

Melissa M. Klimpel,
ACP, Editor

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SUMMONS

*Official Publication of
WESTERN DAKOTA ASSOCIATION
OF LEGAL ASSISTANTS*

An Association for Paralegals/Legal Assistants
www.wdala.org

PRESIDENT'S MESSAGE

By Shari L. Erdman



Shari L. Erdman

I hope everyone is enjoying our blustery spring weather! It has been another crazy year for weather. As I write this article, it is 24 degrees in Williston and it snowed again last night. I shouldn't complain as Williston was spared the extensive snowfall that Bismarck and Mandan received earlier this week.

First, I have to extend my deepest sympathies for those affected by the bombings which occurred during the Boston Marathon. They remain in our thoughts and prayers. It seems like these tragic events happen far too often.

I also wanted to express my sincere gratitude to the members who have been so helpful to me as I muddle through my first year as president. You have no idea how much it means to me.

On February 28, 2013, Lori Heimbichner presented a teleseminar entitled "Better Begins with One Decision." Lori is an administrative assistant in our Billings office of Crowley Fleck. During this telesemi-

nar, Lori spoke about her decision to donate a kidney and the mental and physical processes that followed.

Lori also spoke about her role as a certified health and lifestyle coach. She provided information regarding the "40 Superfoods" and the "Top 10 Ways to Increase Your Energy." She also provided tips to weigh less and live more.

One of the articles Lori provided had a great quote at the very end: "Life is too short to be busy." We are busy and almost everyone we know is busy. Sometimes the word *busy* should be replaced with *tired* or *exhausted*. This article stated we are busy because of our own ambitions or drive. I think we can all relate to that. One thing I definitely took from Lori's presentation was that we need to learn to say "No" and that

PRESIDENT'S REPORT continued

By Shari L. Erdman

"No" is a complete sentence.

Leigh worked hard planning the spring seminar and it showed. We had a great lineup of speakers covering a wide area of topics. I heard lots of great comments. If anyone has any thoughts regarding a topic they would like to hear at an upcoming seminar (including teleseminars), please contact the Education Committee.

We have four new members to WDALA: Gunilla "Nilla" Fry who works at Baumstark Braaten Law Partners in Bismarck, Miranda Marx who works at Legal Edge Solutions, PLLC, in Dickinson, Terri Atkins who works at Crowley Fleck, PLLP in Williston, and Angela Pittman who works at Legal Services of North Dakota in Bismarck. We are so excited to have you four with us!

As you know, Law Day will be here soon. I am eager to hear what projects our WDALA mem-

bers got involved with. Also in May, our Williston office of Crowley Fleck PLLP is scheduled to move into a new building. This is an exciting time for us, however, a lot of planning and work needs to be done before this happens.

Finally, if you haven't taken a look at the 2012 N.D. Courts Annual Report I encourage you to do so. It is staggering to look at the numbers for our district courts: Civil filings have increased from 33,525 in 2011 to 42,321 in 2012. This is a whopping 26.24% increase! I know in Williams County if we are looking for a trial date on a civil action, we are well into 2014. The scheduling clerk is stacking 25-30 criminal cases for trial.

I am anxious for the weather to warm up so walks can be taken outside again. I also miss hearing children playing outside as well as birds chirping. Spring has to come some day, doesn't it?



**Lynette Anderson,
ACP**

SECOND VICE PRESIDENT'S REPORT

By Lynette Anderson, ACP

We have four new members. They are Gunilla "Nilla" Fry who works at Baumstark Braaten Law Partners in Bismarck, Miranda Marx who works at Legal Edge Solutions, PLLC, in Dickinson, Terri Atkins who works at Crowley Fleck, PLLP in Williston, and Angela Pittman who works at Legal Services of North Dakota in Bismarck.

There are 45 active members of WDALA and I have included a current Membership Roster. Please contact me at lynettejanderson@hotmail.com if you have any changes or questions.

WESTERN DAKOTA ASSOCIATION OF LEGAL ASSISTANTS 2012-2013

OFFICERS/EXECUTIVE COMMITTEE

President..... Shari Erdman
 First Vice President..... Leigh Johnson
 Second Vice President Lynette Anderson, ACP
 Secretary Jen Defoe, ACP
 Treasurer Carmen Dukeman
 Parliamentarian.....Laurie Guenther, ACP
 NALA LiaisonAfton Basden, CP

BOARD OF DIRECTORS

Region I..... Shari Erdman
 Region II.....Mary Sue Knutson, CLA
 Region III Melissa Klimpel, ACP
 Region IV

COMMITTEES

Education Leigh Johnson (Chair); Traci Hilsabeck, ACP;
 Afton Basden, CP; Corrina Pfaff; and Candace Schafer, CLA
 Membership Lynette Anderson, ACP
 Finance/Budget Carmen Dukeman
 CLA ChairmanAfton Basden, CP
 Nominations/Elections Melissa Hamilton, ACP
 Auditing Donna Seright and Lorelee Clay
 Legal Assistant DayJen Defoe, ACP and Melissa Hamilton, ACP
 Ethics/Professional Development..... Vicki Kunz, ACP
 Summons Melissa Klimpel, ACP
 Library Melissa Hamilton, ACP
 State Bar/NDTLA Liaison Vicki Kunz, ACP
 Historian Laurie Guenther, ACP
 Student Liaison Vicki Kunz, ACP
 Website..... Jen Defoe, ACP and Lorelee Clay



Leigh Johnson

“Planning for WDALA’s 2013 Fall Seminar is beginning. The seminar will be held at the Radisson Inn in Bismarck on September 11-12, 2013.”

