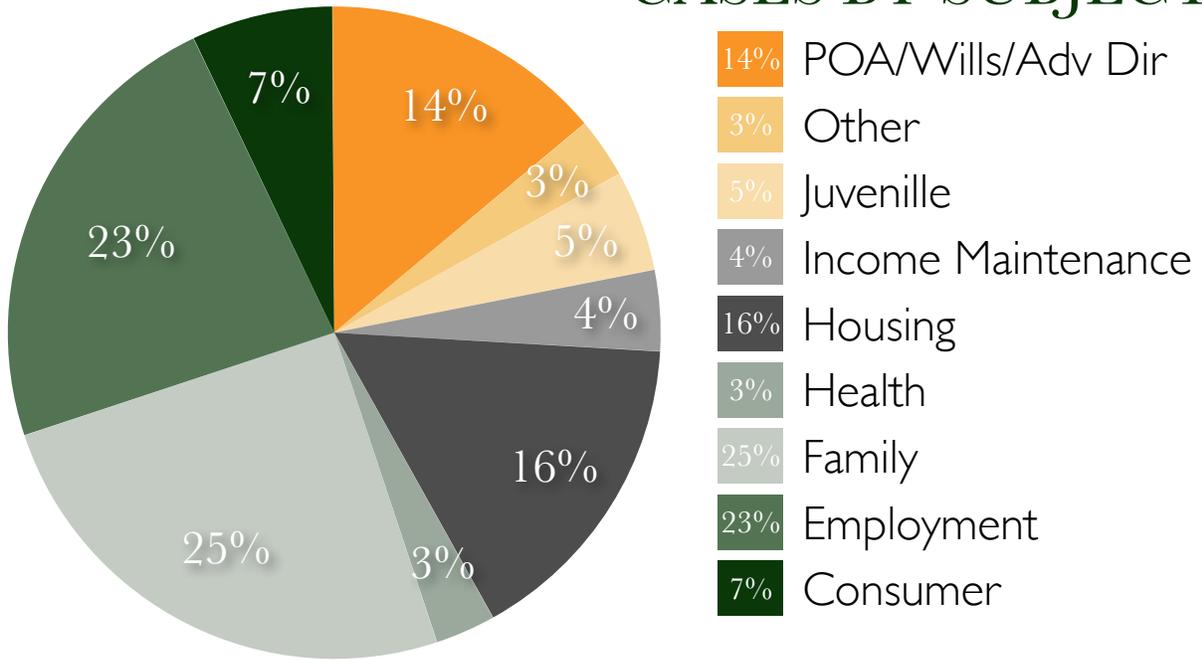
# CLOSED

cases

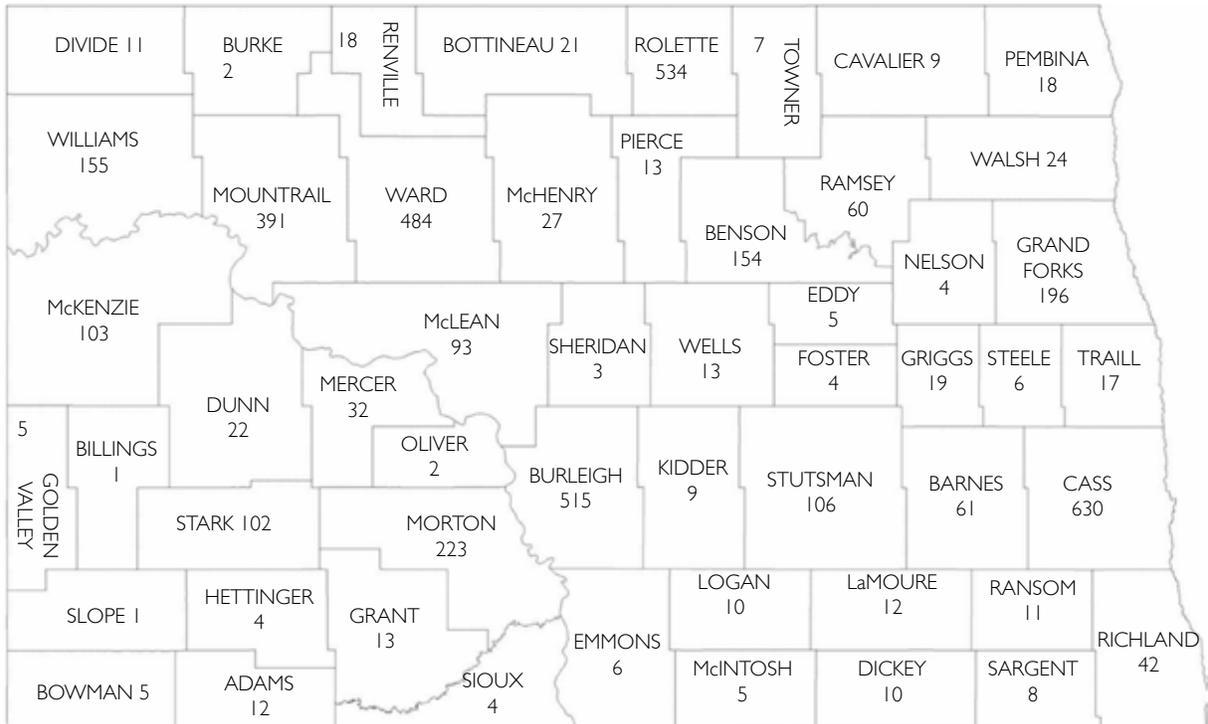
## CASES BY RACE & AGE

	UNDER 18	18-59	60 & OVER	TOTAL
ASIAN/PI	0	22	2	24
BLACK	1	171	21	193
HISPANIC	1	99	10	110
NATIVE AMERICAN	53	1032	350	1435
WHITE	47	1419	1081	2547
UNIDENTIFIED	1	106	11	118

