Coronavirus Pandemic will Increase the Need for North Dakota Attorneys to Represent Pro Bono

For all but a small number of people worldwide, this is our first and hopefully last pandemic. So many people dying in such a short time and history tells us it could be worse.

While those whose lives were threatened or taken are first and foremost in our thoughts and prayers, the economic impact will be traumatic too. Without employment how does one keep a roof over one’s head or food in the cupboard? What will the future bring?

Unfortunately, there will be a greater need for legal services. On a normal day in North Dakota, Legal Services of North Dakota (LSND) does not have enough resources to meet the need; consequently, there will even be a greater need for pro bono.

When you help that distant cousin with their legal problem because she was your mom’s favorite niece—that’s pro bono. When you help your favorite organization become incorporated or obtain a 501(c)(3)—that’s pro bono.

While I sincerely believe there is a lot of pro bono efforts carried out in North Dakota, it goes unrecorded.

I can clearly hear the words of the late Honorable Carl “Kip” Flagstad Jr. when asking him to help one of our low-income applicants—“Rich, I’ll take the case, but don’t tell people I do this.” Kip never told me no—in fact, Kip’s last pro bono case was an appeal to the North Dakota Supreme Court.

I am not asking you to be Kip Flagstad, but I am asking what can you do for the public good? Your LSND needs your help. Please contact SBAND and volunteer to take cases pro bono.

Richard LeMay, Executive Director

Pro bono—Being or involving uncompensated legal services performed for the public good.
We can always do more. It is what we all believe at Legal Services of North Dakota (LSND). Although the attorneys and staff do not always have the resources or the time to do more, we know more can be done throughout our state to provide free legal assistance to those who need it.

The staff at LSND takes, on average, 6,500-8,000 applications from across the state each year. Of those applications, LSND assists 4,000-6,000 applicants in some way or another. But, with only eight (8) attorneys to cover the whole state, we are faced with constant challenges on how to assist every person who applies for legal help. And don’t forget about the rural of our state and the fact that attorneys may spend hours on the road to represent a party in a hearing that only lasts 15 minutes.

With these constant barriers and lack of resources, it was time LSND looked at innovation to assist as many clients as possible.

In 2019, LSND assessed their own data on the number of victims who were represented at protection order hearings or were assisted with a family law matter. Additionally, LSND conducted a survey of several Domestic Violence Programs in the South Central and Southwest Judicial Districts, along with CAWS North Dakota conducting a similar survey. The results showed us that although LSND staff stretches themselves thin in order to assist these victims, we are not reaching all victims of crime, nor are they always able to receive the legal assistance they desperately seek from us.

From this assessment of the survey results and LSND’s own data, LSND put their creative minds to work and applied for a VOCA (Victims of Crime Act) Grant. The goals proposed within the grant application included increasing access so we would reach additional victims of crime and also increasing the number of crime victims represented in a legal proceeding.

One of the major enhancements that LSND proposed was to add in a specific queue for victims of crime within the current intake system so victims’ calls are given preference, similar to our senior help line. This queue will be answered primarily by a Victims of Crime Paralegal, whom is trained on a victim-centered approach and also has an advocacy background.

Along with the Victims of Crime Paralegal, a Victims of Crime Attorney will also be assigned to all eligible clients in the South Central and Southwest Judicial Districts. The Attorney and the Paralegal will work together as a team to assist victims with their legal needs. The assistance provided will depend on each case but may include providing information and resources, giving legal advice, representation at a quick hearing or throughout an entire case, or even just being an ear to listen.

With these constant barriers and lack of resources, it was time LSND look at innovation to assist as many clients as possible.

The Attorney and Paralegal will also establish outreach locations in various communities within these districts. Through these outreach locations, victims are able to speak to someone in-person and begin to establish a relationship and gain trust from the Paralegal and/or Attorney. Knowing how important it is for the victim to build this trust but also being aware that highway time is not always the most effective use of attorney time, LSND has available technology in all of their offices so interviews and meetings could be
Flood-Related Concerns

Brad Peterson

Spring is around the corner and with warmer weather the chances of flooding in our state increases. Legal Services of North Dakota is no stranger to handling flood-related issues.