FIRST VICE PRESIDENT’S REPORT

By Leigh Johnson

WDALA’s Spring Seminar was held on Thursday, April 18th at the Sleep Inn & Suites in Minot. We had 18 registrants, three of which were non-members. The seminar made a total profit of \$866.82. I was very happy to receive donations from Chapman Law Office, Williston; Larson Law Firm, Minot; Lori L. Hauge, Court Reporter, Williston; and Pringle & Herigstad Law Firm, Minot. I was also very appreciative of the door prizes we received from the Artistry Salon and Day Spa, Minot; Brown & Saenger, Minot; Carol Solberg, Bismarck; and Thomson Reuters Westlaw.

The Spring Seminar included the following speakers and topics: Honorable Douglas Mattson and Cathy Bacon, Law Clerk, presented on “Expanded Media Coverage”; Gene Allen, Esq. from the McGee Law Firm presented “Drilling for Information: Using NDIC Oil and Gas Division Well Files in Your Litigation Practice”; Lee Ann Barnhardt, presented “Assessment of North Dakota Trial

Court Media Relations Policies and Practices”; and Susan Wagner, LSW, Richard Ott, PhD, and Rebecca Quinn, MSW presented “The Intersection of Traumatic Brain Injury and the Justice System.”

Our speakers did an excellent job and I was very proud of the attendees’ active participation in the presentations. I’m sure the speakers were just as thankful.

On a personal note, I’d like to thank everyone for helping me plan the Spring Seminar. I know there were a couple of bumps in the road and I appreciate everyone’s patience with me. I truly appreciate all the assistance I received.

Planning for WDALA’s 2013 Fall Seminar is beginning. The seminar will be held at the Radisson Inn in Bismarck on September 11-12, 2013. If there are any specific topics that you would like to see at the seminar, please let me know. I hope you all have a wonderful summer.



Carmen Dukeman

TREASURER’S REPORT

By Carmen Dukeman

The treasury balance for the Western Dakota Association of Legal Assistants, as of March 31, 2013, is \$12,434.05 .



Afton Basden, CP

“Two new APC courses are now available. One is in “Real Estate Principles,” and the other is in “Family Law – Child Custody, Support and Visitation.””

NALA LIAISON’S REPORT

By Afton Basden, CP

Here we are at Spring Seminar time again, although you wouldn’t know it is spring by looking out the window. It’s hard to fathom that the calendar will say it is summer in just two more months and we still have lots of snow on the ground! If North Dakota gets missed by summer, hopefully a few members will get to experience it in Portland, Oregon, when they attend the 38th Annual NALA Convention. WDALA is sponsoring attendance by WDALA President Shari Erdman, WDALA NALA Liaison Afton Basden, CP, and WDALA Secretary Jen Defoe, ACP. Melissa Klimpel, ACP and Melissa Hamilton, ACP will also be attendance, but their attendance is sponsored by NALA. The educational tracks at this year’s convention include the topics of criminal law, e-Discovery, essential skills, estate administration, human resources, insurance defense and technology in the law office.

For NALA members who are not attending the NALA Convention, but who wish to make their voices heard through the voting process, Designation of Proxy forms, available at NALA’s website, must be filed with the NALA Credentials Chairman (Regina

Mantz, who has a new e-mail address: srmantz@bellsouth.net) by June 12, 2013, with a copy to the NALA Secretary (Jill Francisco). The form can also be completed online through NALA’s website. The proxy can be any other NALA member attending the convention. Please make sure to let the person you have chosen know that they are your proxy!

There is a new self-study program pertaining to Non-Business Bankruptcy (a general overview of Chapter 7, 11 and 13 bankruptcies). The self-study courses take approximately 10 hours to complete and 10 hours of CLE credit are awarded to participants upon completion.

Two new APC courses are now available. One is in “Real Estate Principles,” and the other is in “Family Law – Child Custody, Support and Visitation.”

Information for the testing and registration dates for the CLA/CP exam is listed below. Filing deadline dates are strictly enforced.

Please feel free to contact me if you have any questions concerning NALA or the benefits and services offered.

Examination Dates 2013–2014	Application Filing Deadlines** 2013–2014	Late Application Filing Deadline (With \$25 late filing fee)
September 1-30, 2013	August 1, 2013	August 10, 2013
January 1-31, 2014	December 1, 2013	December 10, 2013



Shari L. Erdman

REGION I REPORT

By Shari L. Erdman

I am still trying to recruit new WDALA members in our region. I am happy to report I have found one and her application has been submitted to Lynette. I recently handed out WDALA information to two other ladies and will be following up with them shortly. I have to admit there is an incredible amount of turnover at the law offices here in Williston. Just two weeks ago there were four law offices with help wanted ads for legal assistants and/or paralegals.

I am also pleased to announce that after trying for a few years, I have finally been successful in implementing WDALA into our local Law Day festivities. I will be accompanying an attorney to Williston High School to speak to various classes. I will also be assisting with displaying flags in Harmon Park. I certainly look forward to it!

Finally, it was great seeing everyone that attended the Spring Seminar in Minot. We listened to wonderful speakers and had a chance to catch up with people we hadn't seen in a while.



