March 16, 2017

WASHINGTON – President Trump’s budget proposal released today calls for defunding the Legal Services Corporation, but LSC leaders expressed confidence that Congress would continue to support the vital mission of the nation’s single largest funder of civil legal aid for low-income people.

"I look forward to working with Congress to continue LSC’s work,” said James Sandman, President of LSC. “I am optimistic that the bipartisan support we have enjoyed in Congress for more than four decades will continue for years to come."

LSC was created in 1974 with broad bipartisan congressional sponsorship and was signed into law by President Nixon. Every year for 42 years, Congress has funded LSC so that low-income constituents might realize our country’s solemn pledge of “justice for all.” In each of the last three fiscal years, strong bipartisan majorities in Congress have increased LSC's funding by $10 million per year.

LSC works to ensure that low-income Americans receive the help they need in civil legal matters to ensure their safety, the stability of their families, and their livelihoods. As the late Justice Antonin Scalia emphasized in a speech at LSC’s 40th Anniversary conference in 2014, “this organization pursues the most fundamental of American ideals, and it pursues equal justice in those areas of life most important to the lives of our citizens.”

LSC is the backbone of the legal aid system in the United States and is particularly important in serving rural areas. Federal funding for civil legal services provides crucial assistance to hundreds of thousands of Americans each year. The 133 legal aid programs that LSC funds serve every county in every state and the territories. They help veterans secure the benefits they have earned, assist domestic violence victims in obtaining protection orders against abusers, protect seniors from consumer scams, and help disaster survivors get back on their feet.

“The Legal Services Corporation is as American as apple pie,” said John Levi, Chairman of the LSC Board. “We promote what Thomas Jefferson described as ‘the most sacred of the duties of government,’ which is ‘to provide equal and impartial justice to all its citizens.’ And we do it at a cost that amounts to less than one one-hundredth of one percent of the federal budget.”
Your phone rings. You look at your caller ID. It is a name or a number you might recognize, but don’t believe your caller ID. Technology makes it easy for scammers to fake caller ID information, so the name and number you see aren’t always real. Scammers are using fake caller ID information to trick you into thinking they are someone you trust—like a government agency, your bank, a company you do business with, even the police department. This practice is called caller ID spoofing, and scammers don’t care whose phone number they use. Don’t rely on caller ID to verify who’s calling since it’s difficult to tell whether the caller ID information is real.

Here are a few tips for handling these calls:

If you get a strange call from the government, hang up. Government employees won’t call out of the blue to demand money or account information.

Don’t give out or confirm any personal or financial information to anyone who calls.

Don’t wire money or send money using a reloadable card. In fact, never pay someone who calls out of the blue, even if the name or number on the caller ID looks legitimate.

Are they pressuring you to act immediately? Hang up. That’s a sure sign of a scam.

If someone calls asking for money or personal information, hang up.

You should also hang up on robocalls. If you answer the phone and hear a recorded message, hang up and report it to the Attorney General’s office. Robocalls are illegal in North Dakota. Don’t press 1 to speak to a person or to be taken off the call list. That will likely lead to more calls.
As set forth in the newsletter cover article, the President’s proposed budget eliminates the Legal Services Corporation (LSC). Legal Services of North Dakota (LSND) receives forty-eight percent of its funding from the Legal Services Corporation. While I am unable to offer commentary on the President’s action; I can inform you of the effect on LSND’s ability to provide services to those individuals having legal problems in North Dakota.

LSND has already gone through four years of budget cuts. In 2014-2015, LSND’s staff agreed to give up a portion of their benefits and to cut their hours to prevent having to eliminate any staff positions. In order to accommodate staff-time reductions, LSND was forced to close its offices at Noon on Fridays. Further cuts in LSC funding will mean a reduction in staff and a further reduction in services.

Cutting LSC funding would mean that LSND would lose its core funding that has been available for civil legal services year in and year out since the 70’s. Cutting LSC funding would remove the heart of LSND’s program and leave LSND on life support. North Dakota’s most vulnerable populations depend on LSND being there when they are faced with legal problems. LSND’s Native American Program would be devastated as there are few grants available to deliver legal services on the reservations outside of LSC funding. Services to Seniors would be limited to what is covered by our Aging Services Grant, leaving Seniors exposed to many legal issues that were previously addressed with the use of LSC funding. Legal services to domestic violence victims, homeless victims and to those who are disabled living on fixed incomes will be cut substantially. There is no way to avoid the result. Less funding means less staff means less services.

Don’t Say Yes!

