

S u m m o n s

WESTERN DAKOTA ASSOCIATION OF LEGAL ASSISTANTS

An Association for Paralegals/Legal Assistants

Melissa M. Klimpel, ACP, Editor

President's Message**By Alice M. Johnson, ACP**

Welcome to Spring 2021! It is turning out to be as strange as the past year has been, at least so far! All I can say at this point is RAIN – PLEASE RAIN!

What isn't strange is that, by the time you read this, WDALA will have already held its 2021 Spring Seminar in Minot!! I want to give a

huge shout-out to our 1st VP, Holly Radke. She worked tirelessly on this and did all the groundwork to pull WDALA into the 21st Century by getting us set up to offer seminars, board meetings, committee meetings, and whatever else we need it for both in person and virtually! THANK YOU SO MUCH HOLLY!!! Of course, my thanks go out also to the rest of the Education Committee too! We would be lost without you!

A bit of sad news is that, once again, the NALA Conference will be virtual only for 2021. (Will I ever get to live my dream of seeing Churchill Downs?!?!?) The upside of this is that the

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President's Message continued

registration for the conference is lower than the in-person cost and there is far less expense for WDALA! All the NALA meetings will be free and open for everyone. All you have to do is register! Last year's virtual conference was AMAZING, and they promise an even better one this year. I can't wait!

Over this past year, I have come to realize that what I want and what I get seem to have a funny way of parting ways sometimes. It took me a bit to also realize that oftentimes I am presented with exactly what I need, regardless of whether I wanted it or not. I have been trying to keep this "life lesson" in mind when things go sideways. At the very least, it helps me cope and retain my composure! This realization has helped me see what really matters and to let go of a lot of the resentment I used to harbor. Give it a try. You might like it!

Regardless of whether life returns to pre-covid or we adapt to a "new normal", I want you to know what really matters to me ... it's YOU! Without you – even if I don't get to see you or talk to you face to face – I would not be as rich as I am! Having been a WDALA member for many years, I have come to value more and more the people I have been blessed to meet, work with, and get to know. YOU are what makes WDALA tick, regardless of whether you hold an office or come to the monthly lunches or attend the seminars! Thank you for being you and sharing yourself with me, with WDALA, and with those around you!

I will leave you with this: "You may not realize just how wonderful you are when you look in the mirror, but when I see you or hear your name, I know!"

Happy Spring Everyone!

"Over this past year, I have come to realize that what I want and what I get seem to have a funny way of parting ways sometimes."



Congratulations

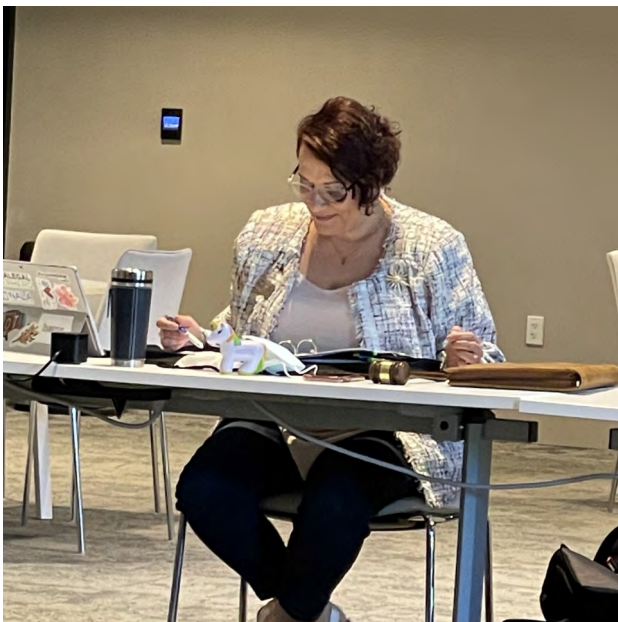


Melissa J. Hamilton,
ACP

Congratulations to Melissa J. Hamilton, ACP, on her recent re-election as NALA President for 2021-2022.