**Mary Sue Knutson,
CLA**

REGION II REPORT

By Mary Sue Knutson, CLA

Region II meets once a month for lunch (the date always varies according to schedules). At our last meeting we decided we wanted to contribute in some way to our community. Since we all seem to have very busy schedules and our free time is limited, we are thinking of other ways in which to contribute. Our first recipient will be the Souris Valley Animal Shelter. We are all collecting items from the SVAS "wish list" and will bring them to one of our next meetings for delivery.



**Melissa M.
Klimpel, ACP**

REGION III REPORT

By Melissa M. Klimpel, ACP

Region III members continue to meet for monthly meetings at noon on the 2nd Tuesday of the month at A&B Pizza South. We will not be meeting for monthly meetings during June, July, and August. However, we will start our monthly meetings again in September.

Region III will also be hosting the 3rd Annual Picnic for Drug Court on June 10, 2013, at 6:00 p.m. at Shelter No. 8 in Sertoma Park in Bismarck. Please mark your calendars and save the date.

Law Day was celebrated the week of April 22–26, 2013 in the Bismarck-Mandan area. In honor of Law Day, local attorneys and paralegals presented to the 5th graders in their classrooms and the 6th graders went to the Burleigh and Morton County Courthouses for a mock trial presentation. A special thank you goes out to the WDALA members who volunteered their time with law day in Bismarck/Mandan.

Attorney Mitch Armstrong, Paralegal Sara Forsberg, and I visited the 5th graders at Rita Murphy Elementary School in Bismarck on April 24th. The students asked us questions the entire hour we were in their classroom. It was a great experience visiting the students at Rita Murphy.

LAW DAY

By Laurie Guenther, ACP



**Laurie Guenther,
ACP**

On April 26, 2013, I had the pleasure of assisting at the Law Day events at the Burleigh County Courthouse. I assisted with two different sessions of the trial of the *City v. Gold E. Locks*. It was a fun experience! The 6th grade kids did an awesome job role playing their various parts of the trial. There are some future lawyers and judges among those youngsters. All of our juries found Gold E. Locks guilty! The kids asked inquisitive questions. The one that really stands out and showed a lot of insight was one young lady asking: “If you are in prison, can you still vote?” Wow.

I would encourage other paralegals to take advantage of this volunteer opportunity. It really is easy as the script is right there for you. You just assist the kids through the script if they run into problems and help answer questions at the end. In my experience, I have always been paired with an attorney who takes the lead on answering the legal questions. It has consistently been a rewarding experience.

Welcome Our New Members



Nilla Fry

Nilla Fry: My name is pronounced Knee-la, it's short for Gunilla which means Battle Maiden. I'm from Boise, Idaho. Scott, my husband, and I moved to Bismarck in 2000. In 2004 we welcomed our first child, Alaina, to the world. Family matters took us back to Idaho in late 2004. In 2007 we welcomed our son, Jesse, to the world. December, 2011 brought us to Bismarck again and we couldn't be happier to be back. The Fry family enjoys going to the Zoo, garage sales, camping and playing Squirrel Scramble in our back yard. I am happily employed with Baumstark Braaten Law Partners.

Terri Atkins: I moved to Williston in 2012 with my family and I am originally from Nashville, Tennessee. I graduated with honors in 2010 from Kaplan Career Institute with an Associate of Applied Science degree in Paralegal Studies. I have worked in the legal field for over eight years and I currently work at the law firm of Crowley Fleck, PLLP in Williston, North Dakota. I enjoy fishing with my husband, shopping, walking my two little dogs and playing guitar here with my five boys.



Terri Atkins



Angela Pittman

Angela Pittman: I am from Alaska. Three years ago, my husband Dale, daughter Karly and I moved here to live closer to family. Currently I work at Legal Services of North Dakota. I also worked as a paralegal in Alaska for 14 years. My hobbies are reading, gardening and stained glass.

Miranda Marx: I am a 2004 graduate of Dickinson High School. In 2007 I completed my associate's degree in Business from Dickinson State University. I am a mediator and legal assistant with Legal Edge Solution, PLLC. My background and experience bring a well-rounded approach to client management and procedure. During my free time, I enjoy swimming, boating, and reading.



Miranda Marx

SPRING SEMINAR PHOTOS



Kathy Bacon and Honorable Douglas Mattson



Gene Allen, Esq.



Lee Ann Barnhardt



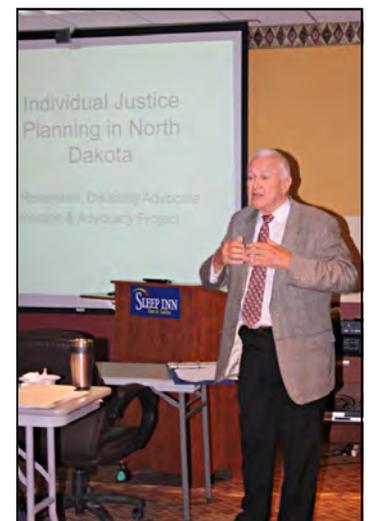
Seminar Attendees



Richard Ott, PhD and Susan H. Wagner, LSW



Rebecca Quinn, MSW



Richard Ott, PhD

*Happy Birthday to the following
WDALA members:*

Leigh Johnson	May 2
Char Jacober, ACP	May 4
Cherlyn Biwer, CLA	May 12
Amanda Kessel	May 18
Jim Hagen, CP	May 22
Melissa Hamilton, ACP	May 22
Angela Pittman	May 31
Lori Steckler	June 12
Carmen Dukeman	June 14
JoDee Wiedmeier, CP	June 16
Carol Solberg, CLA	June 18
Nilla Fry	June 25
Becky Kocourek, CLA	July 2
Vicki Kunz, ACP	July 20
Cheryl Tryhus, CP	July 26
Amy Weninger	July 30



Vicki Voisin, ACP

“You should have an ongoing ‘bucket list’ of things you want to accomplish or do during both in the near future and as your life goes on.”

