

Melissa Klimpel,
ACP, Editor

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SUMMONS

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WESTERN DAKOTA ASSOCIATION
OF LEGAL ASSISTANTS

www.wdala.org

PRESIDENT'S MESSAGE

By Shari L. Erdman



Shari L. Erdman

I am certainly honored to be your WDALA president for the next year. To say that I have big shoes to fill is an understatement. I'm not sure there is anyone out there that can match Melissa's organizational skills and level of commitment. I will certainly do my best! I would like to extend my sincere appreciation to those outgoing board and committee members for all their work on behalf of WDALA. I welcome the new board and committee members as well as those new to WDALA. We are glad to have you!

I met many new people at the WDALA Fall Seminar and always enjoy doing so. There are many of you, however, that I haven't had a chance to meet. I thought in this first article I would share a little bit about myself.

I began working for Williams County (Williston) in 1986. I started in the Emergency Services department at the Law Enforcement Center. I worked closely with the State Emergency Services department as well as FEMA. I worked in this

office for four years. After this time, I applied for and received a transfer to the Valuation and Equalization Office. This is commonly referred to as the assessor's office. I worked in this office for just under six years. While in the assessor's office, I obtained my assessor's license through five weeks of training and testing. It's funny to me that I can still recall so much of my work there: the cost approach, the income approach and the sales approach. I think I can still recite the definition of "true and full value!"

In January of 1996, I applied and was transferred to the State's Attorney's Office. I spent twelve years in this office. Throughout these twelve years I worked for many different state's attorneys and assistant state's attorneys. It was in this office that

PRESIDENT'S MESSAGE continued

my paralegal career really began. One of my state's attorneys encouraged me to participate in a Paralegal Program through the University of North Dakota - Division of Continuing Education. I did complete this on-line program and received my certificate. My supervising attorney for this course was a defense attorney out of Philadelphia. He was Italian, his last name was really long and ended in an "i." Throughout this course he would say he didn't mind if we made a mistake, but didn't want to see the same mistake twice. He promoted concise legal writing. We had weekly homework, quizzes and tests. I remember our final project was writing an appellate court brief. I was familiar with appellate briefs, however, we were instructed to write this brief from the defendant's side. Obviously, working at the state's attorney's office, we were the prosecutors. I wasn't

sure I could wrap my brain around this and write from the defendant's point of view! I did complete this brief and received a grade of 94. I was very proud of myself!

In 2008, we were going through another change in the position of state's attorney and I saw an opening at a local law firm. After much deliberation, I decided to go for it! I got the job and have been here at Crowley Fleck for just over four years now. I have a strong criminal background so learning civil work has, at times, been trying. Civil cases tend to go on and on; much longer than criminal matters.

I always stress the importance of having contacts. My prior job experiences allowed me the opportunity to develop contacts. I feel very lucky that I can draw upon them and do so quite often.

Many of my prior coworkers are still some of my best friends.

I have lived in Williston all my life so I've seen the changes this city has gone through - the good and the bad. My husband has worked for Williston Parks and Recreation for 20+ years. We will celebrate our 25th wedding anniversary next July. We are the proud parents of one daughter, Andrea, who is a college freshman in Williston; and twin sons, Adam and Jamie, who are sophomores in high school. When my kids were small, someone once told me that when they start school, the time will fly by. This is sad, but true.

Now you know a little bit about me and I look forward to getting to know you. WDALA is such a wonderful organization and I feel blessed to be a part of it. Thank you!



Carmen Dukeman

TREASURER'S REPORT

By Carmen Dukeman

The treasury balance for the Western Dakota Association of Legal Assistants, as of October 2, 2012, is \$14,164.77.

Welcome Our New Members

Amy Weninger – picture and bio not available. Amy Weninger is employed with the Emmons County State’s Attorney in Linton.



Amanda Kessel

Amanda Kessel was born and raised in Dickinson, North Dakota, attending Dickinson High School and graduating in 1997. Amanda spent many years competing in gymnastics, which lead to a 17-year career coaching the sport. She attended Bismarck State College graduating in 2000 with an Associate’s Degree in Business Management. After graduation, she returned to Dickinson where she began working at Steffes Corporation. In March, 2002, she joined the Mackoff Kellogg Law Firm as a foreclosure specialist under the guidance of Attorney Sandra K. Kuntz. Two years later, she accepted a position as Sandy’s right hand in her ever growing family law practice. As of April, 2012, Amanda joined Sandy in opening her own firm, Legal Edge Solutions, PLLC, Southwest North Dakota’s first dedicated mediation center. Amanda completed the Family Law Mediation Certification program through the Conflict Resolution Center at UND in May, 2012. In her spare time, Amanda enjoys anything outdoor and motorized, including stock car racing, camping, and four wheeling.

