Legal Services of North Dakota
Executive Committee Meeting
November 27, 2018 from 1:15 pm -3:20 pm

Board Members Present: Laurie Forsberg, President, Wade Enget, Mary Kae Kelsch

Staff Present: Rich LeMay, Executive Director and Kim Kramer, Chief Fiscal Officer

Board President, Laurie Forsberg, began the committee meeting that was called to discuss Rich’s concerns on funding and plan for restructuring LSND. Rich presented the board members with a plan that he had prepared.

Discussion took place on the meeting with Rich and the SBAND Board of Governors back in April 2018. The Board of Governors are concerned with the Kellar case. Rich discussed other states such as Nebraska that had added Legal Services donations to their attorney’s annual renewal. Rich says he is looking for funding that we can budget on that is more secure.

Wade discussed the statutory limit on attorney fees of $450, which would give about a $70 leeway. Info from SBAND estimates there are about 2900 ND licensed attorneys which would give LSND about $203,000 extra per year. Wade discussed how much different counties attorney wages vary in North Dakota.

Rich estimates that we would save about $250,000 with his restructuring proposal. Discussion took place on different funding sources LSND currently has. He stated that the restructuring would be done in phases and Phase 2 would include gathering information from other sources to create an updated salary plan and schedule that would meet ND standards. Discussion also took place on different work schedules. Laurie questioned what would the $250,000 be used for and stated her concern is about other employees being affected by this proposal. Rich agreed that was a concern but he is not sure how else to go about it.

Rich stated that the goal is to maintain a viable presence in each law office. He also stated that he may have to reduce intake hours. Mary Kae stated that she doesn’t understand how we are going to maintain services to the clients and questioned that we would have to reduce services. Mary Kae also stated that LSND needs to communicate better with SBAND. Discussion took place on how we serve SBAND now, how we helped them out during the floods, and if LSND makes these changes how it will affect SBAND, and they need to understand that.

Wade discussed how much we helped SBAND with the last two floods as LSND did intake for flood and voluntary attorney program/pro bono program. How valuable are these services to the bar? He stated that raising that cap to $450 for annual fees, which is what Rich proposed to them, and making it a mandatory donation to support LSND, would allow LSND to fund an attorney position and help fund other staff positions.
Wade also discussed raising the cap on filing fees because right now we let about $150,000 sit on the table which goes back to the State General Fund. Discussion took place on how the Chief Justice and others will want this funding, but since it is filing fees it should fund legal services.

Mary Kae suggested that an article should be done in the Gavel on the importance of supporting LSND. She discussed approaching SBAND to help fund one attorney position and that the Board of Governors may support us. Mary Kae stated that we need to stress more that if LSND disappears, SBAND will be dealing with servicing all the lower income residents in ND.

Discussion took place on whether LSND wants to approach state to get funding through their General Fund. Mary Kae stated that we do not want to do that for two reasons: 1) The bill would fail miserably and 2) We don’t want appropriations because then they will own us. She stated we could ask for a grant through the state to help fund one LSND attorney.

Discussion took place on the $150,000 left on the table from the filing fees and where this money goes. Wade stated that this is not tax dollars, this is money raised from the filing fees.

Guest: Janelle Moos, CAWSND Executive Director, joined the meeting at 2:07 p.m.

Janelle discussed Victims of Crime Act (VOCA) funding. She suggested that LSND could apply for this grant and write into the grant a pay equity to help increase LSND salaries. She said they did this at CAWS. She stated that the cap was removed and that there is currently about $8 million and will be approximately another $4-6 million in VOCA funds. She stated that $1 million has been set aside for Regionalization Projects and the LSND could potentially get funding from this source. She stated that VOCA is federal funding passed through the Department of Corrections and that the grant applications will be coming up around June 2019. Janelle stated that a lot of states have created legal services funding source with these excess VOCA funds.

Janelle discussed that 98% of her operating budget was based upon grants and also suggested looking into Bremer funding. Kim stated that we are currently looking into Bremer funding for the Medical Legal Partnership (MLP) program.

Janelle also stated that we should use multiple strategies to increase our funding by working with SBAND to support one attorney position. Janelle discussed the VOCA Regionalization Project grant and that CAWS has that potential to be the point of contract, that would be three rounds for 2019, and that we would want to start applying now when application is available.

Janelle also stated that we need a “legislative champion.” Discussion took place on people in the legislature that may be of assistance such as John Nelson from Rugby, Kathy Hogan, Mary Schneider (attorney and cop in Fargo), Shannon Roers-Jones from Fargo, Diane Larson, etc.

Discussion also took place on attending SBAND meetings not only by Rich, but by LSND Board members also, to push the automatic donation and funding of one attorney position.
Steps that will be taken after this committee meeting:

1. Rich and Kim will develop a new salary schedule/plan to present to the board on December 6th.

2. Funding:
   a. Wade will contact Carrie Francis (SBAND rep from NCJD) to arrange meeting with SBAND Board
   b. Janelle Moos suggested looking into VOCA (Wade will contact Amy Vorachek) and also look into Bremer Foundation funding
   c. Legislative
   d. Independent contracting possibilities with ND Agencies such as Dept. of Health, DOCR, DHS, etc.

There being no further business the meeting was adjourned.

Mary Kae Kelsch, Secretary/Treasurer