DO YOU HAVE THIS PHOBIA?

By Vicki Voisin, ACP

Note: this article is a reprint from November 28, 2012.

2013 will be here before you know it. Are you already making plans for next year or are you a victim of Planaphobia?

What is Planaphobia? It’s is the fear of planning and It strikes large numbers of our population, even paralegals.

Planaphobia prevents you from enjoying many of the things you’d really like to do but are afraid to plan for. So you make excuses: Perhaps you’ll be too busy at work. Perhaps something better will come up. Perhaps you won’t feel well that day. Perhaps a volcano will erupt and you won’t be able to fly. The excuses are endless.

Do you envy the people who always know in July what they’re doing over Christmas vacation? Who purchase concert tickets months in advance? Who make flight arrangements early enough to use their frequent flier miles? Who have standing appointments for ‘high maintenance’ activities like manicures and pedicures and getting their hair done?

They’re never scrambling at the last minute hoping they can be ‘worked in’. They never miss the opening of the new play. They never have to take the ‘left over’ seats on the airplane and end up monitoring the toilets. They’re simply not afraid to make those plans in advance...and usually their plans work out just as (ahem!) PLANNED.

Time marches on. The months and years go by in spite of your hesitation and fears.

If you suffer from Planaphobia, there are steps you can take that will help you make plans and enjoy life to the fullest:

Always have a bucket list. Almost everyone has seen the movie ‘Bucket List’ starring Jack Nicholson and Morgan Freeman. They play two men who are facing death so they go about fulfilling the items on their list of things they want to accomplish before they ‘kick the bucket’.

You should have an ongoing ‘bucket list’ of things you want to accomplish or do during both in the near future and as your life goes on.

Regularly update your bucket list. A bucket list is a work in progress that will change as you cross things off or think of new things to add. The lesson to be learned is don’t wait, or waste, another minute. Make your list, clarify what is important to you, and start living a more fulfilling life TODAY.

Remember, the creation of a list of life goals allows you to imagine a life that is rich in possibilities. You always have something to look forward to. When you declare your goals, you declare your intent and raise your level of awareness of opportunities that are there for you.

Use your calendar to make your plans. A calendar offers you a year of endless possibilities. Days and months with nothing on them give you permis-

sion to make commitments. For instance, the Charlevoix Waterfront Art Fair has taken place on the second Saturday in August every year for 54 years. It's a given that in January I'll enter that date on my calendar so I can attend.

If this is still difficult for you, one thing that might help is to put optional meetings or anything else that comes up on your calendar. They'll go on with or without you, but if your event or travel is canceled, you'll be able to pick up where you left off and attend the event you originally thought you had to miss.

Don't hesitate to accept invitations. If you have nothing else on your calendar, go ahead and RSVP immediately. If you hesitate, you'll wait until it's too late and you'll have another missed opportunity.

Retain your spontaneity. Life is all about seizing the moment. Everything doesn't have to be planned down to the minute. If something you'd like to do comes up on the spur of the moment, don't hesitate to say 'YES!' and enjoy.

When you get past your Planophobia, be ready to be amazed at the joy you'll feel. You'll be doing more of the things you really want to do. You'll be calmer, happier and you'll always feel 'ahead of the game'.

Remember this quote from Peter F. Drucker: "Unless commitment is made, there are only promises and hopes; but no plans." Promises and hopes aren't the same as actually doing...and life is about doing."

Vicki Voisin, "The Paralegal Mentor", delivers simple strategies for paralegals and other professionals to create success and satisfaction by setting goals and determining the direction they will take their careers. Vicki spotlights resources, organizational tips, ethics issues, and other areas of continuing education to help paralegals and others reach their full potential. She is the co-author of *The Professional Paralegal: A Guide to Finding a Job and Career Success*. Vicki publishes *Paralegal Strategies*, a weekly e-newsletter for paralegals, and hosts *The Paralegal Voice*, a monthly podcast produced by Legal Talk Network.

More information is available at www.paralegalmentor.com where subscribers receive Vicki's 151 Tips for Your Career Success.

CALENDAR OF EVENTS

May 1-31, 2013	CLA/CP Exam Testing Window
June 27, 2013	Legal Assistants Day
July 10-12, 2013	NALA Convention, Portland, OR
July 19, 2013	Deadline to submit <i>Summons</i> articles
August 1, 2013	Deadline to submit Scholarship Application
August 1, 2013	Application Filing Deadline for September CLA/CP Exam Window
September 1-30, 2013	CLA/CP Exam Testing Window
September 11-12, 2013	WDALA's Fall Seminar, Bismarck
December 1, 2013	Application Filing Deadline for January CLA/CP Exam Window
January 1-31, 2014	CLA/CP Exam Testing Window



2013 - 2014 COMMITTEES

The following is a short description of the various WDALA committees. It is hoped that this will assist all members in making a very important decision to participate in a committee that best fits their talents and/or interests. Please consider offering your talents to WDALA. Included on the Membership Renewal form is a place for you to indicate an area that interests you. Thank you for considering participation in WDALA.

