Pro Bono Service is Essential to the American Justice System

By John G. Levi, Chairman, Legal Services Corporation Board

Fifty years ago, not far from here at the University of Chicago Law School, Bobby Kennedy, then the Attorney General, marked Law Day May 1, 1964, with a speech that proclaimed pro bono service to the poor to be a fundamental responsibility of our profession:

“Only...when we have created in fact a system of equal justice for all—a system which recognizes in fact the dignity of all men—will our profession have lived up to its responsibilities. That job is not going to be done by simply writing a check for $100—or $1,000—to the legal aid society. These are jobs that will take the combined commitment of our intellectual and ethical energies—a sustained commitment—a pledge to donate not once or twice but continuously the resources of our profession and our legal system.”

It is fitting that we mark Attorney General Kennedy’s speech 50 years ago because it was in that same year that the federal government’s quest to provide support for civil legal assistance to low-income Americans took shape during President Johnson’s “war on poverty” and the creation of the Office of Economic Opportunity, and a year later, its Legal Services Program. In announcing our “unconditional war on poverty,” President Johnson cited the plight of those “living on the outskirts of hope,” and called for replacing their despair with opportunity.

Last year, at LSC’s quarterly meeting in Denver, Colorado’s remarkable U.S. Attorney John Walsh, sounded a similar theme when describing the work of LSC and its grantees: “798 years ago ... the Magna Carta established that no man, even a king – or in our constitutional system, a President – is or should be above the law. In a sense, the enterprise that all of you are engaged in is achieving the equal but converse principle – that just as no person should be above the law, no person should be below it.”

Pro bono service represents the private bar’s commitment to this mission to deliver civil legal aid to low-income Americans who might otherwise fall below the law. It is central to our profession, and embodies a core American value - equal access to justice.

Together, we have a responsibility to future generations of Americans to make sure that the justice system we leave to them remains true to our country’s founding values.
When I was a young kid growing up in Mandan, North Dakota, I watched a whole lot of cowboy and Indian shows on the black and white television in our living room. Kids didn’t have their own TV’s in those days, let alone an I-Pod, I-Pad, I-Phone, etc. Like most young boys of that era, the Lone Ranger and Tonto, John Wayne, and Bonanza were among my favorites. A tragic period in American History became a media money maker. What most people do not realize is that most of those Indian/cavalry conflicts occurred during a very brief period in American History – 1866-1877.

The Indian Wars were basically over by 1878 and Native American people were confined to the reservations which served as POW (prisoner of war) camps for all basic purposes until 1887. The most glaring example was Geronimo and the Chiricahua Apache, who were relocated from their homelands in Arizona to the swamps of Florida.

After more than a decade of Native American confinement, some of the American churches, and other groups concerned about the welfare of the Native Americans held captive on the reservations, convinced Massachusetts Congressman Henry L. Dawes to introduce the General Allotment Act (GAA) into Congress. The bill became law in 1887. The goal of the GAA, aka The Dawes Act was the assimilation of the American Indians into the great melting pot we call the United States. Central to that goal was to provide tracts of farming/grazing land to the captive tribal members. The land was placed in trust status for individual tribal members. Like so many other well-intentioned church-driven policies toward American Indians, this one did more harm than good as millions of acres of land illegally left Indian ownership and went into the hands of corrupt government officials and their buddies.

Congress slowed the “rip-offs” and moved into the Indian Reorganization Era in the 1930’s under Franklin Roosevelt. (We’ll leave that for another column.) However, thousands of Native Americans still had land held in trust for them by the U.S. Government as a result of the GAA. Native Americans, like all of us, do not live forever. Eventually they died and the land had to be distributed.

Not many Native Americans wrote wills back in those days. The federal government determined that the lands would be distributed pursuant to the inheritance and probate laws of the state in which they lived and the lands were located. Needless to say, after a few generations the lands were seriously fractionalized or divided.

