Stalking can be defined as a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear. It is a course of conduct that can include:

- Repeated, unwanted intrusive, and frightening communications from the perpetrator by phone, mail, and/or email;
- Repeatedly leaving or sending victim unwanted items, presents, or flowers;
- Following or laying in wait for the victim at places such as home, school, work, or recreation site;
- Making direct or indirect threats to harm the victim, the victim’s children, relatives, friends, or pets;
- Damaging or threatening to damage the victim’s property;
- Harassing the victim through the internet;
- Posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth;
- Obtaining personal information about the victim by accessing public records, using internet search services, hiring private investigators, going through the victim’s garbage, following the victim, contacting victim’s friends, family, work or neighbors, etc.

Let’s take a look at some of the more frequent myths and realities.

**MYTH:** Only Celebrities are stalked.

**REALITY:** 1.4 Million people are stalked every year in the United States. We may hear more about celebrity stalking cases in the media, but the vast majority of stalking victims are ordinary citizens.

*(Continued on page 7)*
Every time I write a grant or give a presentation about Legal Services of North Dakota (LSND), I fall back on a familiar phrase:

**Legal Services of North Dakota’s mission is to provide legal advice, legal representation and legal education to disadvantaged elderly and low-income North Dakotans.**

It sounds very noble, but what does it translate to in terms of what LSND actually does? Some of the standard descriptions are helpful.

LSND is the statewide civil legal aid program for North Dakota. LSND receives 23 grants and contracts to provide a variety of legal services for low-income and elderly North Dakotans. LSND strives to provide needed access to the legal systems in North Dakota for low-income North Dakotans. Let’s get more specific:

1. LSND operates a legal helpline out of our Minot Office under the direction of Attorney Richard LeMay. LSND staff field requests for help, advice and representation from 9:00 a.m.-3:00 p.m. Monday through Thursday each week. The statewide toll-free number is: 1-800-634-5263.

2. Under a contract with the Aging Services Division of the North Dakota Department of Human Services, LSND also operates a Senior Legal Hotline from 8:00 a.m.-5:00 p.m. Monday through Friday every business day. That number is: 1-866-621-9886, and is geared for North Dakotans who are 60 years and over. We try to provide seniors rapid, accurate and sound advice, referrals and other forms of legal help.

3. Through these two telephone help lines, outreach visits, reservation offices, and web applications, LSND received 8,009 requests for help in 2007. We were able to provide at least some help in about 70% of the requests.

4. Since the formation of Legal Services of North Dakota in January 2004, we have been involved in representing low-income/elderly clients in 18 appeals at the North Dakota Supreme Court. Some of the major ones include:

   - Sutherland vs. ND Department of Human Services, 2004 ND 212.
   - Estate of Pladson vs. Traill County Social Services, 2005 ND 213.
   - Frisk vs. Frisk, 2006 ND 165.
   - Marquette vs. Marquette, 2006 ND 154.
   - Adoption of C. D., 2008 ND 128.

5. LSND has small offices located on the Fort Berthold (New Town) and Turtle Mountain (Belcourt) Indian reservations. We also make regular outreach visits to the Spirit Lake and Standing Rock reservations. In addition to handling Tribal Court cases and other civil matters on the reservations, LSND works cooperatively with the Internal Revenue Service (IRS) to operate VITA tax sites on the Turtle Mountain and Fort Berthold reservations. In 2008 we obtained over $500,000 in earned income credits and federal income tax refunds for clients.

6. Through grants from the Otto Bremer Foundation, the Fargo-Moorhead Foundation and other funds, LSND operates an Immigration Law Project out of our Fargo Law Office in conjunction with two Minnesota legal aid programs. Attorneys Sheree Weisz and Linda Catalano help low-income clients with naturalization, adjustments of status, renewal of green cards, medical waivers and other immigration/naturalization issues.

(Continued on page 3)
7. LSND serves as defense counsel in a couple of North Dakota’s Juvenile Drug Courts. An article by Brad Peterson in this newsletter goes into greater detail explaining this very important effort to help some of North Dakota’s dependent kids.