Melissa is a long term NALA member and a dedicated NALA Board member. She has served as the Chair of NALA's Professional Development Committee, NALA Region Director, NALA Treasurer, NALA Secretary, and NALA Vice President.

Melissa is also a long term WDALA member. She has served as WDALA President, First Vice President, Second Vice President, Secretary, NALA Liaison, and Parliamentarian. She has also served on numerous WDALA committees.



Congratulations continued



NALA's Board of Directors: President - Melissa Hamilton, ACP; Professional Development Committee Chair - Melissa Klimpel, ACP; Secretary - Cheryl Nodarse, ACP; Certifying Board Chair - Kimberly Brown, ACP; At Large Director - Richard Hahn, ACP; Treasurer - Michele Pfeiffer, ACP; Vice President - Debra Overstreet, ACP; Area 3 Director - Vicki Kasper, ACP; Affiliated Associations Director - Peonca Grier, CP; Area 1 Director - Dana Welcker, ACP; Area 2 Director - Angela Oberle, ACP; Continuing Education Council Chair - Deborah Paul, CP; At Large Director - Debby Sawyer, ACP; and CEO - Vanessa Finley, MBA, CAE

Save the Dates!

NALA Conference @ Home
July 22-24, 2021

WDALA's Fall Seminar
September 13-14, 2021
Heritage Center - Bismarck

Congratulations continued



ReBecka Wohl, ACP



ReBecka Wohl, ACP, has successfully completed the Advanced Certified Paralegal program. She is now entitled to use the “ACP” (Advanced Certified Paralegal) credential.



NALA’s Milestone Membership Anniversaries:

15 years: Melissa Hamilton, ACP

15 years: Melissa Klimpel, ACP

5 years: Alice Johnson, ACP

Volunteer Spotlight on Charlene Smith, ACP



Why do you volunteer for WDALA?

I volunteer for WDALA because I believe it is important for my personal growth. Additionally, volunteering gives me the chance to give back to my community and to make a difference in the people around me.

Which event is your favorite? Why?

I love the Christmas gifts for the Drug Court project we do each year. It is so rewarding to see the gratitude from the families who would likely not be able to provide gifts for their children. I grew up in a single parent home where my mother struggled some months to put food on the table and gifts at Christmas were never guaranteed. Our church was always ready and willing to step in and help provide. This is my way of paying it forward.

Do you have a favorite memory from volunteering?

One year when volunteering for the Santa Run, I was paired up at coat check with one of the Drug Court members that was pregnant. It was so nice to have a chance to talk and visit with her. I believe that sometimes it is just taking the time to listen to someone that can make all the difference in a life. I may never know what difference, if any, I made in her life but the memory will forever be a part of my life.

What would you tell new members about volunteering for WDALA?

Find an event that interests you and dive in! You will never regret volunteering. It is difficult to explain the rewards you gain when you help others. You grow personally and it can bring fun and fulfillment into your life.

Volunteer Spotlight on Charlene Smith, ACP continued

What motivates you to stay involved?

The camaraderie of my colleagues and my desire to help make my community a better brighter place.

What volunteer contribution or achievement are you most proud of?

This is difficult to answer but I do believe that I have been able to shine a light on WDALA through my volunteer efforts. I believe that the firm I work for has become more aware of the organization through my volunteering efforts. I have also been able to share my volunteering with my family through shopping for Drug Court. My family is always eager to help shop for the kids.

What other organizations or causes do you volunteer for and support?

I support my local church, Bismarck Living Hope, and Furry Friends Rockin' Rescue. I also have bowled in tournaments to support Breast Cancer Awareness and the local animal shelters.

Tell us a fun fact about yourself!

I am not sure if it is a fun fact but maybe a little known fact. I served four years on active duty in the Army. During my time in the Army, I was deployed for a year to Afghanistan.