I recall a summer in the late 70’s when I did my legal clerkship for Tom Lynaugh, an attorney in Billings, Montana. Tom had me do some work on the Crow Indian Reservation. I was at the BIA one day talking to one of the clerks. She was distributing lease checks on a tract of land to the multiple-owners. She pointed out to me that the stamp on the envelope to mail the check cost more than the 18 cent check being mailed. That was 30+ years ago, so figure at least another generation of fractions. Wonder what the lease checks are today?

Congress has been aware of this fractionalization problem for years and has even made a couple of ill-fated attempts at trying to correct the increasing fractionation of trust land. One was called the Indian Land Consolidation Act of 1983. A major section of that law was declared unconstitutional by the United States Supreme Court as “an unlawful taking” in Hodel vs. Irving.

In 2004 Congress, bless their hearts, took another stab at it. This time they called it the American Indian Probate Reform Act (AIPRA) for short. They switched the inheritance/probate laws that applied to trust land from state to federal. They made new federal laws for what happens to trust lands if Indian people die without leaving wills. The article on Page 3 of this newsletter provides an

“My time will come.”
Natalie Achonwa - Senior college basketball star who missed Final Four tournament due to a torn knee ligament suffered in the previous game.
The American Indian Probate Reform Act (AIPRA)


The American Indian Probate Reform Act (AIPRA) was enacted on October 27, 2004. AIPRA creates a uniform probate code for all reservations across the United States. State laws no longer determine how trust lands on reservations pass from one generation to the next for individuals who pass away on or after June 20, 2006.

The size of an interest in trust land is a determinative factor in the AIPRA intestate provisions.

- The five-percent rule, also known as the single-heir rule. The rule states that interests of less than 5% not devised by will pass to the oldest surviving eligible child, grandchild, or great-grandchild, or if none of the above, to the tribe. If a spouse survives the decedent and lives on the parcel at the time of the decedent’s death, the spouse receives a life estate with the remainder passing to the oldest single heir of the decedent.

- Trust interests devised in a will are not subject to the 5% rule.

- Trust interests of 5% or more pass intestate in the following order: (1) to the surviving spouse, who receives a life estate that passes equally to children of the decedent (or grandchildren or great-grand children); (2) if there is no surviving spouse but surviving children or grandchildren, then to each child (or grandchild) in equal shares; (3) great-grandchildren, (4) parents; (5) sibling(s); or (6) if none of the above, to the tribe.

- Under AIPRA, trust land may pass intestate only to “eligible heirs.” Eligible heirs are a decedent’s children, grandchildren, great-grandchildren, siblings, half-siblings by blood, and parents who are either (1) Indians; (2) lineal decedents of an Indian within two degrees of consanguinity; or (3) owners of the same parcel of land. AIPRA defines an “Indian” as a person who (1) is a member or is eligible to become a member of an Indian tribe or (2) owned trust land as of October 27, 2004, and is defined as an Indian under the Indian Reorganization Act.

- AIPRA creates various purchase options. First, a tribe can purchase a parcel at any time (not just during probate) for fair market value, if the owners of at least 50% or more of the undivided interests in the parcel agree. An Indian with an undivided interest in a parcel who has had actual use and possession for at least 3 years before the tribe makes its offer can match the tribe’s offer and buy the parcel.
Second, on intestate interests under 5%, a co-owner, a beneficiary, or the tribe can buy an interest for fair market value, if the owner died intestate. These under 5% interests can be purchased without the consent of the heir. In other words, interests under 5% that would normally go to the oldest child can be purchased by a co-owner, another beneficiary, or the tribe, even if the person who would inherit does not approve. This can be prevented by writing a will or if the heir lives on the property.

Third, a deceased person’s estate may sell a parcel during probate to an “eligible heir.”

- AIPRA also creates a presumption that, unless explicit testamentary language provides otherwise, property is passed in a joint tenancy with right of survivorship, not through tenancy in common. This is exactly opposite of North Dakota law.

- “Land” means any real property. Permanently affixed improvements generally pass with trust land to which they are attached. While this is a standard definition under state property law, it is a new definition under federal law. Previously, structures built upon the land were treated by federal probate courts as personal property.