8. LSND receives a generous grant from the Bush Foundation to help provide community legal education to low-income and elderly North Dakotans. Under the leadership of Community Education Coordinator, Stacey Fetzer, LSND delivers preventive legal education through various formats including:
   - Seminars
   - Brochures
   - Website
   - Newsletters
   - Booth displays

9. In addition to the projects listed previously, LSND is also able to provide legal help to low-income and elderly clients in a variety of areas including:
   - Powers of Attorney
   - Advance Directives
   - Problems with collection agencies
   - Juvenile Court
   - Unemployment appeals
   - Public Benefits appeals
   - Indian Trust Land Wills
   - Evictions
   - Public utility shut-offs

10. Finally (I am running out of my allotted space), LSND handled 369 court cases in 2007 in North Dakota State and Tribal Courts. The majority of those were in the area of family law.

   I was unable to cover everything we do in this short article. If you have questions, or would like additional information, please feel free to contact us.

   Have a great fall!

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**Elder Justice Conference**

October 14 & 15, 2008

Seven Seas Inn & Conference Center

I-94 & Exit 152
Mandan, ND 58554
(701) 663-7401

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**Keynote Speakers:**

- Jonathan Alm, JD, Attorney, Legal Services, ND Department of Human Services
- Lori Stiegel, JD, Associate Staff Director, American Bar Association Commission on Law and Aging
- Joanne Otto, MSW, Executive Director, National Association of Adult Protective Services Administration (retired)

**Co-Sponsored by:**

- ND Department of Human Services, Aging Services Division (ASD)
- Legal Services of North Dakota (LSND)
- ND Office of Attorney General (NDOAG)
- State Bar Association of North Dakota (SBAND)

Social Work CEU's, CLE's and P.O.S.T. Certification (applied)
To become a U.S. citizen, an applicant must show an understanding of the English language and basic knowledge of the history and government of the United States. An applicant demonstrates such understanding and knowledge through a U.S. citizenship examination, commonly referred to as the naturalization test. Applicants are given 2 opportunities to pass the test. On September 27, 2007, the U.S. Citizenship and Immigration Services (USCIS) announced a new naturalization test, which would become effective on October 1, 2008.

The new naturalization test has three parts:

(1) **Speaking:** An applicant has to answer questions asked by the USCIS Officer during his or her interview. USCIS Officers will repeat and rephrase questions until the officer is satisfied that the applicant: 1) understands English or 2) does not understand English. If the applicant can generally understand and answer the questions, the applicant has shown the ability to speak English. The speaking portion of the test remains the same.

(2) **Reading and Writing:** An applicant must read one sentence and write one sentence.

**Reading:** For the Reading Test, the USCIS Officer will ask the applicant to read sentences. The applicant must read 1 out of 3 sentences correctly (same as the current test). To pass, the applicant must: 1) read without long pauses and 2) read all words except short words not important to the meaning of the sentence. The applicant is allowed to make pronunciation and intonation mistakes if these mistakes do not interfere with the meaning of the sentence.

**Writing:** For the Writing Test, the USCIS Officer will dictate sentences to the applicant. The applicant must write 1 out of 3 sentences correctly (same as the current test). The applicant will pass if the sentence he or she writes has the same general meaning as the one dictated by the USCIS Officer. The applicant is allowed to make some grammar, spelling or punctuation mistakes or to omit short words, as long as there is no interference with the meaning of the sentence. As with the current test, numbers may be spelled out or written as digits.

The main difference from the current test is that the reading and writing sentences in the new test are paired. The reading sentence is a question and the writing sentence is the answer to the reading question. An example of this change is shown below:

Q. Read: Who was the first President of the United States?
A. Write: George Washington was the first President of the United States.

The applicant is not required, however, to know the answer to the question he or she is reading in the Reading Test. The USCIS Officer will dictate the answer as part of the Written Test.

Another major difference between the current test and the new test is that the actual sentences will no longer be available to the public. Instead, the USCIS has posted vocabulary lists with the words found on the new reading and writing tests. The lists can be found on the USCIS website (www.uscis.gov).

(Continued on page 5)
There are 100 history and government questions included in the new test. The civics test is an oral test and the USCIS Officer will ask the applicant 10 out of the 100 questions. To pass, the applicant must answer correctly at least 6 out of the 10 questions. The new civics test contains topic areas not included in the old test, such as rights and responsibilities and geography. In addition, in the new test the number of answers that could be counted as correct has been increased. For example, question #6 of the new test asks:

Q. What is one right or freedom from the First Amendment.
   A. Speech, religion, assembly, press, petition the government (an applicant needs to choose only one of the five correct answers).