Audit: Audits the treasurer's books at the close of the fiscal year prior to the transfer of accounts to the newly elected treasurer.

Education: Assists the First Vice President on planning seminars and teleseminars.

Ethics and Professional Development: Monitors ethical opinions locally and nationally and reports on such opinions to the Board of Directors and members. Researches issues of certification, licensing, regulation, and the unauthorized practice of law. Reports case law and legislation affecting our profession to the members of the association.

Historian: Maintains WDALA scrapbook. Aids in development of brochures for the association.

Legal Assistant Day: Coordinates preparation of Legal Assistant Day Proclamation with RRVPA. Submits proclamation to Governor and arranges meeting to sign the Proclamation and publicity picture with Governor. Publishes Proclamation and photo in June issue of the *Summons* and submits information to the media. Encourages regional directors to hold regional gatherings for Legal Assistant Day.

Library: Maintains study materials for the CLA exam.

Nominations & Elections: Presents a slate of officers/candidates to the membership for election at the annual meeting.

State Bar/NDTLA Liaison: Represents WDALA in communications with the N.D. State Bar Association and N.D. Trial Lawyers Association.

Student Liaison: Is responsible for maintaining an open line of communication between WDALA and legal assistant students and schools to ensure quality curricula and to advise students of current issues affecting the legal assistant profession.

Summons: publishes and distributes the newsletter.

Regional Director: Works with the Second Vice President to promote membership and the First Vice President in coordination of educational programs within that region. Attends all meetings of the Board of Directors to report on activities in that region. Coordinates regional activities, meetings or luncheons.

Website: Monitors website activity. Coordinates upgrades of the website. Provides ideas and assistance with respect to keeping information current.



**Michael J. Williams,
Attorney**

Reprinted with permission of NALA, The Association of Legal Assistants/Paralegals, and Michael J. Williams, the article originally appeared in the March/April 2013 Facts & Findings, NALA's bi-monthly magazine for paralegals. The article is reprinted here in its entirety. For further information, contact NALA at www.nala.org or phone (918) 587-6828.

THE PERSONAL SIDE OF PERSONAL INJURY

By Michael J. Williams, Attorney

There are few areas of law practice that are more personal than a personal injury practice. People who have been seriously injured are required to disclose the most intimate and personal details of their life to their attorney. They are often impacted on multiple levels, including escalating medical bills, ongoing wage loss, inability to work, and interruption of normal activities and relationships. To people who have been seriously injured, their case does not involve just legal issues; rather, it involves their life. There is nothing more personal than the unexpected life changes forced upon a person who has been seriously injured due to the fault of another.

Adequate representation of a person who has been seriously injured requires a multidisciplinary approach that addresses all of the challenges and issues confronting the client. Addressing the multiplicity of issues confronting your client requires a level of personal involvement that runs far deeper than most other practice areas.

Role of the Legal Team

Traditionally, the lawyer's role has been to counsel and advise. In many areas of legal practice, professional distance and objectivity are essential. In the personal injury arena, however, the role of counselor takes priority and requires the lawyer and staff to sacrifice some of the professional distance and establish a more personal relation-

ship. Lawyers normally receive no real training in law school, and often feel inadequate in counseling the client except on purely legal issues. For this reason, counseling is often delegated to the legal assistant. The entire legal team, therefore, has the opportunity to provide effective counsel and counseling to the personal injury client.

An initial assessment in a personal injury case would necessarily include the following:

- Legal issues
- Insurance issues
- Medical issues
- Financial issues
- Emotional/psychological issues
- Others issues impacting the client

Typically, in a personal injury case, the legal issues involve proving fault and damages. But what if your client has been rendered jobless because of the injury, and therefore has no health insurance and cannot afford continued medical care? This will have a direct and negative effect on the legal issue of damages, because the failure to obtain necessary medical treatment may limit any medical expense recovery. The legal team can prevent the lack of insurance from ever becoming a problem by getting to your client well enough to thoroughly understand the financial and insurance situation. By doing so, the legal team can refer the client to specific public or private programs that could assist the client in

obtaining necessary medical treatment.

However, it is only by knowing your client well enough—a personal relationship—that you can understand the specific non-legal needs of your client that you will be able to identify and be able to fix any problems before they harm your client and your case.

Role as Change Agent

Personal injury clients may go through a predictable process because of the many losses and changes following a serious injury. At the most basic, change in the human condition can be perceived as a loss of an opportunity. One definition of change is “to make the form, nature, content, future course, of (something) different from what it is or from what it would be if left alone.” When we make a choice to change something, it is an experience perceived as an opportunity and is accompanied by feelings of excitement and wonder. When we are forced to change something, it is an experience perceived as a loss and is accompanied by feelings of grief, fear, anger and despair.

For the personal injury client, the changes that occur after a serious injury are perceived as loss after loss. In order to facilitate recovery through this process, we need to look at the change process, and how the legal team can help restore our client to a “new normal.”