Practitioners often overlook AIPRA’s presumption of joint tenancy with right of survivorship because the presumption in most states is that land passes through tenancy in common. AIPRA’s presumption that property passes through joint tenancy with right of survivorship may result in a misrepresentation of the decedent’s intent.

Another common error made by estate planning practitioners is placing trust land into a living trust. Such a transaction is void, and any property placed into the trust must be distributed by the probate judge in a way that best accomplishes the decedent’s intent.

In light of AIPRA, it is very important that Native Americans owning interests in trust land write wills. This issue will become more important each day on Fort Berthold in northwestern North Dakota in light of the increasing oil development in the Bakken.

This is just a brief outline of AIPRA’s most notable provisions. Private attorneys with questions drafting wills under AIPRA should feel free to contact LSND attorneys Jim Fitzsimmons, Brad Peterson, or Ed Reinhardt.

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Continued from page 2 - A View from the Top

excellent summary of AIPRA. Nowadays, because of AIPRA, Indian people really need wills. Unfortunately, in North Dakota I can count on one hand the lawyers who do AIPRA wills. Our office does them for low-income Indian people. But we are legal aid and we help low-income people. There are a tremendous number of Indian families in North Dakota who are not low-income and do not qualify for legal aid, especially on the Fort Berthold Reservation in the heart of oil country.

So, NORTH DAKOTA LAWYERS, if you are doing AIPRA wills, let me know so I can get your name on the referral list. It’s a win-win for everyone. If you’re not doing AIPRA wills and you want to learn, let me know and we’ll help. If you’re just beginning to do AIPRA wills and you have questions, call and we’ll answer. I can be reached in Bismarck at 701-222-2110 and Ed Reinhardt in Minot at 701-852-4369 (Ext. 201).
A scam that repeats itself in modified forms every few years is once again spreading throughout the United States. Don’t be a victim!

Criminals target people simply by calling them. Intended victims receive a call on their phones from area code 473 which rings once and then disconnects, thereby arousing the call-recipient’s natural curiosity – “who just called me and from where?” Sometimes the caller actually allows the phone to ring long enough for the victim to answer - after which the caller (or the caller’s robocaller system) makes groaning sounds or otherwise indicates that he or she is in distress and then hangs up, enticing the victim to wonder what is going on and call back.

If either of these happens to you – don’t call back.

While area code 473 may appear to be domestic, it is not. This area code was created in the late 1990s for the islands of Grenada, Carriacou, and Petite Martinique, which, like the United States, use country code 1. Calls placed to 473 numbers are international calls and can be quite expensive – and, because the criminals sometimes establish the number which the victim sees on his or her caller ID as a premium service number – the rate can exceed $20 for the first minute!

473 is not the only area code from which this scam has been perpetrated. Beware of calls coming in from area codes 809, 284, 649 and 876, which like 473 are international, and are known to have been used for similar scams. Of course, if you do not have a calling plan that includes calls to Canada, there are many other area codes for which you could be billed international dialing rates, but so-called “one ring,” “ring and run,” or “dial and disconnect” scams are not typically perpetrated using Canadian numbers.

If you have voicemail – as pretty much everyone does today – there is usually no reason to call back missed calls from numbers that you do not recognize, regardless of the area code from which they originated. If a caller has something important to say, he or she can leave a message identifying himself or herself (or send you a text message). Don’t let curiosity get the best of you.

“Ring and run” scams are not new; when 900 numbers and pagers were popular in the days before the proliferation of the Internet and cell phones (it’s hard to believe that was less than a generation ago), criminals would page people asking them to return calls to such numbers. Eventually, people learned not to call back anyone with a 900 number. Likewise, until shortly before the turn of the century, the Caribbean islands using the American country code 1 all used the same area code, 809; scams were perpetrated, but, after a while, people learned to avoid calling that single area code. The latest crop of scams exploits the advances in technology – the implementation of many new area codes makes it difficult for most people to recognize what is a domestic number and what is not, and the proliferation of cell phones (rather than pagers) means that sounds of trouble can be played to victims, exploiting their caring about others in distress.

