

Legal Services of North Dakota Board Meeting

October 24, 2009 - Webinar

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Open LSND Board Meeting was called to order by President Rob Manly.

Board Present Manly, Enget, Forsberg, Gifford, Kelsch, Kirkaldie, Lerberg, McDonagh, Tomlinson, Ramsey

Board Absent Gorospe, Colling, Murphy

Staff Present Fitzsimmons, Engbrecht, Solheim, Peterson, LeMay, Catalano, Macintosh

Minutes A motion was made by Wade Enget to approve the minutes of the June 8, 2009 board meeting, Alan Lerberg seconded the motion, the motion carried.

Executive Committee The Executive Committee met by conference call on August 7, 2009 and increased the amount of compensation for PAI attorneys from \$50 to \$70 effective August 1, 2009. Gary Ramsey moved to ratify the actions of the executive committee, Al Lerberg seconded the motion; motion was carried unanimously.

Fiscal Report Keith provided a three part fiscal report to the board.

Part 1 – A proposed modification to the 403B Thrift Plan which would incorporate the option of the availability of a Roth IRA plan for staff.

Laurel Forsberg moved to approve this modification, seconded by Wade Enget, motion carried unanimously.

Part II – 2009 Budget Report: Some of the salary line items have changed due to the modification of people’s jobs, and the termination and resignation of staff. This will probably result in being under budget at the end of the year in the salary line items.

They also looked at the audit line item, identifying that there will be no further expenses in this item in 2009.

Part III – 2010 Draft Budget. Several changes have been made in this document since the June meeting, particularly in the anticipated revenue items. There are still uncertainties regarding the 2010 revenue. Under LSC a 2% increase is conservatively projected. Under Title III we are in the process of putting together a grant application to complete for \$240,000.

Under IOLTA, an application for \$55,000 has been submitted, we have informally been notified that amount will probably be at \$54,000.

Surcharge check received in October for the 1st quarter was considerably less than the maximum allowed; therefore the amount anticipated in the 3rd quarter was reduced. Maximum surcharge is about \$325,000, annually.

We are looking at a decrease in revenue from 2009 of \$145,000, leaving us with projected revenue of \$1.6 million (conservative).

We are projecting \$1.7 million in expenses for 2010, which would give us a deficit of \$99,000, which can be covered by 2009 surplus if revenues do not increase.

We are anticipating doing additional PAI contracts this year. We now have 71 contract attorneys.

This report is for information only and no action is required.

Salary Administration Plan (SAP)

The Manly Committee worked diligently to streamline the SAP, with the assistance of Keith and Jim. It was sent out to staff for recommendations, but no comments were received. In brief comments from the 3 offices at the meeting were favorable.

Wade Enget; moved for formal adoption by the board of the Salary Administration Plan, second to the motion was made by Alan Lerberg, motion was carried unanimously. It will go into effect January 1, 2010 for current staff and will apply to any new hires prior to the end of the year.

Jim indicated he will be providing Christmas bonuses for staff, absent objection from the board.

Bylaws

The proposed amendments to the bylaws were mailed out in advance to board members. It in essence puts the number of board members back to 14, and we remain in compliance with LSC governing rules which require 60% attorney members, 33% client representatives on the board.

Gary Ramsey moved that the proposed amendments to the bylaws be approved as printed, Al McDonagh seconded the motion, motion carried unanimously on a roll call vote.

Client Representative

Experience Works has recommended client Judy Baxter to the LSND Board of Directors. Judy is client eligible and willing to serve. Motion was made by Mary Kae Kelsch, seconded by Laurel Forsberg to accept the nomination of Judy Baxter representing Experience Works as a new member to the board. Motion carried unanimously.

CFR 1612, 1620

There have been no non priority emergency cases taken nor any legislative administrative advocacy done since the June meeting.

Website

Our new LSND website found at www.legalassist.org is now operational. Many people put a lot of work into this project and it is a very professional site. Funding for this website upgrade came from an anonymous donor.

Nominating
Committee

The following were appointed to the Board nominating committee: Al Lerberg, Gary Ramsey, Veronica Kirkaldie. A report will be made at the December meeting at which time election will be held for President, Vice President and Secretary/Treasurer.

Immigration Project

Linda Catalano made the report on the immigration project, which is currently based out of the Fargo office. Immigration attorney Sheree Weiss is no longer on staff, paralegal Vickie Kirkhorn and contract attorney Anna Stenson have helped take up the casework to keep the project moving forward.

The Fargo Moorhead community has primarily been the basis for the project, but a branch office will be opened in Bismarck by the New America Service unit, a part of Lutheran Social Services. Linda will be transferring to the Bismarck office after the first of the March to focus efforts in the expansion of the Immigration Law Project (ILP) statewide.

Staff Update

The Immigration Project will be on the agenda for the Christmas Board meeting. With Anna Stenson's expertise in immigration law this project operation will be set out in the next couple of months.

LSND has lost 3 attorneys since our June meeting, Sheree Weiss, Jen Nelson and Tom Jackson. PAI contracts will replace Jen and Sheree and Linda will be moved to Bismarck and an Attorney II position will be advertised in Fargo. Brad Peterson will be spending more time in court due to the resignation of Tom Jackson.

Audrey Wingerter's position has been changed to office manager/legal assistant and a part-time secretary – Beth Brown has been hired.

SBAND Pro Bono
Review Committee

Mary Kaye is on this committee, as is Jim Fitzsimmons. There has been little action from this committee to date.

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Staff/Board Dinner

The Christmas Staff/Board dinner is scheduled for Thursday, December 10 at 6 p.m. at the Seven Seas in Mandan.

Board Meeting

The board meeting will follow on Thursday, December 10 at 7:15 p.m.

Christmas CLE

The Christmas CLE will also be at the Seven Seas and will begin at 8:30 a.m. on Friday, December 11. All Board and staff are welcome at all of these events.

Executive Director's

Report

It has been 5 and a half years since the consolidation. We have made significant progress. There have been 6 North Dakota Supreme Court cases this year, and we continue to develop expertise in our program. There have been nearly 8,000 applications, and we help about 63% of the people who apply for services. This has resulted in about 300 court cases through both state and tribal courts.

The offices work internally very well together, however one thing we need to work on is to get the offices to work well together. We will address this in 2010. After the Executive Committee is elected in December we will look at bringing in somebody from the outside to look at our external communication and clearly define the role to improve these communications.

We continue to develop our PAI program, bringing more contract staff on board.

In answer to questions on the STOP Violence grant, Jim responded that it is on the back burner until 2010.

Adjourn

Gary Ramsey moved the meeting be adjourned, Wade Enget seconded the motion; the meeting was adjourned at 11 a.m.

s/s

Mary Kae Kelsch, Secretary