Stages of Change with Corresponding Techniques and Strategies

The first stage of change is Shock and Protest. Your client will say things like: “This can’t be happening to me. How did I get to this place in my life? I am really angry at the person who hurt me and my family.” The legal team needs to:

- **Listen.** Take the extra time necessary to listen to your client talk about the forced changes. Remember that your client may not have anyone else who is willing to listen sympathetically, because immediate family members may have heard the story too many times and strangers may not care.
- **Understand.** Make sure that you understand all of the changes that have been forced on your client. Ask questions to make sure you are “getting” all of the changes. Empathize.
- **Communicate.** Regular communication with the personal injury client is required. Clients with chronic pain often develop associated depression and may quit following through on medical treatment or do something else that harms to them or their case. Regular communication is a proactive way to prevent problems from developing. A phone call or an e-mail is an efficient way to communicate with some clients, but in-person communication is preferred so that you can see how the client

is doing, and you can visualize any significant changes in your client’s condition.

The second stage of change is Disorganization. Clients at this stage are losing the mail you sent them. They don’t remember what you have told them (at least three times already). You ask them to send you information and they don’t even remember the conversation. This is an incredibly frustrating time for the legal team because it’s as if the clients don’t want to help themselves. It will pass, as your client gains more information and control over their current situation. This is the stage when detailed file documentation is helpful.

- **Speak in concrete terms:** If you recognize that this is simply part of the process, you can deal with it effectively. Give simple and clear directions. Don’t overwhelm them with a need for information – take one thing at a time.
- **Prioritize for them:** After you have listened to them, and heard their concerns, try and address the issues in the order that is the highest priority for your client. If they want details of the accident in order to understand the facts, get the police report. If they are afraid or nervous about their injuries, make sure they follow up with their medical providers. If they are mad and want revenge, talk to them about what the law can and can’t do for them.

The third stage of change is *Reorganization*. During this stage, clients will have enough information to start making predictions about their life after their injury. They will have some idea what medical treatment they are facing. They will have some insight into their ability to function on the job. Each step will bring a new sense of control to the client, and cooperation with you and the legal process.

- **A to Z.** You have been through this process before, perhaps hundreds of times. Your client has not. Make sure that you communicate each step of the process, from A to Z. This will help prepare your client for what is ordinarily a lengthy and difficult process. Understanding the process in detail can also help your client regain some sense of control.
- **Refer.** Be active in your client's treatment program. When necessary, make arrangements for appropriate referrals. (Note: if the lawyer makes the actual referral, the defense will argue that the referral was made for purposes of litigation. Have the referrals made by the appropriate medical professional). For example, if your client is showing signs of post-traumatic stress disorder (PTSD), obtain a referral from the treating physician to a psychologist who can effectively treat the PTSD.

The last stage of change is *Discovering Your "New Normal."* Countless clients will tell us that their injury was a turning point in their life. Just like the birth of a child or the death of a parent, clients will recall the date of the accident as the date that changed the direction of their life. Your goal is to help them realize that although their life has changed, a new normal is possible and promising.

- **Counsel.** Effective legal counsel means that you must understand all of your client's concerns—legal, medical, occupational, financial, physical, emotional, and social—before you can develop a strategy that will begin to meet the needs, values and attitudes of your client. Client-centered legal counseling requires an ongoing conversation with your client and appropriate changes in strategy as your client's needs, values and attitudes change.

Conclusion

Personal injury clients have suffered a change that has had a significant impact on their lives. The change may be a physical injury that causes them to lose their ability to work, participate in their favorite activity, or change them from a previous state of good health to a future of chronic pain, medications and restricted movement.

These changes affect the injured

person as well as the family. Particularly in the cases of traumatic brain injury, paralysis and death, the family unit is forever altered. There are changes in family traditions, finances and relationships.

Personal Injury clients are forced to trade their health and their quality of life for money. At the conclusion of a personal injury case, there are few clients who are happy with the trade-off. By addressing some of the non-legal forced changes during the process, however, you can provide valuable assistance to your client that goes far beyond money. The legal team will recognize these losses and take the time to understand each of them. Once understood, the legal counselor can assist the client in adapting to these changes, accepting the changes, and finally to accepting a "new normal."

Michael J. Williams is a senior partner and shareholder in the Maring Williams Law Office, P.C. Maring Williams is a law firm with a special concentration in litigation, primarily personal injury litigation, with offices in North Dakota and Minnesota. Mike is a proud graduate of the University of North Dakota School of Law, and is past-president of the North Dakota Trial Lawyers Association (2004-2005), and past-president of the North Dakota State Bar Association (2005-2006). He has represented plaintiffs in personal injury litigation for more than 30 years. *He can be reached at mwilliams@maringlaw.com.*



Carmen Dukeman

Carmen Dukeman

Where do you see yourself in ten years?

I see myself writing the great American novel - - not really, but perhaps some stories. Also, I would hope that I enjoy my retirement in good health and spirits.

Which celebrity would you enjoy going to dinner with?

I can't think of one living celebrity I would like to go to dinner with. If we could go back in time, I would love to have dinner with Humphrey Bogart.

How many US states have you visited and which one is your favorite?

I have visited 23 US States, 4 Canadian provinces and several countries in Europe. I really don't have one favorite State, but I like all of the Rocky Mountain States the best.

What is one goal you have set for the year and how do you plan to achieve it?

My only goal this year is to retire at the end of it.

If you could choose to have any job in the world, what would you do?