The criminals’ new tactic reinforces the need for people to be aware of international area codes within the US country code of 1 – after all, how difficult would it be for criminals to leave a voicemail claiming to be a collection agency, doctor, police department, or other “real sounding” party and ask the recipient to call back at some domestic-sounding, but international, phone number? How many people would likely fall prey to such a scam?

While 809, 473, 284, 649 and 876, may be the primary sources of the current danger, here is a list of (non-Canadian) area codes that are international. All but a few are relatively new, having been split off from 809 in the late 1990s.

### Telephone Scams

From Forbes.com by Joseph Steinberg

<table>
<thead>
<tr>
<th>Area Code</th>
<th>Country/Region</th>
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<tbody>
<tr>
<td>242</td>
<td>Bahamas</td>
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<td>246</td>
<td>Barbados</td>
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<td>264</td>
<td>Anguilla</td>
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<td>268</td>
<td>Antigua</td>
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<td>284</td>
<td>British Virgin Islands</td>
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<td>345</td>
<td>Cayman Islands</td>
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<tr>
<td>441</td>
<td>Bermuda</td>
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<tr>
<td>473</td>
<td>Grenada, Carriacou, Petite Martinique</td>
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<tr>
<td>649</td>
<td>Turks and Caicos</td>
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<tr>
<td>664</td>
<td>Montserrat</td>
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<td>758</td>
<td>St Lucia</td>
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<td>767</td>
<td>Dominica</td>
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<td>784</td>
<td>St. Vincent &amp; Grenadines</td>
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<tr>
<td>809, 829, 849</td>
<td>Dominican Republic</td>
</tr>
<tr>
<td>868</td>
<td>Trinidad and Tobago</td>
</tr>
<tr>
<td>876</td>
<td>Jamaica</td>
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<tr>
<td>869</td>
<td>St. Kitts &amp; Nevis</td>
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</tbody>
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242 – Bahamas  
246 – Barbados  
264 – Anguilla  
268 – Antigua  
284 – British Virgin Islands  
345 – Cayman Islands  
441 – Bermuda  
473 – Grenada, Carriacou, Petite Martinique  
649 – Turks and Caicos  
664 – Montserrat  
758 – St Lucia  
767 – Dominica  
784 – St. Vincent & Grenadines  
809, 829, 849 – Dominican Republic  
868 – Trinidad and Tobago  
876 – Jamaica  
869 – St. Kitts & Nevis
To meet the increasing demands for our service, we need to make changes to how we provide some services to our customers. To protect the integrity of the Social Security number and prevent fraud, we will discontinue providing Social Security number printouts effective August 1, 2014. If you need proof of your Social Security number and you do not have your Social Security card, you will need to request a replacement Social Security card by completing the Application for a Social Security Card (Form SS-5) and providing the required documentation.

Also, effective October 1, 2014, Social Security will stop providing benefit verification letters in our offices. You will still be able to get an instant letter online with a personal my Social Security account or you may call us toll-free to request a letter by mail.

See steps below for requesting a replacement Social Security card or obtaining your benefit verification letter. We also encourage you to visit www.socialsecurity.gov to learn about the many convenient online services available to you.

**How to get replacement Social Security cards**

Your Social Security card is your legal proof of your Social Security number. If you need proof of your number, and you can’t find your card, you will need a replacement card. To get a replacement card, you must complete an Application for a Social Security Card (Form SS-5), which you can find online at www.socialsecurity.gov/ssnumber. You also will need documents proving your identity, age and citizenship or lawful immigration status.

In most cases, you can take, or mail, your completed application and original documents to any Social Security office. Go to www.socialsecurity.gov/locator to find the Social Security office or Social Security Card Center that serves your area. After processing, we will return your documents to you.