## CASES BY SUBJECT

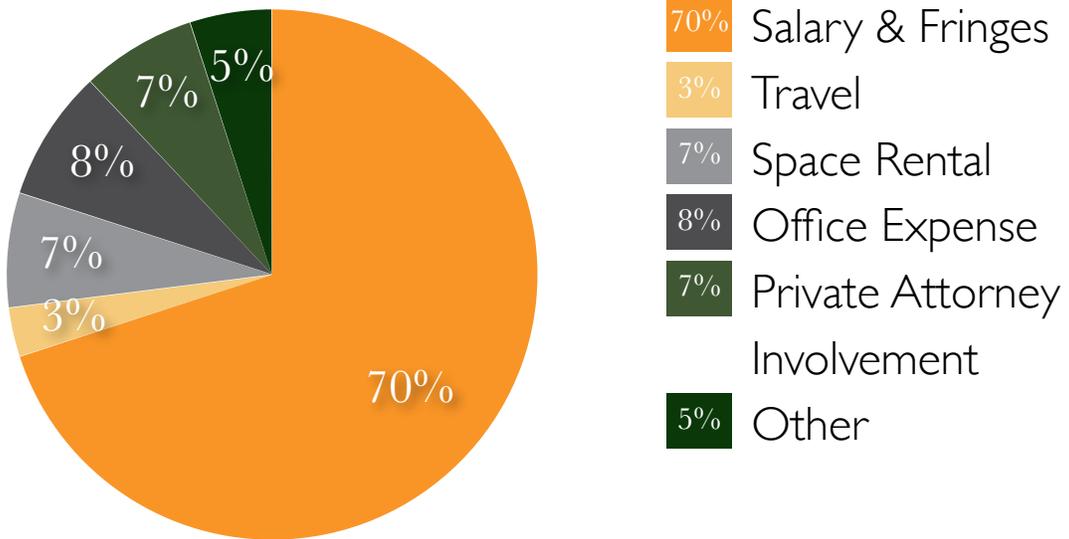


## CASES BY COUNTY

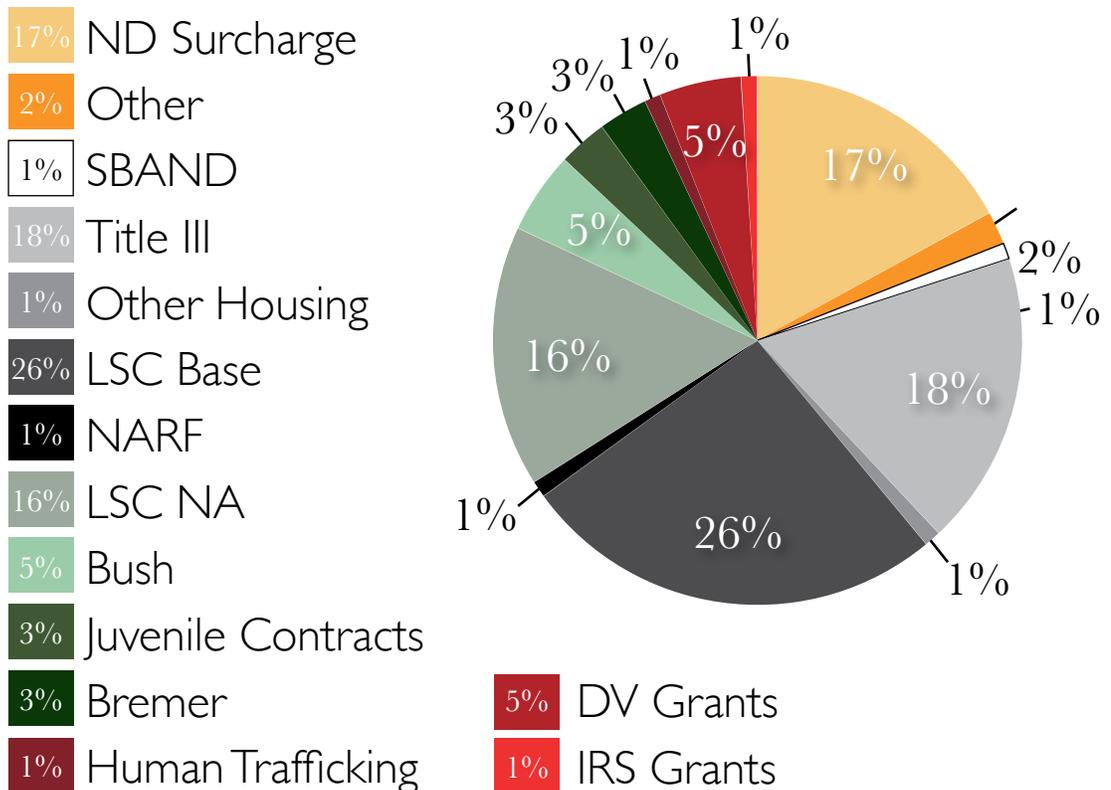


# expenses & INCOME

## EXPENSES



## INCOME



# FUNDING

## information

## HOW CAN I HELP LSND?

### 1) Referrals

Spread the word to those who need legal assistance.

### 2) Donate

You can donate funds through our website

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

or send checks to

**LSND**

**418 E Broadway #7**

**Bismarck, ND 58501**

Charitable gifts to nonprofit organizations, such as Legal Services of North Dakota, can be used as income and estate tax deductions.

North Dakota law also allows for state tax credit for contributions to permanent irrevocable endowment funds of qualified North Dakota nonprofit organizations.

LSND receives a grant from the federally funded Legal Services Corporation, so therefore, we are required to notify you that all funds we receive may not be used in a manner inconsistent with Legal Services Corporation Act and 45 C.F.R Part 1610.

As a nonprofit organization, Legal Services of North Dakota 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.