During the Grand Forks flood of 1997, Legal Services understood the need for a central hotline for people to have their legal issues answered. Over the years this central hotline continues to be refined to provide a prompt, accurate intake process for our applications and has been extended to include a special line for Seniors, Victims of Violence, and now online applications.

Over the years, we have compiled a very extensive Flood Manual which we use to direct our staff in assisting with flood issues. The Flood Manual is composed of 61 pages of issues we have advised/represented on in the past and outcomes we received. When a person presents a flood issue to us, we intend to provide quick, accurate advice to the caller.

If flooding does become a major issue this spring, Legal Services will again look at partnering with the State Bar Association of North Dakota to provide a Legal Flood Hotline dedicated by our employees and volunteers of the State Bar to handle flood-related issues.

We hope you do not experience any flooding, but if you do, please remember that Legal Services of North Dakota is available to assist.
The following plan has been developed and implemented by Richard LeMay, Executive Director, Legal Services of North Dakota (LSND). The plan is consistent with the guidance from the Center for Disease Control and Prevention (CDC). This plan is consistent with protecting staff allowing LSND to continue its mission.

When the first Coronavirus case was diagnosed in North Dakota, the following steps were implemented:

- All outside office outreach has been discontinued. LSND may work with outreach sites to set up outreach utilizing technology, i.e. Skype, Zoom etc.
- There will be NO home visits.
- Only office appointments allowed will be those that require an advocate to fulfill their ethical obligation in preparing for an administrative hearing or court hearing will be considered. The wellness of the client must also be considered.

Any employee exhibiting symptoms of the virus as defined by the CDC are required to home quarantine. LSND will attempt to provide technology to allow the staff person to work from home during the quarantine period. Current leave/emergency policies will be used until LSND’s Board can review and consider modifications.

The following activities are essential to LSND’s mission:

- Intake will continue to provide access. Intake staff are being set up to work from home and/or their office. Intake staff will alternate being in the office to perform those functions that can only be done from the office. As case numbers decrease in the Regional Offices and applications increase at central intake, Regional Office staff may be brought into the central intake effort.
- Regional Offices will monitor open cases and court obligations. LSND will comply with any plan offered by the State Court System.
- Regional Office staff will maintain current client cases. Managing attorneys will utilize staff in providing ethical representation of clients while promoting best practices in keeping staff safe from coronavirus.

At the managing attorney’s discretion staff may be allowed to work from home. Staff working from home may only use LSND technology to access LSND’s network. Staff working from home may use their own Internet access to perform many functions without accessing LSND’s network. Managing attorneys shall require work at home staff to perform tasks, projects or research that will assist in the program’s mission.

The following activities are essential to LSND’s mission:

- Case research
- Substantive PLI Training
- Newsletter Articles
- Review of public benefit program/information on program websites, e.g., Social Security, Medicare, Medicaid
- Reviewing Intake or Casework Manuals
- Creation of Community Ed
- Power Points
- Reviewing or creating brochures
- Reviewing articles on Wordperfect or Outlook
The Current State of Evictions in North Dakota Due to COVID-19

North Dakota - The Supreme Court has amended Administrative Order 27 to remove the provision suspending eviction hearings except for good cause. The amendment continues the extension of the deadline to hold a hearing from 15 days to 45 days, and the authorization for the use of reliable electronic means to hold hearings and exchange evidence. https://www.ndcourts.gov/news/north-dakota/north-dakota-supreme-court/general-news/supreme-court-amends-emergency-order-on-evictions.

However, the CARES Act provides a temporary moratorium on eviction filings for certain tenants, as well as other protections.

Coronavirus Aid, Relief, and Economic Security Act (CARES Act)

Certain landlords may not –

file new evictions for nonpayment of rent during the moratorium period under the CARES Act; or

charge fees, penalties, or other charges for nonpayment of rent during the moratorium period.

Applicable Landlords –

Private Landlord – if it has a federally backed mortgage loan or a federally backed multifamily mortgage loan.

Covered Federal Housing Programs – This includes public housing, Section 8 Housing Choice Voucher program, Section 8 project-based housing, and a number of other federal housing programs referenced in the resources below.

Department of Agriculture – This includes Sections 515, 514, 533, and 538.

Department of Treasury – This includes low income housing tax credit (LIHTC) housing.