**How to get benefit verification letters**

If you need proof of your Social Security or Supplemental Security Income benefits, you can get a benefit verification letter online instantly through a my Social Security account. To create an account, visit www.socialsecurity.gov/myaccount. With my Social Security, you can easily view, print or save an official letter that includes proof of your:

- Benefit amount and type;
- Medicare start date and withholding amount (if applicable); and
- Age

If you are unable to go online, you can call our toll-free number, 1-800-772-1213 (TTY 1-800-325-0778) to request your letter be mailed to you. You also can use your annual cost-of-living adjustment notice or SSA Form 1099 as proof of income from Social Security.

**For more information**

A wealth of information and online service options are available on our website at www.socialsecurity.gov. Or you can call our toll-free number, 1-800-772-1213 (TTY 1-800-325-0778), and ask for helpful publications, such as:

- How To Create An Online Account (Publication No. 05-10540);
- Your Social Security Number And Card (Publication No. 05-10002); and
- What You Can Do Online (Publication No. 05-10121).
This past February, the website apartmentguide.com broadcast Williston, North Dakota had the highest rent prices in the United States. The average cost of a one bedroom apartment in Williston was $2,394 a month, according to apartmentguide.com, making Williston more expensive than New York, San Francisco, or Los Angeles.

The Daily Intelligencer section of NYMag.com ran an article about Williston in February with two high rent horror stories. One was about a 76 year old custodian whose rent went from $350 to $650 to $750 to $850 and finally $1,250 before she moved out. The other was a 26 year old oil company employee whose rent began at $250, but after new owners bought her building, the rent steadily rose to $900.

The most common reaction we heard was – How about rent control?

Historical Perspective

Rent control has existed (off and on) in the United States since World War II. However, besides the emotional appeal of having government stop greedy landlords from oppressing the little guy, many people have no idea of how exactly rent control works.

There are generally two types of rent control. “First generation” rent control is where the government sets a maximum rent amount that landlords can charge. This was used when rent control was tried in the United States, in New York City and elsewhere, during World War II. War-related rent control gradually died out, so that by 1960, the only jurisdiction that still had any rent control was New York City.

During the 1960s and 70s, there was renewed interest in rent control, as double-digit inflation drove up rents and tenants became better organized. Rent control was re-enacted in New Jersey, California, the District of Columbia, New York (outside of New York City), Baltimore, Maryland, and Seattle, Washington. The rent control enacted in this period is called “second generation” rent control. (Since then, rent control has been scaled back some – Washington now prohibits rent control at the local level.)

Second generation rent control does not set a maximum rent. Instead, it limits the amount of rent increases (usually yearly). In San Francisco, California, for example, rent increases are based on the Consumer Price Index. For this year, rent may be increased by 1%. Last year and the year before, it was 1.9%.

Second generation rent control can contain exceptions to the overall rent control system. For example, rent control can apply only to housing built before a certain date, but not after. When a unit is vacated, the landlord may charge a new tenant whatever he wants (this is called “vacancy decontrol’), but future rent increases are limited by the rent control statute. Landlords can “bank,” or postpone, rent increases from one year and apply them in a later year. Some charges like for utility increases or repair costs, can be added on top of rent increases. Condominiums and cooperative apartments (which are owned by residents) can be exempt from rent control. These exceptions are all set out in San Francisco’s rent control system.

Rent control systems also tend to have restrictions on when tenancies can be terminated, especially if landlords can legally raise the rent when a unit is vacated. (Otherwise, landlords might end every tenancy at the end of a lease, to raise the rent on the next tenant.) In San Francisco, the rent control ordinance lists 15 reasons that allow a landlord to end a tenancy (which are called “just cause” reasons for eviction). These reasons include things like nonpayment of rent, illegal activity, or building rehabilitation.

(continued on page 9)
Any person 65 years of age or older with an income of $42,000 or less per year from all sources, including the income of any person dependent upon him or her, may qualify for a renter’s refund up to a maximum of $400.

Any person, regardless of age, who is permanently and totally disabled, with an income of $42,000 or less per year, may also qualify for renter’s refund. A physician’s certificate or written determination of disability from the Social Security Administration must accompany only the first application.