# TESTIMONIALS

“Legal Services of North Dakota has been coming to the South Central Adult Services Center in Valley City to assist people with legal issues for many years. Many health care directives and financial durable powers of attorney have been prepared by LSND staff satisfying a huge need among our elderly population. We very much appreciate their monthly visits to our facility.”

**-Dolly Hoelmer, Outreach Staff**

“Minot Area Homeless Coalition (MAHC) was formed in 1986 with the assistance of community members including Richard R. LeMay, the Executive Director of Legal Services of North Dakota (LSND).

LSND has had a great impact on MAHC’s clients. MAHC and LSND regularly refer clients to each other. If it were not for LSND, many people being evicted or charged exorbitant late fees would not have been able to remain in their housing. In addition, LSND has done immense work for seniors. Seniors are one of the most vulnerable populations.”

**-Mac McLeod, Executive Director, MAHC**

“Legal Services of North Dakota has been a benefit to many of my clients. I have referred clients for assistance with preparation of Healthcare Directives and Financial Durable Power of Attorney documents, wills where appropriate, problems with debt and bankruptcy. I support the work that LSND does for the disadvantaged elderly and low-income North Dakotans who cannot afford an attorney.”

**-Muriel Hedrick, Richland County Health Department**



**LEGAL SERVICES**  
*of North Dakota*