If you receive a phone call from someone asking “can you hear me,” hang up. You are a potential victim in the latest scam circulating around the U.S. The “can you hear me” con is actually a variation on earlier scams aimed at getting the victim to say the word “yes” in a phone conversation. That affirmative response is recorded by the fraudster and used to authorize unwanted charges on a phone or utility bill or on a purloined credit card.

“You say ‘yes,’ it gets recorded and they say that you have agreed to something,” said Susan Grant, director of consumer protection for the Consumer Federation of America. “I know that people think it’s impolite to hang up, but it’s a good strategy.”

But how can you get charged if you don’t provide a payment method? The con artist already has your phone number, and many phone providers pass through third-party charges. In addition, the criminal may have already collected some of your personal information -- a credit card number or cable bill, perhaps -- as the result of a data breach. When the victim disputes the charge, the crook can then counter that he or she has your assent on a recorded line.
Legal advocates and attorneys often work with individuals who are victim/survivors of traumatic intimate partner relationship abuse and violence. For those victim/survivors, the trauma effects of the abuse are on-going. And, their actions and responses may represent ways they are actively surviving in the midst of coercive control tactics and physical harm. A trauma-informed understanding of the pervasiveness and impact of domestic violence and a commitment to developing trauma-informed knowledge and skills, however, can minimize re-traumatization and support a victim/survivor’s healing and resiliency.

Many victim/survivors of domestic violence find that legal proceedings can bring up or “trigger” strong emotions including reminders of past abuse. A trauma trigger is a reminder of a traumatic incident that causes a person to re-experience some aspect of the incident as if it were happening in the present moment. A victim/survivor can be triggered when she sees people from her past. She can also be triggered by certain places, activities, sounds, facial expressions, sensations, or the dynamics or energy in a room. When triggered, a victim/survivor might feel afraid, angry, stressed, “on alert,” physically ill, or “checked out” without knowing exactly why she is feeling that way. What is happening is the victim/survivor’s brain is telling her body she is in danger and there is no time to evaluate the threat. When a victim/survivor has experienced a great deal of violence in her life, she may be quicker to respond to more perceived threats, and it can take her longer to return to a state of calm.

A trauma-informed approach to counter her “triggered” experiences of abuse means observing and validating her feelings: “That sounds really scary/hurtful;” “I appreciate you sharing this with me, even though it looks like it is making you feel hurt and sad to talk about it;” “I know this is a lot for you to deal with. Let’s take a quick break.” Allow time for her to become calm and oriented after an intense emotional response. Different things can also help different victim/survivors; ask her if some relaxed, deep breathing, or standing up and doing some slow stretching would be helpful.

If a victim/survivor seems completely overwhelmed or “checked out,” it could be she is experiencing dissociation; a protective coping mechanism that she has developed in response to situations she couldn’t control or escape. Dissociation can happen to a victim/survivor as a response to being or feeling unsafe in her current situation. To help her return to the present, you can offer trauma-informed emotional safety “grounding:” “These benches aren’t very comfortable, are they? But, no one is going to bother us here;” “What do you think of the colors in that painting?” “Just breathe. It’s ok. Just breathe.”

Minimizing triggers in your office or agency’s space can also be a way of helping a victim/survivor with the impacts of her trauma. Offer her some options for where she can sit. Use open body language. Explain things in advance. Offer breaks. Be thoughtful about note-taking. And, to minimize the impact of potential triggers in court, do some emotional safety planning with her: “For a lot of people, going to court can bring up uncomfortable or scary feelings. We can prepare for this, just like we will prepare for any other part of your case.” Prior to the court date, offer her a private tour of the courtroom. Talk with her about some self-soothing strategies she can
use such as a small card with words of strength she can carry in her pocket. Perhaps she has a friend she can talk to the night before. Ask her if she is working with or would like to contact the local crisis intervention program for a certified domestic violence advocate to accompany her to court.

If she is in recovery, the stress of going to court can also create additional stress. Let her know: “So many people I work with say they drink or pop pills when they are stressed out. Having to go to court can be really stressful. If this is something you might be worried about, let me know.” It may be helpful for her to talk to her sponsor, a trusted friend, or recovery ally to develop a short-term emergency relapse plan. Victim/survivors of domestic violence may also experience trauma-related emotional crises. Someone is experiencing an emotional crisis when she cannot get to where she wants to be emotionally without external support. Experiencing crisis is not the same as experiencing mental health condition “symptoms.” Your own body language may help in this situation. Sit at a slight angle and don’t cross your arms or put your hands on your hips. Don’t touch her without her consent. Don’t tower over her or crowd her. Use gentle eye contact, slow movements, and a calm relaxed voice.