- **If you believe you are eligible for a rent refund:**
  - Call the State Tax Commissioner's Office for an application.
  - The application must be filed with the State Tax Commissioner before June 1 following the year for which the refund is claimed.
  - Only one spouse may apply and receive a rent refund.
  - Contact Legal Services of North Dakota.

- **If you are determined to be eligible:**
  - You will receive a refund.
  - A refund cannot exceed $400.
Rent control has been studied fairly extensively by economists. They generally agree that first generation rent controls were ineffective. Economists disagree on the effectiveness of second generation rent control. Some believe that limiting rent increases prevents landlords from taking unfair advantage of housing shortages. Others believe rent control removes the incentive to build more rental units, and that tenants tend to stay put instead of move, if they know the rent will go up in a new unit.

North Dakota

North Dakota state law has prohibited all local governments from regulating the amount of rent charged in private residential or commercial property since 1993.

The statute, N.D. Century Code section 47-16-02.1, says: “A political subdivision may not enact, maintain, or enforce an ordinance or resolution that would have the effect of controlling the amount of rent charged for leasing private residential or commercial property.” The statute goes on to say this doesn’t apply to residential property owned by political subdivisions.

The term “political subdivision” is defined in several places in North Dakota Century Code, but not in the part about landlord-tenant. Generally, political subdivisions include cities, counties, and townships, along with things like park districts and school districts. In the context of rent control, it is safe to assume a city or a county is a political subdivision, and cannot currently enact rent control on privately owned property.

Other States

North Dakota is not alone. According to the website landlord.com, only New York, New Jersey, California, Maryland, and the District of Columbia currently have rent control. In most of these, rent control is enacted and run by local governments, so rent control does not exist in every town in California or New Jersey, for example. In New York, individual cities decide whether to participate in rent control (or rent stabilization) but rent control in general is run by a statewide agency, the Office of Rent Administration.

Laws that prohibit rent control can have several variations. South Dakota and Illinois, for example, have statutes very similar to North Dakota’s. Minnesota and Florida prohibit rent control, except if approved in an election. Montana and Pennsylvania statutes don’t specifically authorize rent control, but they don’t prohibit it, either. (That’s how North Dakota was before 1993.) Arizona, Kentucky, and Washington laws say local governments cannot enact rent control because it’s a state matter.

Whether or not any form of rent control should be allowed in North Dakota is a decision that first lies squarely with the ND Legislature.
Tax Identity Theft Awareness
Provided by Attorney General Wayne Stenehjem’s Office

Identity theft is when someone uses your identifying information - your social security number – without your permission to commit fraud such as obtaining loans, credit cards, bogus bank accounts, etc. Tax identity theft happens when someone files a phony tax return using your personal information – social security number – to get a tax refund from the IRS. It also can happen when someone uses your social security number to get a job or claims your child as a dependent on a tax return.

January 13 through January 17, was Tax Identity Theft Awareness Week. “We have seen a significant increase in the number of incidents in our state over the past several years and it is the goal of my office to make North Dakotans aware of tax identity theft,” said Attorney General Wayne Stenehjem. “Being proactive in the prevention of identity theft is less frustrating and time consuming than trying to recover from an actual identity theft.”

According to the Federal Trade Commission, tax identity theft is the most common form of identity theft reported to that agency. The IRS has taken proactive steps to assist consumers who find they have become a victim of tax identity theft. There are several preventative measures that you can take to reduce your chances of becoming a victim.

- **Always** store cards and documents containing sensitive personal data in a secure place. Sensitive data may include: credit cards, social security card, driver’s license, bank account numbers, pre-approved credit applications, address, date of birth, tax records, passports, utility and telephone bills. Shred or tear up all such documents prior to their disposal.

- **PINs** and passwords should never be written down or revealed to anyone. Choose ones that cannot be easily guessed and change them regularly. When conducting banking or investment transactions over the telephone, make sure that no one can hear you or be in a position to detect your PIN or password as it is being entered.