The Importance of Paralegals

By Jonathon F. Yunker, Attorney



Paralegals are vital to any law practice. For all intents and purposes, paralegals are just like lawyers. They perform legal research, writing, document drafting and preparation, engage in client conversations, communicate with courts and other legal firms and often provide office administration tasks, and other tasks offices demand. However, paralegals don't have the authority to offer legal advice, represent clients in legal proceedings, or sign pleadings.

Having a paralegal allows lawyers to concentrate on the "the big stuff." That is, lawyers can focus on the strategy and content of a brief, trial preparation, as well as other tasks that may be pressing. By assigning duties like drafting documents, performing legal research and writing, proofreading to the paralegal, the lawyer can take more time out and concentrate on other projects. Thus, a lawyer can devote a maximum of his professional time to more crucial topics.

Some of the tasks paralegals perform may appear very simple (often times paralegals will tell you they are simple and not be able to understand why other non-paralegal staff can't do them) but the fact is that each service demands maximum concentration and seriousness due to the complexities of the rules of court and rules of procedure. Non-paralegals are generally not as familiar with the rules and nuances of motions and other document preparation and may find it difficult to handle these responsibilities on their own. This is one reason why paralegals are so important to at-



The Importance of Paralegals continued

torneys and to a law firm.

Attorneys also need to recognize that paralegals are their support line and should value their role and treat them well and accordingly. Often, I hear that paralegals leave a practice for the way they are treated and/or viewed. An attorney's attitude and manners toward their support staff is of utmost importance and often is the key to a successful practice.

Jonathon (Jack) F. Yunker is originally from Grand Forks, North Dakota. After high school he attended the University of Nebraska and graduated in 2012 with a Bachelor Degree in Business Administration. Jack then went on to attend the University of North Dakota where he earned a MBA and J.D. in 2017. Following graduation, Jack became an associate member of Traynor Law Firm, in Devils Lake, ND, where he is now an owner. Jack practices in the areas of insurance defense, employment law, personal injury, family law, and is the prosecutor for the City of Devils Lake. Jack is licensed to practice in the State Court of North Dakota, Federal District Court of North Dakota, and several Tribal Courts throughout the state. Jack is a member of the Defense Research Institute, American Bar Association, North Dakota Bar Association, and Lake Region Bar Association. Jack is also on the Lake Region College Foundation Board, is a member of Rotary and the Elks, and is involved with the Devils Lake Chamber of Commerce.

Jack enjoys golf, curling, Nebraska football and spending time at the lake with his family, including his wife Kelly and their dogs Regis and Jill.



Breaking Down Sanders' "For the 99.5% Act"

By Randall Borkus, Borkus Law Group



On March 25, 2021, Senator Bernie Sanders introduced Senate Bill 994 (S.994) called "For the 99.5% Act." This bill is aimed at the wealth of the top 0.5% of successful Americans. This is the first piece of legislation introduced following President Joe Biden's coming into office that would lower the federal estate tax exemption, and mirrors similar legislation by the Vermont Senator in 2019. I discussed these proposed changes in late 2020 in my Borkuslaw Group Blog article.

In summary, the bill would make the following changes to many of the U.S. federal transfer tax provisions including:

- Reduce the U.S. federal estate tax exemption to \$3.5 million for U.S. citizens and U.S. domiciliaries;
- Reduce the U.S. federal gift tax exemption to \$1 million for U.S. citizens and U.S. domiciliaries for gifts made after December 31, 2021;
- Increase the progressive federal gift and estate tax rates to:
 - ◇ 45% for the excess value over \$3.5 million
 - ◇ 50% for the excess value of \$10 million
 - ◇ 55% for the excess value of \$50 million
 - ◇ 65% for the excess value of \$1 billion

The effective date for these three proposed changes would affect decedents who die *after* December 31, 2021, and for gifts made *after* December 31, 2021.