The USCIS will begin administering the new naturalization test on October 1, 2008. Determining whether an applicant will take the current test or the new test depends on when the naturalization application is filed. An applicant who:

- Applies BEFORE October 1, 2008, and is scheduled for an interview BEFORE October 1, 2008, will take the current test.
- Applies BEFORE October 1, 2008, and is scheduled for an interview ON or AFTER October 1, 2008, can choose to take the current test or the new test.
- Applies ON or AFTER October 1, 2008, will take the new test.
- Is scheduled for an interview ON or AFTER October 1, 2009, regardless of when he or she applied, will take the new test.

Of course, some exceptions still apply to the new test. For example, applicants who are 65 years of age or older and who have been a permanent resident for 20 years at the time of their application for naturalization will be required to study only a selected 20 out of the 100 civics questions. Such applicants will also be able to have an interpreter present at the time of testing. In addition, applicants with a medical condition that prevents them from learning or demonstrating the required knowledge of English and civics will still be allowed to file for an exception from both the English and civics test. However, to do so, they must have a licensed doctor certify they have a medical condition that prevents them from ever being able to learn how to read and write in English.

For more information about the current and new test, please visit http://www.uscis.gov

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**Labor Day Fun Facts**
- The first Labor Day holiday was celebrated Tuesday, September 5, 1882.
- On June 28, 1884, Congress passed an act making the first Monday in September of each year a legal holiday in the District of Columbia and the territories.
- To this day, Labor Day, is a celebrated creation of the labor movement and is dedicated to the social and economic achievements of American workers.
- Labor Day constitutes a yearly national tribute to the contributions workers have made to the strength, prosperity, and well-being of our country.

**Columbus Day Fun Facts**
- Columbus Day is celebrated in the United States to honor Christopher Columbus’s first voyage to America in 1492. He traveled with three ships: The Nina, the Pinta and the Santa Maria.
- State and City observations of this day vary, take for instance:
  * South Dakota, the day is officially a state holiday known as “Native American Day”, not Columbus day;
  * California, the city of Berkeley celebrates “Indigenous People’s Day” instead of Columbus Day every year with a pow wow and Indian Market.
What are findings and how are they communicated to the petitioner in a domestic violence case or a party in a custody case?

Findings, also referred to as findings of fact, are simply the decisions a court makes on issues of fact in a case. Barron’s Dictionary of Legal Terms, 3rd Ed. 1998. The goal of the findings are to disclose the grounds upon which the judgment was made. Id. Findings are usually a recital of the facts as found by the court or jury in a particular case. Black’s Law Dictionary, 5th Ed., 1979.

In more simple terms, what this means is that the court must issue a decision upon each fact, whether contested or not, in a case.

For example, in a typical custody case the court must consider a number of factors to determine the best interests of where a child should live. One of the factors is whether or not domestic violence has occurred. When one party alleges domestic violence, the court must listen to evidence presented and review documents, photos, or other evidence pertaining to whether the domestic violence actually occurred. Once the Judge has reviewed all the evidence and listened to all the testimony, the Judge will then make a finding as to whether or not he or she believes that domestic violence has occurred. This then becomes the finding as the Judge has determined it to be.

In both a custody case and in a domestic violence protection order case there can be a number of different facts that may be in dispute, and therefore the court may make a number of different findings. Findings are communicated to a petitioner or party in an action through a couple of different means. The first is simply on the record. With a few exceptions, most court proceedings are tape recorded. In many cases a Judge may simply state on the record what facts he or she has found or accepted to be true. A petitioner in a domestic violence case or a party in a custody case may never see these facts reduced to writing; they will simply be on the tape recording. It is important for a Judge to make these findings and put them on the record in case of an appeal to a higher court, such as the North Dakota Supreme Court here in North Dakota.

A second, more tangible, way a petitioner may have findings communicated to them is through written findings by the Judge (these may also be drafted by an attorney for one of the parties). The findings are typically then given to both parties and entered into the file for the case. When reduced to writing the findings are typically referred to as “Findings of Fact” in the heading of the legal document. Findings are often accompanied by “Conclusions of Law,” which are based on the facts provided. The Court will then enter a decision, or “Order” based on the facts and the relevant law in the case.
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 persons and our many advocacy projects. Any donation, large or small, supports the vital role we play in the struggle for equal justice.