- **Don’t** leave outgoing mail in your mailbox – it makes it easy for someone to steal your bill payments and use that information to their own advantage. Consider installing a secure mailbox. If you are going on vacation, ask a trusted neighbor to collect your mail each day or have the post office hold your mail until you return.

- **Obtain** a copy of your credit report regularly to check for fraudulent accounts, false address changes and other fraudulent information. Report all errors to the credit bureau and have them immediately corrected.

- **Keep** and carry as few credit cards as possible. After completing a credit card transaction, make sure that the card you get back is your own. Tear up the carbon copies. Cancel all unused credit accounts.
Carefully review all bank and credit card statements, cancelled checks, telephone and utility bills as soon as you get them. Report any discrepancies immediately. If any regularly expected statements do not arrive on time, contact both the post office and your creditors to ensure that your mail isn’t being diverted to another location.

If you applied for a new credit card and it hasn’t arrived in the time expected, call the bank or credit card company involved. Report all lost or stolen cards right away.

To lessen the chance you’ll be a victim of tax identity theft:

- File your income tax return early in the tax season, if you can, before identity thieves do.

- Use a secure internet connection if you file electronically, or mail your tax return directly from the post office.

- Respond to all mail from the IRS as soon as possible.

- The IRS will not contact you by email, text, or social media. If the IRS needs information from you, they will contact you by mail.

- Shred copies of your tax return, drafts, or calculation sheets you no longer need.

Tax identity theft victims usually find out about the theft when they get a letter from the IRS telling them more than one tax return was filed using their social security number, or the IRS records show they received wages from an employee they don’t know.

If tax identity theft happens to you, contact the IRS Identity Protection Specialized Unit at 1-800-908-4490; the North Dakota Tax Department Taxpayer Services Section at 701-328-1242; and the Consumer Protection Division of the Attorney General’s office at 1-800-472-2600.

The Attorney General’s Consumer Protection Division investigates allegations of fraud in the marketplace. Investigators also mediate individual complaints against businesses. If you have a consumer problem or question, call the Consumer Protection Division at 328-3404, toll-free at 1-800-472-2600, or 1-800-366-6888 (w/TTY). This article and other consumer information is located on our website at www.ag.nd.gov.

LSND is now on Facebook!
Follow us and we’ll keep you up-to-date with our news and information. It is a chance for you to let us know what you think, too. We always appreciate your comments. If you are already set up with a Facebook account, simply head to our Facebook page (Legal Services of North Dakota), and click the ‘like’ button. If you don’t have a Facebook account yet, you can sign up for a free account and then follow the directions above.
DATA BREACHES

Recently much attention has been given to the Target data breach and, closer to home, the breach of information from the North Dakota University Systems. Many people are wondering, what is a data breach and what can I do to protect myself?

Data theft and/or data breach is when information is illegally copied or taken from a business or individual. This information includes passwords, social security numbers, credit card information, and other personal information. If your information has been breached, you should receive notice from the business without reasonable delay.

What can you do to keep your personal information private and help reduce the potential theft of your personal information?

- Keep your financial documents and records in a safe place at home.
- Question why a business or organization may need your personal information and how it will be used and protected.
- Limit the amount of personal information you carry in your wallet or purse.
- Shred receipts, credit card applications and/or offers you receive, insurance forms and statements, bank statements, expired credit cards or other important documents.
- Password protect your accounts and information when using the Internet.
- Keep passwords private and don’t use the same password for all your accounts.
- Keep personal information such as home address or date of birth private when using social networking sites.
- Read privacy policies when accessing sites on the Internet.
- Be careful when using public wireless networks. Be sure you are using a secure wireless network so that all the information you send on that network is protected.
- Review all bills and bank statements as soon as you receive them. If you find charges or debits you never made, contact the bank or company immediately.
- The more you know about your rights, the easier it will be for you to protect your privacy.