Breaking Down Sanders' "For the 99.5% Act" **continued**

Additionally, there are other provisions in the federal legislation worth noting – all of which would apply to transfers made after the date of enactment of the legislation:

- The disallowance of a basis step up on death for assets held through a grantor trust, if the assets are not included in the grantor's gross estate at the time of death;
- Grantor Retained Annuity Trusts will be required to have a minimum 10-year term and a 25% minimum value for the remainder interest;
- Elimination or reduction of valuable discounts for transfers of interests in entities such as family limited partnerships that are not conducting an active trade or business;

Another provision that would constrain the ability to create dynastic trusts that are exempt from generation-skipping transfer taxes, if the trust period is greater than 50 years, and would take effect on the legislation's enactment date.

The bill directs that distributions to beneficiaries from a grantor trust be generally subject to U.S. federal gift tax – effective for trusts created after the legislative enactment date, or would impact contributions to trusts after enactment date, if the trust was created prior to the legislation.

Finally, Senator Sanders' bill would sharply limit the annual gift tax exclusion up to no more than \$20,000 per donor for certain types of transfers such as transfers to trusts.

It is far from clear as of yet if the proposed legislation will gain any traction in Congress. With a Democratically controlled Congress, many believe there is a good

Breaking Down Sanders' "For the 99.5% Act" **continued**

chance that the reduction of the federal estate tax exemption could happen, particularly as this was a campaign promise for the President.

Some of the other proposed items have been part of previously issued "Green Books" by the U.S. Treasury in some shape or form but never made their way into actual legislation. It should be noted that this bill does come on the heels of proposed legislation introduced by Senator Elizabeth Warren on March 1, 2021, dubbed the "Ultra-Millionaire Tax" and proposed a new federal wealth tax.

If any of the foregoing proposals should be passed, there will be a significant impact on many of the common succession planning techniques to reduce federal transfers for successful individuals and long-standing family businesses, land-owners, ranchers and farmers. I will continue to monitor the progress of these proposals and any other legislative changes and be prepared to help families.

The good news is you still have some time if you want to be prepared for these changes. Remember you will need to move quickly so your planning is grandfathered in prior to the December 31, 2021 deadline.

Contact our team at Borkus Law Group today and make a live online appointment!

Please note that information contained in this news alert is not and should not be construed as legal advice or opinion nor does this information alert create an attorney-client relationship.

Randall Borkus is the president of Borkus Law Group, a law firm that focuses on tax law, estate planning, business and farm succession planning, with offices in Williston, North Dakota and Oak Brook, Illinois.

Officers/Board of Directors' Reports

1st Vice President's Report

By Holly A. Radke



WOW! What a great turnout for our 2021 WDALA Spring Seminar! I think it was a huge success given the circumstances! This was also our first ever In-Person and Virtual Seminar! It was held on Monday, May 3, 2021 at the Sleep Inn and Suites Conference Center in Minot, ND. Our members that attended were able to obtain 6.0 hours of CLE credits. The Seminar was approved by both NALA and SBAND so attorneys were able to attend also and earn those credits! We felt fortunate to be able to offer this to our members during this time and to add the virtual option.

I was quite impressed with 23 registered, 13 attending in person and 10 attending virtually. Of these attendees – 5 were attorneys. We also had a few nonmembers attend so hoping to do some recruiting and earn some more WDALA members soon!!! I feel it was a great turn out with the pandemic.

We had 5 door prizes that were donated for the Seminar to give away. A blanket, door key finder, and a cute funny face planter were donated by Kalil Law Firm. Our WDALA President Alice Johnson donated a spa gift bag and I donated a bottle of wine. We received \$1,415.00 in registration dues. With expenses only being \$665.35, we came out with a profit of \$749.65. We had budgeted \$1,500.00 for the 2021 Spring Seminar so we stayed well within that budget this year plus came out with a profit! I call that a win! WDALA also made a donation to the Minot Adult Drug Court in honor of our speakers at the Seminar.