LSND is a 501 (c)(3) organization, meaning that all contributions are fully tax deductible. You can make checks payable to Legal Services of North Dakota and send to us at:

Legal Services of North Dakota  
PO Box 1893  
Bismarck, ND 58502

Your support will help LSND promote dignity, self-sufficiency and justice through civil legal aid for those with no place else to turn. Legal assistance stabilizes families and communities, saves taxpayers money, helps prevent legal problems that would otherwise further clog the courts, and helps people become self-sufficient and participate effectively in society. LSND works with other providers to remove the barriers that may prevent people from participation in programs designed to assist them. If you have any questions regarding donations, please contact Keith Engbrecht at kengbrecht@legalassist.org or call (701) 222-2110.

MYTH: If you ignore stalking, it will go away.

REALITY: Stalkers seldom “just stop.” In fact, behaviors can turn more and more violent as time goes on. Victims should seek help from advocates, law enforcement, and the courts to intervene to stop the stalking.

MYTH: Stalking is creepy but not dangerous.

REALITY: Stalking is creepy and dangerous. Three out of four women who were murdered by an intimate partner had been previously stalked by the killer.

MYTH: Stalking is annoying but not illegal.

REALITY: Stalking is a crime under the laws of all 50 states, the District of Columbia, and the federal government.

MYTH: You can’t be stalked by someone you are still dating.

REALITY: If your current girlfriend or boyfriend tracks your every move or follows you around in a way that causes you fear, that is stalking.

MYTH: Modern surveillance technology is too expensive and confusing for most stalkers to use.

REALITY: Stalkers can buy surveillance software and hardware for as little as $30 and can easily track victims’ every move on a computer.

MYTH: If you confront the stalker, they’ll go away.

REALITY: Stalkers can be unreasonable and unpredictable. Confronting or trying to reason with a stalker can be dangerous.

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Stalking Resource Center 1-800-FYI-CALL or www.ncvc.org/src

Did you know...

You can Donate to Legal Services of North Dakota!
The Federal District Court Makes a Major Decision in the Cobell Case.

By: Edward B. Reinhardt, Jr., LSND Senior Attorney

On August 7, 2008, the U.S. District Court for the District of Columbia held that the United States must return $455.6 million to holders of Individual Indian Monies (IIM) accounts. That was quite a bit less than the $46.8 billion the plaintiffs had requested.

This decision is a landmark in the Indian law case called Cobell v. Kempthorne. This is a class action lawsuit brought by Indians against the United States in 1996. Earlier on, it has been called Cobell v. Norton and Cobell v. Babbitt, depending on who was the Secretary of the Interior.

The Cobell case is basically about whether the government owes money to individual IIM account holders. With IIM accounts, the federal government holds funds that are payable to individual Indians. Most individuals with IIM accounts own interests in land or minerals held in trust for them by the federal government. Not all Indians have IIM accounts because not all Indians have trust land or other trust property.

IIM accounts and trust land began in the late 1880’s when the U.S. government allotted tribal land to individual Indians. The idea was that Indians would learn to be farmers and ranchers if they had their own land. At first, the land was held in trust by the government for 25 years, and then it would become the private property of the individual Indian. For a number of reasons, this system didn’t work out, and a great deal of Indian land went out of Indian ownership. Since then, the government has extended the trust indefinitely. Even though a lot of land went out of Indian ownership, the government still holds millions of acres of land and minerals in trust for individual Indians.

As trustee, the government has a responsibility to manage the land for the maximum benefit of the Indian beneficiaries. This generally means the government (through the Bureau of Indian Affairs) leases farm or ranch land, sells timber, or leases mineral rights. The money from these leases or sales was put into an individual Indian’s IIM account. Most of the time, money in an IIM account is paid to the account owner.

One problem with IIM accounts is that, 120 years after land was allotted to individual Indians, there are many descendants of the original owners. When the original owner died (often without a will), state law would generally control who inherited the allotted land. In North Dakota, land usually went to the spouse and then the children. There could be several children, and the children could have several children of their own. After a few generations of dividing land among many children, each allotment could have 20 or 30 or more owners. Each owner of a piece of land has an IIM account. Some account owners have tiny fractional interests in several pieces of land, sometimes on different Indian reservations. The government had to keep track of the money coming in for each owner on each piece of land and pay it out to the right owners in the right proportion.

The plaintiffs in Cobell claimed that the government has done a bad job of keeping track of income for IIM account holders, and that account holders didn’t get paid as much as they should have. By early 2008, the government had basically admitted it could not accurately say how much money should be in each IIM account. A trial was held in June of 2008 where the court heard testimony from each side about how much the government owed.