The Consumer Protection Division of the North Dakota Attorney General’s Office can be reached at 1-800-426-2600 or see their website at www.ag.nd.gov

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 which can be sent to us at:

Legal Services of North Dakota
PO Box 1893, Bismarck, ND 58502
Instead of whiling away the hours in their jail cells, 320 people convicted of crimes in Grand Forks ended up providing services to the community last year.

In the process they’ve saved taxpayers lots of money, and helped out charities and themselves, according to supporters of the Greater Grand Forks Community Service and Restitution Program. The program is one of several in North Dakota but Grand Forks uses it the most, said Deb Schuler, who has run it for 18 years.

A report she released recently showed that the 320 completed 11,343 hours of community service at 102 work sites, mostly in North Dakota and Minnesota.

A typical case would find a judge sentencing someone, usually for a misdemeanor, to, say, three days in jail, then offering the alternative of serving 10 hours of community service instead of each day in jail.

Most defendants jump at the chance. For the Salvation Army’s Thrift Shop in Grand Forks, Community Service has meant nearly 2,000 hours of work last year, the most of any of the program’s clients.

The court-ordered volunteers fold, hang and price the tons of clothes that come into the shop every week, and they vacuum the floor and wash windows, said Manager Jeff Northey. “We just provide them with a place to do that and are grateful for the help they give us.”

In his five years running the store, he’s seen maybe 1,000 Community Service volunteers work out their time at the store.

The first community service program in North Dakota was started in Williston in 1991, with Grand Forks’ following within a year or two. There are 13 such programs across the state, all operating independently from the government, courts and from each other.

In Minnesota, it’s called “sentence-to-service” but is more officially tied to the court system and includes inmates getting out of jail during the day to do the work. State District Judge Debbie Kleven helped start the program in Grand Forks. She said Community Service was meant to be separate from the court system to ensure there were no conflicts of interest in determining defendants’ cases.

She credits Schuler and others involved in Community Service for running a tight ship and “finding appropriate places for people.” At 10-hours of community service for every day in jail, the program has meant 1,134 fewer days behind bars for volunteers. Jail officials have estimated the cost of a day in jail at $100, meaning taxpayers saved about $113,420 last year, according to Schuler.

**Helping Hands**

Among Community Service’s clients in 2013 were the Grand Forks Park District, Grand Forks Public Library, Turtle River State Park, the Lankin (ND) Community Club, the Youth Center at Grand Forks Air Force Base, the East Grand Forks VFW and the VA Health Clinic in Minneapolis.

Many clients, especially schools, avoid violent offenders or sex offenders.
Legal Services of North Dakota’s  
Summer CLE  
June 11, 2014, Fargo Radisson Hotel

Agenda

12:30 - 12:45  Pick up packets at registration desk

12:45 - 2:00  Providing Services to New Americans  
Darci Ashe, Community Support Services Supervisor, Lutheran Social Services, Fargo, ND

2:00 - 3:15  Child Support 101  
Adair Boening, Attorney, Fargo Regional Child Support Unit, Fargo

3:15 - 3:30  Break

3:30 - 5:00  Independent Contractor Status, Tips, Minimum Wage and Other Topics Impacting Lower Income Employees  
Adele Page, Attorney, LSND, Fargo

(4 North Dakota CLE Credits)

Registration

| Name__________________________ |
| Address________________________ |
| City___________________________ |
| State __________  Zip___________ |
| Telephone______________________ |

_____ Free (see list)  
- or-  
_____ Enclosed is $60.00 registration fee  
(payable to Legal Services of ND)

Mail to:

Legal Services of ND  
PO Box 1893  
Bismarck, ND 58502-1893

Fax: 701-258-0043  
Email: wrhoads@legalassist.org  
Phone: 701-222-2110

Free registration for staff, board, contract attorneys, pro bono attorneys, judges, prosecutors and states attorneys.

Others, make checks payable to LSND for $60.

This CLE is co-sponsored by the State Bar Association of North Dakota (SBAND) in conjunction with the SBAND Annual Meeting in Fargo June 11, 12, and 13.
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](http://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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