We had a few minor hiccups with the Seminar but all in all I think everything went great. A few days before the Seminar we received notice that Dean Frantsvog was having some health issues but another attorney with his firm, Remington Kostenko, was able to present on his behalf. Then the night before the Seminar, I received an email from Jennifer Stanley that she had a family emergency and had to go out of town and would not be back in time to present. She was amazing and had also made arrangements and found another attorney, Carrie Francis, to present on her behalf. I thought we were very fortunate to have two speakers that were both put in unfortunate circumstances and before even contacting me to let me know they were unable to attend they had already lined someone else up for WDALA. How amazing is that!!! These two attorneys had way more important issues going on in their lives and didn't have to go that extra step for us. It really warmed my

1st Vice President's Report continued

heart that they were both so very thoughtful when they didn't have to be. And then for these other two attorneys to step in at the last minute and put on awesome presentations was just amazing as well! Our attorneys in North Dakota are just awesome!

All of the speakers had put on great presentations! They were all simply amazing! We learned a great deal of information. Presentations included the following:

“From Lookback to Payback: Understanding the Medicaid Nursing Home Rules”

Presented by Diane Lutt, Attorney, Law Office of Diane K. Lutt, PLLC

- Identify the sources of law used to determine Medicaid eligibility for persons over the age of 65 who need help paying for the nursing home.
- Improve client intake and interview skills to assist in identifying relevant Medicaid eligibility and estate recovery issues.
- Recognize effective Medicaid planning strategies and common pitfalls in the process.

“Landlord/Tenant Issues”

Presented by Remington Kostenko, Attorney, Frantsvog Law, P.C.

- Current landlord/tenant issues.
- Eviction process.
- Property rights relating to the leasing of residential real property in North Dakota.

“The Struggles of Family Law”

Presented by Carrie Francis, Attorney, Francis Law Office, PC

- Understanding the Interim Process.
- Understanding changes in the law regarding 3rd party custody rights.
- Understanding the Mediation process.

“Internet Crimes Against Children”

Presented by Darrik J. Trudell, Special Agent, United States Secret Service

1st Vice President's Report continued

- Mitigating threats and Identifying danger for children as it relates to Internet Crimes Against Children and identifying grooming behavior.
- Mindset, situational awareness, identifying and disrupting the assault cycle.
- Knowledge and information to make you and your family harder targets.

All the speakers were amazing, and I learned so much from all of them. But as a mother of a Freshman and a grade schooler, the last speaker had my most attention. He discussed real world problems that are happening to our children right here in North Dakota. Children that he unfortunately has had to go knock on their door when their pictures or videos are found on the internet. Parents that had no idea their child was involved in sex trafficking or had a secret cell phone that was given to them by someone else. Would you know if your child had another phone hidden from you? Would you have ever even thought about it before now? One in five U.S. Teenagers who regularly log on to the Internet says they have received an unwanted sexual solicitation via the web – only 25% told an adult. ONE IN FIVE!!! 55% of teens have given personal identifying information to a stranger online, including pictures. There are over 750,000 registered sex offenders in the United States. That is only registered! Just think what this actual number really is!! Here are the list of resources he had at the end of his presentation for us to check out that I thought I would pass on to everyone that may be helpful if needed:

www.howcast.com/categories/2-tech

How to videos for popular websites and technologies

www.fosi.org/good-digital-parenting

Information regarding specific websites and apps

www.netsmart.org/Parents

Information regarding wide range of cyber issues

https://needhelpnow.ca//app/en/removing_pictures-facebook

Information on removing pictures and videos from popular social media sites and apps

If you or someone you know unfortunately becomes a victim:

HSI tip line 866-DHS-2-ICE

Cybertipline.org 1-800-THE-LOST (NCMEC)