Cobell and the other plaintiffs claimed account holders should have been paid about $4 billion more than what they actually received. So how did they come up with $46.8 billion? That was the “benefit to the government” for not paying Indians what they should have received for 120 years. The plaintiffs

(Continued on page 9)
said every dollar the government did not pay IIM account holders was a dollar the government didn’t have to borrow to pay for its other activities. Over the course of 120 years and with about a 4% rate of interest, the number got to be billions.

The district court did not accept the plaintiff’s figures. The court said even though the government’s records were bad, the records that actually existed did not indicate that almost 30% of the income disappeared (which is basically what the plaintiff’s numbers showed). Besides that, the court said the plaintiffs only used numbers that helped their case, and ignored numbers that did not help their case.

The court did not accept the “benefit to the government” theory either. The court said the Treasury Department sets IIM funds aside and keeps them separate. It doesn’t use them to pay for other government operations, so the government gets no benefit from the IIM funds.

The government’s own figures, however, said about 23% of IIM income was not paid to IIM account holders. The government explained that money was counted as income more than once if it was moved from one fund to another. Transfers between funds show up as a credit to an account, but not as being paid out because no check is written to anyone. Income counted more than once for bookkeeping purposes would make it look like more income was received than was paid out. The court accepted this explanation.

The government hired a statistics expert to try and figure out whether it owed anything to IIM account holders. The expert used a statistical technique called “multiple imputation.” Multiple imputation takes known numbers and uses it to estimate a range of missing numbers.

According to the government, it probably owed IIM account holders somewhere between $159.9 million and $455.6 million. The court decided the government’s statistical method was the most believable. The court said “The greatest strength of the government’s model is that it comports with what is actually known about the IIM trust.”

Since this was a trust case, the court used the number most favorable to the beneficiaries of the trust, who are the IIM account holders. The district court held that the government has to return $455.6 million to individual IIM account holders.

This isn’t the end of the Cobell case. The plaintiffs have appealed to the District of Columbia Court of Appeals. Even if the district court’s decision is upheld on appeal, it still has to decide how to distribute the $455.6 million (or whatever the government owes). In addition, tribal governments have lawsuits pending against the federal government for mismanagement of tribal trust accounts. A final resolution is probably still a few years away. Stay tuned.
It costs the taxpayers of North Dakota over $120.00 per day per child to confine a child at the Youth Correctional Center which is $43,800, about the same as a year’s tuition at Harvard.

In an effort to rehabilitate children and to avoid the need for placement at the Youth Correctional Center, the State of North Dakota has implemented a series specialty courts called Juvenile Drug Courts in the state. Currently, there are six Juvenile Drug Courts in operation, with another coming online.

What is so unique about the Juvenile Drug Court Program is that it places a lot of the advised ‘traditional court’ approach on the shelf and relies on a team approach. The team consists of a judge, state’s attorney, defense attorney, treatment provider, law enforcement, school representative, probation officer, and someone to oversee community service. Legal Services of North Dakota is fortunate that the South Central Juvenile Drug Court (SCJDC) and the Northwest Judicial Drug Court in Minot have allowed us to be part of the team by participating as defense counsel for the juveniles. Legal Services of North Dakota is going on its sixth year as a defense counsel for SCJDC. As part of the SCJDC team, we have seen some amazing results and a few frustrations. I have been asked to ‘pull back the curtain’ to explain more about the Juvenile Drug Court Program.

For the uninitiated, a Juvenile Drug Court is a court that provides an intensive, and yes, sometimes invasive approach to monitoring a child in the community. The Drug Court provides services to the child and their family. Basically SCJDC is looking for a ‘dead end kid’ who has a multiple arrests/adjudications and a drug dependency diagnosis and is on their ‘last leg’ before out of home placement.

To get into SCJDC, a Juvenile Court Officer will identify a child as a potential candidate. The child cannot have a delivery charge or serious violence. Once identified the child/parent fills out an application.

Upon receipt of an application, the team will staff the child. I wish you could sit in on an application staffing. It is absolutely amazing the knowledge/resources that the team members possess. After being given the opportunity for each team member to have a say, a vote is taken. Surprisingly the vast majority of the applicants are approved. We sometimes wonder if we should ‘cherry pick’ more but from my vantage point the SCJDC intentionally seeks out the hardest challenges.