Victim/survivors who are experiencing mental health symptoms or a mental health crisis are often not believed or are treated dismissively. So, remember that from a trauma-informed domestic violence perspective, unbelievable things sometimes are true… or perhaps something similar and extremely frightening happened to her. If a victim/survivor is going through a mental health crisis, invite her to a quieter space. Address her by name, and respond to any disorganized speech by speaking slowly and clearly. Repeat yourself as often as seems helpful, and don’t assume she cannot understand because she isn’t responding. Some things not to do: don’t challenge her beliefs or say something is not “real.” Don’t make fun or communicate disbelief in other ways. Don’t “play along.” Some trauma-informed, caring things you can say to her: “I feel concerned because…;” “Are you hearing voices? Are the voices making it hard to concentrate? Should we move to a quieter area?” “Do you want to take a break? What has helped when you felt this way before?”

Overall, a trauma-informed approach to intimate partner violence means taking time to think about how trauma might affect victim/survivors’ experience of your legal services, and what you can do to reduce further re-traumatization. When you understand that a victim/survivor’s trauma symptoms are adaptations to being under siege, then you can do everything you can to reduce the likelihood that she will feel further discounted or disempowered. Always communicate hope and helpfulness, and always speak to her with genuine respect. Because when you are doing everything you can to support her strength and resiliency and reduce further harm, you are also then adding a trauma-informed social justice lens to address—and hopefully someday eliminate—the root causes of domestic violence.

~Adapted from “Trauma-Informed Legal Advocacy” [Power point slides] (White-Domain, 2016) and “Preparing for Court Proceedings: An Info & Worksheet for Survivors, Legal Advocates, and Lawyers” (National Center on Domestic Violence, Trauma, and Mental Health, 2013)
Katie Valer was born and raised in Bismarck, ND. She attended the University of North Dakota where she graduated with a degree in Public Administration and minors in Religion and Political Science.

After graduating from UND, she attended University of St. Thomas School of Law in downtown Minneapolis and graduated in May 2015. She is currently licensed to practice law in Minnesota and North Dakota.

Above Judge John Grinsteiner is swearing Katie into the North Dakota State Bar as an attorney.

Katie is currently serving as staff attorney in the Bismarck Office of Legal Services of North Dakota.
Nadia Javaid

Nadia Javaid is taking the oath as she is being sworn in by Judge Grinsteiner to become a licensed attorney in North Dakota on February 10, 2016. Nadia is an employee with LSND and is working with our Human Trafficking grant. Under the Human Trafficking grant, she provides direct legal services to trafficked survivors. The legal services include assistance with immigration, family law, protection orders, and other remedies of law available to help survivors start a new life. She also represents juvenile clients.

She was born in Pakistan and migrated to the United States when she was seven years old. She grew up in Astoria, New York. She attended Queens College - CUNY in Flushing, New York for her undergraduate and received a Bachelors Degree in Psychology. She also has Masters in Experimental Psychology from St. John’s University in Queens, New York. She relocated to Phoenix, Arizona to attend Arizona Summit Law School and received her Juris Doctorate degree.

Nadia’s passion in immigration law began when she worked for a not-for-profit organization in Astoria, New York that provided immigration services. Working with diverse immigrant population, she realized that she played an important role in their lives. She assisted clients with their United States citizenship process which gave them an opportunity to vote, reunite with their families and loved ones, and become part of this great country. She also assisted with filing petitions to reunite family members who resided overseas. This was her first job and it influenced her to go to law school and serve the community.

In addition, during law school, Nadia clerked for an employment-based immigration law firm. She worked on cases that involved foreign national engineers who were highly educated and qualified to work for large corporations in the United States. She also had the opportunity to extern with Immigration and Customs Enforcement.

After graduating from law school, Nadia visited her brother in Bismarck and decided to stay. She enjoys the small city life in Bismarck. She is happy to be on board with LSND providing legal services to the underserved community in North Dakota.
“Walter” received a lease termination notice in late fall from his mobile home park landlord, “East View Village,” terminating his tenancy for no reason. Walter, a 72 year old disabled, veteran, and his wife, “Evelyn,” had lived happily in the park, located within the area economically impacted by the Bakken oil formation, for nearly 12 years.

Walter and Evelyn’s sole income consisted of Social Security. Walter could not afford to move or pay the exorbitant rental amounts charged in alternate housing.

Walter contacted LSND for assistance. Walter was afraid he would be evicted and homeless, in his wheelchair with no place to charge his respiratory equipment and the sub-zero temperatures of winter quickly approaching.

With LSND’s help, Walter and Evelyn were able to stay in their mobile home until they found and moved into affordable, accessible housing.