1st Vice President's Report continued / Treasurer's Report

Darrik Trudell's Contact Information:
701-340-1781
Darrik.J.Trudell@ice.dhs.gov

*****Reminder for those that attended the Seminar both in-person and virtual - if you have not returned the evaluation form to me yet, please complete and return to me ASAP.*****

The WDALA Board Members held a Board Meeting at 12:00 p.m. during the Spring Seminar. All the board members that attended the Seminar stayed for the Board Meeting and we had an additional WDALA member join us virtually. At the board meeting members discussed the upcoming Fall Seminar and voted to offer the Fall Seminar both in-person and virtual. Yay!!! Dates and location have been secured for the Fall Seminar...drum roll....September 13-14, 2021 at the Heritage Center in Bismarck, ND! Hope to see you all there whether in-person or virtual!!!

Now that WDALA has a Zoom account and we have given it a good trial run with the Spring Seminar we are starting to discuss more about offering webinars in the future. We are excited to start to offer a variety of options to our members and we hope that some of you will start taking advantage of some of the great options to come in the future.

Thank you to all our WDALA members. You are all amazing!!!

Treasurer's Report

By Anna Heinen



Hello Spring! I hope everyone is getting their gardens in and flowers out! Our Spring seminar in Minot was a success and I received great feedback from those that had the opportunity to attend virtually! If you were not able to attend, either in person or virtually, please consider joining us for the Fall Seminar in Bismarck, September 13-14th. It is always so nice to see everyone!

The treasurer balance for the Western Dakota Association of Legal Assistants as of May 10, 2021, is \$15,694.87.

Officers/Board of Directors' Reports

NALA Liaison's Report

By ReBecca Wohl, ACP



It was so great to see those of you who attended the spring seminar on May 3rd. The seminar was fantastic, with great speakers, interesting topics, and a solid in person turnout. Virtual attendance seemed to be a big hit, and there were minimal internet issues. Holly handled them all like a champ so things ran very smoothly.

It appears that more and more things will be moving to virtual platforms, including the NALA conference. This will be held July 22 – 24, 2021. This year they have made the decision to continue with the conference virtually only. Registration is open now, and if you register before May 15, you receive early bird pricing. Members can attend for \$149, non-members are \$199, and students are only \$99. Rates increase \$50 after May 15.

As a reminder, you can participate in the NALA public meetings for free, but you do still need to register for them. You can do so on the NALA website, and while you're there check out all the other educational and promotional items NALA has to offer!

At the board meeting, it was determined that WDALA would be sending an additional 5 people to the virtual conference. This is a great opportunity to see how a seminar/conference is run at the national level, attend topic courses that we may not have available locally, and meet new acquaintances and friends. Of course, it's different being online, but don't let that stop you from expanding your professional horizon. There is so much to learn from the NALA conference and I would love to see a strong WDALA presence there.

2021 NALA CONFERENCE @ HOME

22-24 JULY

REGISTER TODAY!

11 CLE CREDITS
32 SESSIONS
3 DAYS

JOIN 1,000+ PEERS AT THE **LARGEST** PARALEGAL CONFERENCE

Officers/Board of Directors' Reports continued

Region I Report

By Holly Radke



Region I is still hanging in there with only 3 members. We are working hard on trying to change this!!! Region I members met and discussed ideas on recruiting members. Planning has started for a Lunch meet-and-greet to occur in June for any local legal assistants and paralegals to attend that are interested in joining WDALA or want to learn more about us. Region I members are currently putting outreach packets together to deliver to area law firms in hopes to recruit members. I hope the next time I report will be a report with higher numbers! Someone hold me accountable!!! Lol. Wish us luck!!!