While in Drug Court a child is assigned a probation officer who the child must meet with each week. The child must give 2-3 drug tests a week and have contact with a tracker 3-4 times per week to give drug tests and in-person curfew checks. SCJDC has entered into a contract with RoboCuff, which is a voice automated system where the SCJDC program can utilize an automated telephone call(s) to the child to check on the child through voice recognition. At first I thought this wouldn’t work, but after a year I am surprised how effective and affordable RoboCuff has been. It is a tremendous asset to ‘keeping our eye’ on a participant. More recently SCJDC has started a Life Skills Program to encourage/assist participants with ongoing issues. We will be starting up a mentor program shortly with a local university.

A child is expected to attend group treatment as well as individual sessions and aftercare. SCJDC has placed the treatment aspect as the primary focus of SCJDC and fortunately we have had some extremely (Continued on page 11)
talented/dedicated treatment providers who spend a lot of time with our kids. A child is also expected to work hard in school, find a job and perform necessary weekly community service.

Each Thursday at 3:00 pm the SCJDC Team meets to go over the child’s past week. These weekly staffings are the heart of the SCJDC. Each Team member is given the opportunity to discuss each child each week and determine what reward or what sanction is appropriate for the child to receive for the upcoming week. From a defense attorney’s viewpoint, these weekly staff sessions pose the biggest obstacle/challenge. As an attorney who has spent a great deal of my career doing criminal defense and juvenile defense, the weekly staffing was a tough pill to swallow. My initial reaction at the weekly staffing was to put up the defense attorney shield but I realized very early on this is not how SCJDC works. The SCJDC is truly a team approach and the weekly decisions we make are all of ours. I wish each of you had the opportunity to sit in on a staffing. It is an amazing sociological experiment featuring a judge, prosecutor, probation officer, law enforcement, treatment provider, school representative and community service actually trying to figure out what is the best course of action for a child. It is not uncommon for my position to be supported by law enforcement and for me to support a prosecutor’s sanction recommendation. At the end of each Thursday staffing the team enters the courtroom to meet with the children at 4:00 p.m.

Then each child is required to attend SCJDC. The child is called up from the jury box to the podium to discuss his/her week with the Judge. This is where the fireworks can begin because the Judge is armed with a lot of information from staffing so it very, very important for the child to be honest. Unfortunately, sometimes this doesn’t always work. The Judge will interact with the child and the child’s parent(s) to discuss the positives/negatives of the week and the plan for the next week will be given to the child and the process repeats until the child graduates.

In a perfect world a child can graduate from SCJDC in 9 months, but in reality it takes a year to a year and a half to complete. As the child progresses through the program they earn their way through three paths (a minimum of 3 months for each path) and additional freedoms, as well as new responsibilities, are given to the child.

Graduation is exciting! After a year of successes and a few set backs, it is truly rewarding to watch the progress. There has been a fair share of hardships and many of the children do not complete the program and are placed out of home, but the research by Dr. Kevin Thompson of NDSU has shown time and time again that SCJDC works. The grades go up, recidivism goes down, child is able to remain in the home and parents are telling us how happy they are to have their child back. If the child can stay offense free for an additional six months, he or she gets all of the charges that brought them into SCJDC wiped off. If they remain offense free for two years their entire juvenile history is cleared.

SCJDC is not for every child, but the child who makes it through is given the tools to succeed. Thank you SCJDC for allowing LSND to be a partner in the future of North Dakota’s children.
Richard R. LeMay

Richard Roy LeMay grew up on a farm in Antler and later in Mohall, North Dakota. He is the oldest of two brothers and two sisters. He graduated from Mohall High School in 1973. He then served in the United States Army. In 1975 he married Jeanne Titus, and they have three daughters, Erica, Lindsay and Vanessa.

Richard first worked with his father-in-law as a mechanic in Mohall and later, while raising a growing family, he spent four years commuting daily from Mohall to Minot to attend Minot State University where he obtained a pre-law degree in Political Science and History. Afterward he attended UND School of Law. While at UND he worked in the Legal Aid law clinic, where his passion for helping those less fortunate took a strong hold. After graduation he clerked for one year in Grand Forks County for Judge Dave Vigland and was admitted to the Bar on April 25, 1989.

Rich began his career with Legal Services of North Dakota in May, 1989 as a staff attorney in the Minot Regional Office. Two years later he was promoted to Managing Attorney and is currently Director of Litigation for the program. Over the years Rich has handled many cases at the North Dakota Supreme Court. Most notable are: In re Braaten and the Estate of Pladson v. Traill Co. Social Services.