I would love to be a gardener, but would be terrible at it, so I better stick to what I know.

What is the one thing in your kitchen you could not live without?

The coffee machine.

What was your first car?

An old Chevrolet Impala.

Share a tip on how you organize your life (work, home or otherwise).

I am a routine junky; I have everything assigned to a routine during the day and this is the way I stay organized. It's not for everybody, but it works for me.

Where are you likely to be at 8:00 on a Saturday evening?

In the winter, probably in front of the television. In the summer, anywhere outside.

When and where were you happiest?

By and large I am not given to being unhappy, so this is impossible for me to categorize. I have been very fortunate and have had many happy times in my life so far and in many different places.

Which talent would you most like to have?

I would love to be able to sing and carry a tune.

If you could choose what to come back as, what would it be?

I definitely would like to come back as an eagle.

"I am a routine junky; I have everything assigned to a routine during the day and this is the way I stay organized. It's not for everybody, but it works for me."



Mitzi Sundheim

“I have always tried to cook big meals on the weekends so we have enough leftovers to get us through 2-3 days of meals during the week.”

Mitzi Sundheim

Where do you see yourself in ten years?
More than likely I will still be employed at Howard & Associates, P.C. counting down the months to retirement.

Which celebrity would you enjoy going to dinner with?

Bonnie Hunt or Phil Mickelson.

How many US states have you visited and which one is your favorite?
30; Washington.

What is one goal you have set for the year and how do you plan to achieve it?

Getting rid of “stuff” in my home. We have accumulated so much “stuff” over the years. The children are gone now but we still have a lot of their “stuff”. Parents are deceased and we inherited lots of their “stuff”. Plan on having a huge garage sale this summer to get rid of items we no longer need or use.

If you could choose to have any job in the world, what would you do?

FBI Agent.

What is the one thing in your kitchen you could not live without?

Dishwasher.

What was your first car?

Dodge Colt.

Share a tip on how you organize your life (work, home or otherwise).

I have always tried to cook big meals on the weekends so we have enough

leftovers to get us through 2-3 days of meals during the week.

Where are you likely to be at 8:00 on a Saturday evening?

At home with my husband.

When and where were you happiest?

Now. Content is the more appropriate word. The children are grown and out of the house, I have more “me” time to do the things I enjoy doing, the grandbabies are arriving, work is good, life is good!

Which talent would you most like to have?

Playing the piano.

If you could choose what to come back as, what would it be?

I recall seeing on the internet quite some time ago a post from a woman who stated she would come back as a bear and it made total sense to come back as a bear. When you're a bear you get to hibernate. You do nothing for six months but sleep. Before you hibernate, you are supposed to eat yourself stupid. When you are a girl bear you birth your children (who are the size of walnuts) while you are sleeping and wake to partially grown cute, cuddly cubs. If you are a mama bear, everyone knows you mean business. You swat anyone who bothers your cubs. If your cubs get out of line you swat them too. If you have a mate, he expects you to wake up growling. He expects that you will have hairy legs and excess body fat. Perfect.



Corrina Pfaff

“Ability to sit down and play the piano as easily as I used too, of course I don’t practice as much as I used to.”

Corrina Pfaff

Where do you see yourself in ten years?

Working

Which celebrity would you enjoy going to dinner with?

Josh Duhamel

How many US states have you visited and which one is your favorite?

10, Colorado

What is one goal you have set for the year and how do you plan to achieve it?

Get my e-mails under control and organized.

If you could choose to have any job in the world, what would you do?

I am doing what I want to do.

What is the one thing in your kitchen you could not live without?

Toaster

What was your first car?

1977 red 2-door something or other, I can’t remember.

Share a tip on how you organize your life (work, home or otherwise).

Calendar(s) and sticky notes.

Where are you likely to be at 8:00 on a Saturday evening?

Home, maybe watching TV, relaxing.

When and where were you happiest?

1988, 1991, 1997 (wedding, births of both kids).

Which talent would you most like to have?

Ability to sit down and play the piano as easily as I used too, of course I don’t practice as much as I used to.

If you could choose what to come back as, what would it be?

Butterfly



Leigh Johnson

“I transfer almost-empty bottles of creams, shampoos and anything else in liquid form into travel-sized bottles to save space. That being said, I love my label maker”

Leigh Johnson

Where do you see yourself in ten years?

This question is really challenging me. When I start to think of where I'd *like* to be my mind wanders and I realize how much I have/want to accomplish. Therefore, in ten years I see myself still trying to answer out this question.

Which celebrity would you enjoy going to dinner with?

I plead the fifth.

How many US states have you visited and which one is your favorite?

I've been to 19 states and my favorite state to spend my vacation would be California.

What is one goal you have set for the year and how do you plan to achieve it?

My goal this year is to stretch my vocabulary. My guilty procrastination site is vocabulary.com. The site quizzes you on vocab words to test your skills.

If you could choose to have any job in the world, what would you do?

An artist of any kind – aural, visual, tactile.

What is the one thing in your kitchen you could not live without?

My iPad. Whatever knowledge or technique I lack is usually no more

than a quick internet search away.

What was your first car?

It was a Chevy pickup. I don't remember the model or year, but it was blue.

Share a tip on how you organize your life (work, home or otherwise).

I transfer almost-empty bottles of creams, shampoos and anything else in liquid form into travel-sized bottles to save space. That being said, I love my label maker.