Cares Act Moratorium Period – 120 days from March 27, 2020, or July 24, 2020. After the moratorium expires a lessor may not evict a tenant except on 30 days’ notice – which may not be given until after the expiration of the moratorium period.

Resources: NHLP: Summary and Analysis of Federal Cares Act Eviction Moratorium; Eviction Moratorium COVID-19 FAQs for Public Housing Authorities, US Department of Housing and Urban Development
The Real ID Act of 2005 enacted May 11, 2005, is an Act of Congress that modifies U.S. federal law pertaining to security, authentication, and issuance procedure standards for driver’s licenses and identity documents, as well as various immigration issues pertaining to terrorism.

October 1, 2020, is the day the Real ID law will be enforced. It requires people to show security-enhanced IDs to pass through airport security checkpoints or to enter certain federal facilities, such as military bases.

If your North Dakota driver’s license or ID does not have a federally-required REAL ID gold star by October 1, 2020, you may not be able to fly in the United States. (Due to the coronavirus crisis and concerns for crowding at DMV sites, the deadline will be extended to require a Real ID.)

According to the North Dakota Transportation’s (NDDOT) website, the State Legislature passed and Governor Burgum signed the final implementation bill for Real ID during the 65th Legislative Session in 2017. The following documentation will be required from the NDDOT to receive your Real ID:

**Category 1 - Proof of Identification**

All individuals applying for a permit, license, or identification card must show proof of identity, date of birth, legal presence in the United States, by presenting one of the documents listed below:

- U.S. Birth Certificate (state certified, government issued)
- Valid, unexpired U.S. Passport
- Report of Birth Abroad issued by the U.S. Department of State
- Certificate of Naturalization
- Certificate of Citizenship
- Valid, unexpired Permanent Resident Card
- Valid, unexpired Employment Authorization Card
- Valid, unexpired Foreign Passport with I-94
- I-94 Card stamped Refugee or Asylee

If your current name is different that the name on your identity document, you will need to bring additional proof of your legal name. Acceptable documents for proof of name change are: certified marriage certificate, certified adoption document, or a certified court order authorizing a name change (no photocopies, court seal is required.)

**Category 2 - Proof of Social Security number by presenting one of the documents listed below:**

- Original Social Security Card
- W-2 Form
- SSA-1099 Form
- Non-SSA 1099 Form
FACT: In 2019, LSND took 6,211 applications. LSND provided some level of service to 4,176. Of those 4,176 applications, 388 were transferred to the State Bar Association of North Dakota (SBAND).

Category 3 - Proof of North Dakota residence address by presenting TWO documents from the list below:

- Current government issued property tax statement
- Current mortgage/lease/rental document
- Current homeowners/renter's insurance policy
- Current utility bill (electricity, gas, water, sewer, cable, recycle)
- School/College Transcript issued within 6 months
- Current financial statement (issued by financial institution, government entity, government regulated entity)
- Current pay stub or statement from employer
- Current vehicle insurance policy/statement
- Current resident certificate issued by a North Dakota Tribal Agency
- Current formal resident statement issued by property owner/renter
- Relief Agency or Shelter Certification
- Parent's proof of address for minor child (under 18)

Note: All documents must contain your name and current physical residence address. Post Office boxes are NOT acceptable for residence address. All documents must be original or certified copies only.

Note: The new deadline for REAL ID enforcement is October 1, 2021

Beginning October 1, 2021, every air traveler 18 years of age and older will need a REAL ID-compliant driver's license, state-issued enhanced driver's license, or another acceptable form of ID to fly within the United States.

2019 Legal Services of North Dakota FACTS

FACT: In 2019, LSND helped 1,847 seniors (60+) with legal matters. In 2019, LSND helped 1,464 Indigenous people through our Native American Program.

FACT: In 2019, LSND helped 303 people who experienced domestic violence, human trafficking or were victims of a crime.
Welcome to Legal Services

Clara Alessi is one of the newest members of the LSND team and is excited to be working as the Medical-Legal Partnership attorney out of the Fargo office. She was born and (mostly) raised in the Midwest, beginning in the Fargo Moorhead area, moving to small-town Minnesota, and then spending a few years in Idaho. She started her schooling at MSUM and headed off to New York to finish it, first at SUNY-Purchase College and then Elisabeth Haub School of Law at Pace University. With her time in law school, she was lucky enough to work at the Public Interest Law Center on campus, which really showed her what could be accomplished as a public interest attorney, helping those who need it the most. She is looking forward to broadening her knowledge of the law, which she values so much here at LSND and has come prepared with the greatest skills she can offer: her compassion and that famous Midwestern work ethic. When she’s not at work, she’s happiest learning something new, whether that be picking up a new craft, diving into the complicated world of programming software, or finally learning how to draw something more than a stick figure.