Rich has worn many hats in the 19 years he has been with Legal Services, including technology. Early on he took the initiative to implement the first small network in the Minot Regional Office and later the networking of the entire program. He also implemented our case management software and in 1998, after two years of hard work and preparation, he got Central Intake on track, for which he put on another hat, "Central Intake Coordinator." In 2001 he was instrumental in getting the nation’s first Legal Services web application up and running.

Rich and Jeanne live near Puppy Dog Creek which, when it rains heavily, becomes "Big Dog Creek." He enjoys gardening and still likes to get dirty doing mechanic work and helping his brother farm in the Mohall area. Through the years, he and Jeanne have been foster parents to numerous cats and dogs rescued by their daughters. He is a sports fan and closely follows the Minnesota Twins, his favorite team. Rumor has it that his second favorite team is any team playing against the Yankees. He also plays on a slow-pitch softball team during the summer but plans to retire from that as soon as he hits one over the fence.

"Rich is dedicated to providing legal services to the low-income and elderly populations of North Dakota. The services provided by LSND would not be anywhere near the level they are today without Rich’s vision, hard work and dedication.” - LSND Executive Director Jim Fitzsimmons
New Board President:
At the July meeting of the Legal Services Board of Directors, Attorney **Rob Manly** was elected President of the LSND Board. Manly, who practices with the Vogel Law Firm in Fargo-Moorhead, succeeded Mountrail County States Attorney, Wade Enget. Rob graduated from the University of North Dakota School of Law in 1997 and has served on the LSND Board of Directors since the 2004 consolidation.

Williston Attorney Laurel Forsberg was elected Vice President, and Bismarck Lawyer Mary Kae Kelsch is Secretary-Treasurer. *For a picture of a recent “Management Meeting”, please see page 14.*

**Staff Involved in the Community:**
LSND staff are involved in many community activities.

Attorney Rich LeMay is involved with the Minot Area Homeless Coalition.

Paralegal Vickie Fox just completed a six year stint as Treasurer for the Boys and Girls Club of the Three Affiliated Tribes.

Attorney Tom Jackson was elected to the Mandan City Commission in June.

Paralegal Rhonda Belgarde is Vice Chairwoman of the Turtle Mountain Domestic Violence Task Force. She also serves on the committee for the Turtle Mountain Community College Project Peace Maker.

Attorney Brad Peterson serves on the Executive Board of the Fair Housing of the Dakotas organization.

Attorney Linda Catalano is on the Board of Directors for the North Dakota Federation of Families For Children’s Mental Health.

Attorney Kelsee Macintosh is on the Cass County Family Violence & Sexual Assault Committee (aka Personal Violence Task Force).

Paralegal Paulette Throntveit is a long time member of the local Tenant Education Project in Fargo ND.
The North Dakota Home Solicitation Sales Law gives consumers a powerful right to cancel sales transactions of more than $25 which are made away from a permanent place of business. You have three days to cancel any sales contract made under such conditions. It applies to purchases made at a trade show, purchases from a door-to-door salesperson, or merchandise and services bought from a salesperson operating temporarily out of a motel room. This law also applies to sales made by telephone, in which you purchase merchandise using your credit card, when the business contacts you.

The seller must tell you orally and in writing about your three-day right to cancel. If the seller does not do this, the deal is voidable, even after three days.

You must give written notice to the seller that you are canceling the transaction. Send your notice by certified mail to document that it was made within the cancellation period.

People 65 years or older have even more protection. Seniors who are sold a product away from a permanent place of business have 15 days to cancel any purchase more than $50.

The three-day right to cancel applies only to sales transactions made away from a permanent place of business. For instance, if you go to the local auto dealer's permanent place of business and buy a car, you cannot use the three-day right to cancel to terminate the deal. North Dakota does not have a law that specifically regulates return or refund policies for businesses. Businesses set their own refund or return policies and may give cash, credit, exchanges, or no adjustments at all. Ask and know about the store's policy before you purchase the merchandise.