Where are you likely to be at 8:00 on a Saturday evening?

With friends, anywhere.

When and where were you happiest?

Whenever and wherever there was an open bar. Also, the first 17 years of my life.

Which talent would you most like to have?

Spontaneous wit. I always think of the good comebacks on the car ride home.

If you could choose what to come back as, what would it be?

A beloved dog.

WDALA SCHOLARSHIP AWARD APPLICATION

Today's Date: _____

1. NAME _____
(Last) (First) (MI)

2. ADDRESS _____
(Street) (City) (Zip)

3. PLACE OF EMPLOYMENT: _____

4. PHONE: Work _____ Home _____

5. EMAIL _____

6. How long have you been a member of WDALA? _____

7. Purpose of Application:

_____ **NALA CLA/CP examination fee**

Under which eligibility criteria are you applying to take the CLA/CP exam:

_____ Graduation from a paralegal program that is:

_____ Approved by the American Bar Association; or

_____ An associate degree program; or

_____ A post-baccalaureate certificate program in legal assistant studies; or

_____ A bachelor's degree program in legal assistant studies; or

_____ A legal assistant program which consists of a minimum of 60 semester hours (900 clock hours or 90 quarter hours) of which at least 15 semester hours (225 clock hours or 22.5 quarter hours) are substantive legal courses. (NOTE: Under this, an applicant may combine college hours from more than one institution. The applicant must have graduated from a legal assistant program consisting of a minimum of 15 semester hours (or 225 clock hours or 22½ quarter hours.)

_____ A bachelor's degree in any field plus one year's experience as a paralegal. Successful completion of at least 15 semester hours (or 22.5 quarter hours or 225 clock hours) of substantive paralegal courses will be considered equivalent to one year's experience as a paralegal.

_____ A high school diploma or equivalent plus seven (7) years' experience as a paralegal under the supervision of a member of the Bar, plus evidence of a minimum of twenty (20) hours of continuing legal education credit to have been completed within a two (2) year period prior to the examination date.

_____ **NALA ACP examination fee**

Year in which CLA/CP was obtained: _____

Specify exam to be taken: _____

_____ **NALA annual convention**

_____ **NALA Campus Self Study Course**

Specify study course(s) to be taken: _____

_____ **NALA Campus LIVE! Course**

Specify study course(s) to be taken: _____

The above statements are true and correct to the best of my knowledge. Please enter my name in the drawing for the WDALA Scholarship Award.

Signature _____

NON-DISCRIMINATION STATEMENT: THIS IS AN EQUAL OPPORTUNITY SCHOLARSHIP FUND. NO DECISION FOR AWARDING ANY SCHOLARSHIP WILL BE BASED ON AGE, RACE, RELIGION OR GENDER. WESTERN DAKOTA ASSOCIATION OF LEGAL ASSISTANTS ("WDALA") IS A NON-PROFIT CORPORATION. PERSONS WHO ARE NONMEMBERS OF WDALA ARE NOT ELIGIBLE FOR CONSIDERATION.

Deadline Date: August 1, 2013

E-mail to:

Shari Erdman
WDALA President
serdman@crowleyfleck.com

Afton J. Basden, CLA
WDALA NALA Liaison
abasden@srt.com

WDALA SCHOLARSHIP AWARD TERMS AND CRITERIA

The NALA Liaison shall administer the Scholarship program as set forth below.

- a. Scholarship Program Purpose and Eligibility.
 - i. The Scholarship program is established to assist WDALA members with the expense of continuing education. The Scholarship funds can be applied towards a NALA education sponsored event, including but not limited to:
 - a. The NALA CLA/CP examination;
 - b. A NALA ACP course;
 - c. Attendance at the NALA annual convention;
 - d. NALA Campus Self Study Course;
 - f. NALA Campus LIVE! Course; or
 - g. Any NALA education program that should be developed in the future.
 - ii. Funding is available for retaking an exam only if the applicant was not awarded a scholarship in connection with taking the initial exam.
- b. Scholarship Award:
 - i. One scholarship per fiscal year will be awarded in the amount of \$250.00.
- c. Scholarship Guidelines:
 - i. Applicants must be members in good standing of WDALA for a minimum of six (6) months prior to submitting a scholarship application.
 - ii. Applicants must meet the eligibility criteria for sitting for the CLA/CP or ACP exam at the time of application for the scholarship.
 - iii. Scholarships will be awarded on a reimbursement basis. The scholarship recipient shall be responsible for paying the fee directly to NALA. Upon proof submitted to the scholarship chair of completion of the selected exam, course or NALA convention, WDALA will issue the recipient \$250 scholarship award.
 - iv. The award recipient will have one year from the date of the award to complete the selected exam or course or attend the NALA convention. The award will be withdrawn if the recipient does not complete the selected exam or course or attend the NALA convention within the one-year time requirement.
 - v. An award recipient can receive a scholarship award no more than once every five (5) years. The five-year period of time begins to run on the date the scholarship is awarded to that member.
- d. Scholarship Award Procedure:
 - i. Scholarship applications are available from the NALA Liaison.
 - ii. Scholarship applications must be received by the NALA Liaison no later than August 1 of each year.
 - iii. Winners will be determined by lottery drawing to take place during the annual board meeting of WDALA. The winner must be present at the time of drawing to win.
 - iv. Names of award recipients and the purpose for the scholarship may be published in the *Summons*.