Elizabeth Hanson started in the Fargo office in late February. She is the new Legal Secretary for the Fargo team. Elizabeth is originally from Minot, ND, and has worked recently in finance. Elizabeth has over 10 years of administrative experience and previously held positions in Senator Heidi Heitkamp’s Minot office, with the Colorado Legislature, and previously worked for Senator Byron Dorgan. When she isn’t working, she enjoys reading, writing, listening to great music, and spending time with her family and friends.
Gordon Dexheimer has returned to work for Legal Services of North Dakota to be the managing attorney for the Grand Forks office. He began his new duties on February 3rd.

Gordon began private practice after graduation from Law School. From 1992 through 1996, Gordon also served as the McHenry County State’s attorney in Towner. He returned to Fargo where he served as a public defender from 1996 to 2000, when he accepted the position as the supervising attorney for Legal Services in Fargo. He worked in that capacity for the next three years before returning to private practice.

After Hurricanes Katrina and Rita devastated the Gulf Coast in 2005, Gordon took a temporary position as a Federal SBA attorney for Disaster Services and worked in Fort Worth, Texas; Gulfport, Mississippi; and New Orleans, LA. He returned to Fargo in 2008 as the Fargo City Prosecutor and, one year later, took a position with the newly formed Public Defender Office in Fargo. In 2017, Gordon retired (for the first time) from practicing law and moved to New Orleans.

Gordon is excited about returning to work for Legal Services (even though it was 70 degrees when he left New Orleans and -24 when he arrived in Grand Forks), and he looks forward to meeting and working with clients through the Grand Forks office.

Best Wishes, Audrey Solheim

Congratulations and best wishes to Audrey Solheim on her recent retirement. Audrey began her career with Legal Services in 1982. Audrey worked as a Secretary/Admin for the Legal Services Office in Bismarck. Audrey was also editor of the “Legal Services Sentinel” newsletter. A retirement luncheon was held in her honor on October 9.

Best wishes to Audrey and thank you for your commitment and dedication to Legal Services of North Dakota for the past 37 years.
Access to Justice

Every day our office receives more calls for help than we can possibly handle. Our staff work hard each and every day to provide access to justice to people who need it most—people who are losing their homes, fighting to leave a domestic violence situation, finding their bank account empty from garnishment and many other devastating circumstances. We will continue to work for equal justice and hope you will join with us today by making a donation.

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.

We are planning to use your donations that date back to 2013 to purchase a new telephone system, as our current telephone system is obsolete and parts are no longer available.

If you would like to donate, please visit our website—legalassist.org and click on the “Donate” button on the bottom of the page.

“Equal Justice requires Equal Access to Justice even for those who lack $$.“

Steven Simonson,
Managing Attorney, LSND

Grand Forks Law Office Moves to New Location

Legal Services Grand Forks Law Office recently moved from the UND School of Law to 215 N. Third Street, Suite 200. The move was completed by LSND staff—Gordon Dexheimer, John Best, Gale Coleman and Richard LeMay.

(The Minot Law Office/Central Intake is preparing to relocate approximately four blocks west of their current location to the Seven Twenty Office Building, 720 Western Avenue. The move is scheduled April 24.)
# Outreach Spring Calendar

## April 2020

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**Due to COVID-19, Outreach has been suspended.**

If you need legal assistance, please call

**Central Intake**

1-800-634-5263

**or**

**Senior Legal Hotline**

(for individuals 60+)

1-866-621-9886
Legal Services Minot Law Office/Central Intake participated in the 17th Annual “Have a Heart” Food Drive sponsored by the Minot Area Homeless Coalition, Inc. The benefit helped local area pantries and soup kitchens. The food drive was not limited to food, but they also requested toiletries, paper produces, laundry soap and cleaning products. Employees donated food and supplies for our neighbors in need.

Giving is not just about making a donation, it’s about making a difference.

- Kathy Calvin