For more information on consumer rights, check the North Dakota Attorney General’s Office website at www.ag.state.nd.us.
## Outreach Calendar of Events

<table>
<thead>
<tr>
<th>City</th>
<th>Location</th>
<th>Time</th>
<th>Day of Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belcourt</td>
<td>Belcourt Retirement Home</td>
<td>10:00 a.m. – 11:00 a.m. CT</td>
<td>Every Tuesday</td>
</tr>
<tr>
<td>Bismarck</td>
<td>Senior Center</td>
<td>2:30 p.m. – 4:30 p.m. CT</td>
<td>2nd Wednesday</td>
</tr>
<tr>
<td>Dickinson</td>
<td>Sunset Senior Center</td>
<td>12:00 p.m. – 2:00 p.m. MT</td>
<td>2nd Monday</td>
</tr>
<tr>
<td>Devils Lake</td>
<td>Senior Center</td>
<td>10:00 a.m. – 2:00 p.m. CT</td>
<td>2nd Thursday</td>
</tr>
<tr>
<td>Fargo</td>
<td>YWCA Shelter</td>
<td>2:00 p.m. – 5:00 p.m. CT</td>
<td>2nd and 4th Wednesday</td>
</tr>
<tr>
<td>Fort Totten</td>
<td>Spirit Lake Tribal Courthouse</td>
<td>10:00 a.m. – 2 p.m. CT</td>
<td>Every other Friday</td>
</tr>
<tr>
<td>Fort Totten</td>
<td>Senior Center</td>
<td>10:00 a.m. – 11:00 a.m. CT</td>
<td>3rd Friday</td>
</tr>
<tr>
<td>Fort Yates</td>
<td>Sitting Bull College</td>
<td>4:00 p.m. – 5:00 p.m. CT</td>
<td>3rd Wednesday</td>
</tr>
<tr>
<td>Grand Forks</td>
<td>Red River Community Action</td>
<td>11:00 a.m. – 2:00 p.m. CT</td>
<td>1st and 3rd Thursday</td>
</tr>
<tr>
<td>Jamestown</td>
<td>James River Senior Center</td>
<td>11:00 p.m. – 2:30 p.m. CT</td>
<td>3rd Thursday</td>
</tr>
<tr>
<td>Mandan</td>
<td>Golden Age Senior Center</td>
<td>2:00 p.m. – 4:00 p.m. CT</td>
<td>3rd Tuesday</td>
</tr>
<tr>
<td>Minot</td>
<td>All Saints Episcopal Church</td>
<td>11:30 a.m. – 12:30 p.m. CT</td>
<td>3rd Thursday</td>
</tr>
<tr>
<td>Minot</td>
<td>Christ Lutheran Church</td>
<td>11:30 a.m. – 12:30 p.m. CT</td>
<td>3rd Tuesday</td>
</tr>
<tr>
<td>Minot</td>
<td>Commission on Aging</td>
<td>1:00 p.m. – 2:00 p.m. CT</td>
<td>3rd Thursday</td>
</tr>
<tr>
<td>Minot</td>
<td>Faith United Methodist Church</td>
<td>11:30 a.m. – 12:30 p.m. CT</td>
<td>1st Monday</td>
</tr>
<tr>
<td>Minot</td>
<td>First Lutheran Church</td>
<td>11:30 a.m. – 12:30 p.m. CT</td>
<td>1st Friday</td>
</tr>
<tr>
<td>Minot</td>
<td>Immanuel Baptist Church</td>
<td>11:30 a.m. – 12:30 p.m. CT</td>
<td>1st Wednesday</td>
</tr>
<tr>
<td>Minot</td>
<td>Milton Young Towers</td>
<td>1:00 p.m. – 2:00 p.m. CT</td>
<td>4th Wednesday</td>
</tr>
<tr>
<td>Valley City</td>
<td>South Central Senior Services</td>
<td>10:00 a.m. – 3:00 p.m. CT</td>
<td>3rd Friday</td>
</tr>
<tr>
<td>Wahpeton</td>
<td>Senior Center</td>
<td>10:00 a.m. – 2:00 p.m. CT</td>
<td>4th Tuesday</td>
</tr>
<tr>
<td>White Shield</td>
<td>White Shield Complex Bldg</td>
<td>3:00 p.m. – 4:30 p.m. CT</td>
<td>3rd Wednesday</td>
</tr>
<tr>
<td>Williston</td>
<td>Heritage Center</td>
<td>1:00 p.m. – 2:30 p.m. CT</td>
<td>1st Thursday</td>
</tr>
<tr>
<td>Williston</td>
<td>Williams Co Courthouse</td>
<td>10:00 a.m. – 12:00 p.m. CT</td>
<td>1st Thursday</td>
</tr>
</tbody>
</table>

*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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