But after vacating the property, the landlord requested Walter to give it the title to his mobile home. When Walter refused, the landlord put a lien on Walter’s mobile home requesting him to pay $1880 plus accruing fees within 30 days or the landlord would take ownership of his home.

Through LSND, Walter sought and received a court order prohibiting the landlord from selling or transferring or obtaining possession, ownership, or title to Walter’s mobile home.

Despite the court’s order, the landlord moved Walter’s mobile home to the landfill, with no notice, where it was crushed and destroyed.

With LSND’s assistance, Walter received a court order requiring the landlord to reimburse Walter for the partial value of his mobile home in the amount of $4950 and attorney’s fees in the amount of $6000.

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 and elderly North Dakotans. Any donation, large or small, supports the vital role we play in the struggle for equal justice.

Because we receive a grant from the federally funded Legal Services Corporation, 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.

LSND is a 501 (c)(3) organization, meaning that all contributions are fully tax deductible. You can either make your check payable to Legal Services of North Dakota which can be sent to us at:

Legal Services of North Dakota
418 E Broadway #7, Bismarck, ND 58501

or

You can go to our Donate Button on the home page of our website www.legalassist.org
Community Education

Legal Services of North Dakota will provide speakers for your agency/organization on specific topics affecting low-income and/or elderly people or on civil legal services in general.

We also have a number of brochures that are available on various topics relating to problems with which our clients are faced.

To obtain these public awareness materials or to have someone come and address your group, please contact our Administrative Office—Phone 701-222-2110.

LSND’s Summer CLE is Scheduled for June 14 in Fargo. For more information phone 701-222-2110 ext. 314

It is Spring Enjoy!

LSND is on Facebook!
Follow us on our Facebook Account and we’ll keep you up-to-date with our news and information!
Major Victory for Domestic Violence Advocates and Victims at the U.S. Supreme Court
By Virginia Martin Hansen

In *United States v. Bryant*, the Supreme Court upheld the constitutionality of a law designed to target repeat domestic violence offenders on tribal lands. *(579 U.S. ____ (2016)).*

In 2005, Congress passed a law aimed to address the high occurrence of domestic violence in Native American communities. Specifically, 18 U.S.C. §117(a) makes it a felony for a person with two or more domestic violence convictions in tribal, state, or federal court to commit an additional domestic violence crime in Indian Country. This habitual offender law states “Any person who commits a domestic assault within the special maritime and territorial jurisdiction of the United States or Indian country and who has a final conviction on at least 2 separate prior occasions in Federal, State, or Indian tribal court proceedings for offenses shall be fined under this title, imprisoned for a term of not more than 5 years, or both”. 18 U.S.C. §117(a).

The constitutionality of this law was challenged regarding whether domestic violence convictions in tribal court, where the defendant likely did not have an attorney, can be used to count toward habitual offender status.

Under the Sixth Amendment, in Federal and State Courts a criminal defendant has a right to legal representation whenever he is sentenced to time in prison. However, tribal courts are not governed by the Sixth Amendment. Rather, tribal courts are governed by the Indian Civil Rights Act of 1968 (ICRA). The ICRA only guarantees an attorney in tribal court when indigent defendants receive sentences of imprisonment greater than one year. *See generally* 25 U.S.C. §§ 1301-1304 (ICRA).

In the *Bryant* case, the Defendant had been convicted of domestic violence multiple times in tribal court, receiving a sentence of a year or less each time. The Defendant was then indicted on two counts of domestic assault by a habitual offender, a felony under 18 U.S.C. §117(a) for incidents occurring in 2011. The Defendant argued that since all of his prior convictions were in tribal court where he wasn’t afforded an attorney, that his Sixth Amendment right to counsel as well as his right to due process were violated by using the tribal court convictions as the basis for his habitual offender status.

The Supreme Court, however, disagreed. The Court noted the Indian Civil Rights Act requirement for attorney representation only when the defendant is sentenced to more than one year in prison and the fact that Mr. Bryant’s tribal court convictions all resulted in a sentence less than one year. The Court also noted that the Indian Civil Rights Act provides due process, procedural safe guards and allows the fundamental fairness of court proceedings to be challenged. Thus, the Court held that because Mr. Bryant’s convictions occurred in compliance with the ICRA and were thus valid, it was not a violation of his constitutional rights to use them as the basis for his habitual offender status, making him susceptible to the punishment of 18 U.S.C. §117(a) for further acts of domestic violence.

The Court’s ruling is a victory for domestic violence advocates in that it upholds a law designed to specifically address the high prevalence of domestic violence in Indian Country and that it ensures consistent punishment as a habitual offender regardless of whether previous convictions occurred in Tribal, State, or Federal Court.
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.

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<th>City</th>
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