Region II Report

By Andrea Johnson and Becky J. Hillerud



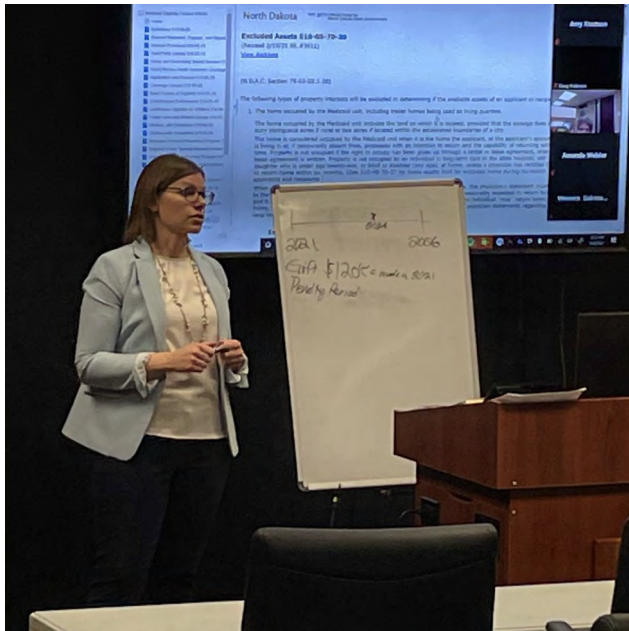
The Region II members are loving the warmer temperatures and the slow return to life as it once was.

We resumed holding monthly luncheon meetings this spring. After not meeting due to Covid, it was great being able to get together and catch up. We continue our efforts to add to the membership.



The Region II members who attended the Spring Seminar indicated the seminar was relevant, entertaining, informative, enlightening and educational. All-in-all, they felt it was a very good seminar. Thank you to the Education Committee.

WDALA Spring Seminar



Attorney Diane Lauth



Attorney Remington Kostenko



Special Agent Darrik J. Trudell



Attorney Carrie Francis

WDALA Spring Seminar continued



Holly Radke presented a donation to Heather Howe for the benefit of the Minot Adult Drug Court from WDALA



W D A L A Birthdays



May:

- 4 Char Jacober, ACP
- 15 Kathy Johnson, CLA
- 22 Melissa Hamilton, ACP

June

- 1 Tammy Berger
- 14 Carmen Dukeman

July:

- 2 Becky Kocourek, CLA
- 18 Anna Oleksik
- 20 Vicki Kunz, ACP
- 31 Josie Schaefer

Officers/Executive Committee, Board of Directors, and Committees

OFFICERS/EXECUTIVE COMMITTEE

President.....	Alice Johnson, ACP
First Vice President.....	Holly A. Radke
Second Vice President.....	Kathy Johnson, CLA
Secretary.....	Charlene Smith, ACP
Treasurer	Anna Heinen
Parliamentarian	Corrina Pfaff
NALA Liaison.....	ReBecka Wohl, ACP

BOARD OF DIRECTORS

Region I.....	Holly Radke
Region II.....	Becky Hillerud and Andrea Johnson
Region III	Unfilled
Region IV	Josie Schaefer

COMMITTEES

Education.....	Holly Radke (Chair); Josie Schaefer; Andrea Johnson; ReBecka Wohl, ACP; Anna Heinen; Anna Oleksik; and Alice Johnson, ACP
Membership	Kathy Johnson, CLA (Chair); Josie Schaefer; and Holly Radke
Finance/Budget	Anna Heinen
CLA Chairman and Student Liaison	ReBecka Wohl, ACP
Nominations/Elections	Melissa Hamilton, ACP
Auditing	Corrina Pfaff and Vicki Kunz, ACP
Legal Assistant Day	Melissa Klimpel, ACP and Melissa Hamilton, ACP
Ethics/Professional Development	Andrea Johnson and Josie Schaefer
State Bar/NDTLA Liaison	Melissa Hamilton, ACP
Historian.....	Laurie Guenther, ACP
Public Relations	Melissa Klimpel, ACP (<i>Summons</i> Editor); ReBecka Wohl, ACP (Facebook Administrator); Alice Johnson, ACP (Website); Candy Schaefer, CLA, Laurie Guenther, ACP; and Tami Hulm, ACP