CALENDAR OF EVENTS

| | |
|--------------------|--|
| December 1, 2012 | Application Filing Deadline for January CLA/CP Exam Window |
| January 1-31, 2013 | CLA/CP Exam Testing Window |
| January 18, 2013 | Deadline to submit <i>Summons</i> articles |
| April 1, 2013 | Application Filing Deadline for May CLA/CP Exam Window |
| April 2013 | WDALA Spring Seminar, Minot |
| May 1-31, 2013 | CLA/CP Exam Testing Window |
| July 10-12, 2013 | NALA Convention, Portland, OR |



Congratulations to Jen Defoe, ACP



Jen Defoe, ACP

Jen Defoe, ACP, has successfully completed NALA's Advanced Paralegal Certification course on Personal Injury – Automobile Accidents. Jen is now entitled to use the "ACP" (Advanced Certified Paralegal) credential.

Congratulations to Shari L. Erdman



Shari L. Erdman

Shari L. Erdman, was awarded with WDALA's Scholarship at the annual meeting on September 15, 2012. This is the second year that WDALA's Scholarship has been awarded.

Thank You!



Kendra Dais, ACP

I just wanted to extend a "thank you" to Western Dakota Association of Legal Assistants. First, thank you for the generous \$250 scholarship given to me at the 2011 Fall Seminar. I used the scholarship to obtain my Advanced Paralegal Certification in Incorporated Entities. I would also like to thank the members of WDALA for their kindness and the motivation this group offered to me during the time of my membership. Thank you all!

Kendra Dais, ACP

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, CLA

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, CLA; and Corrina Pfaff
 Membership Lynette Anderson, ACP
 Finance/Budget Carmen Dukeman
 CLA ChairmanAfton Basden, CLA
 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, CP and Lorelee Clay



Leigh Johnson

“I want to encourage all members to continue to think about ways we can expand the organization and make membership in our organization a worthwhile investment.”

FIRST VICE PRESIDENT’S REPORT

By Leigh Johnson

First, I want to thank everyone for entrusting in me the First Vice President’s position for WDALA. I am excited with our new board and the interest members have shown in assisting our organization. I want to encourage all members to continue to think about ways we can expand the organization and make membership in our organization a worthwhile investment. You can contact me or any member of the board at any time to express your thoughts or ideas.

It was a pleasure seeing and meeting new faces at the Fall Seminar which was held on September 19 & 20, 2012. After communicating with many of you by e-mail over the past few months, it was nice to finally put some faces to your names! I hope you all enjoyed the Seminar and agree with me when I say I felt it was a couple days well spent with your colleagues in the paralegal profession. Outgoing First Vice President Melissa Hamilton did an excellent job executing the Seminar. Her shoes will be very hard to fill, but I’ll do my best.

As we discussed at the Annual Meeting, we are looking for new and expanded benefits to offer to our members. Please remember to send me your ideas throughout the year. Also, we are continuing our efforts to reach out to the far southwestern part of the state, specifically Dickinson, and we welcome any insights you may have, or ideas for doing so. I welcome the op-

portunity to hear from members, so please feel free to contact me with your thoughts and suggestions.

Now, on to business: WDALA’s 2012 Fall Seminar had a successful turnout with 43 people attending the two-day seminar. WDALA earned \$2,633.18 from the seminar. We spent the afternoon of the 19th at the Burleigh District Courthouse with presentations on the Odyssey e-filing system and demonstrations from attorneys regarding iPad use in the courts.

We are very grateful to have speakers from various fields in the legal system speak at the Seminar, including Justice Dale Sandstrom, Honorable Gail Hagerty, members of the Judicial Branch IT Staff; Dave Maring, Esq.; William J. Delmore, Esq; Vicki Voisin, ACP and Vicki Kunz, ACP; and finally Jannelle Steger Combs, Esq. Thank you to all who attended.

I also want to recognize the extraordinary support received from our sponsors who actively support WDALA by donating money, food and beverages, and/or speakers for WDALA events. They include our Corporate Sponsors: Crowley Fleck, PLLP and W.T. Butcher & Associates, LTD. Corporate Donors: Furuseth Law Firm; Maring Williams Law Office; and Smith Bakke Porsborg Schweigert & Armstrong. We are also fortunate to have Storslee Law Firm as a Corporate Exhibitor as well as Thomas Dunlap. The Corporate Break was sponsored by

FIRST VICE PRESIDENT'S REPORT continued

Schweigert, Klemin & McBride, PC.

We also had a special treat this year with Jill Kunz from Jill Kunz Photography available at the close of the seminar to take professional head shots. Jill has an adorable website and is an excellent photographer. Please check it out: www.jillkunzphotography.com.

Preparations are in the works for the Spring Seminar. If anyone has any suggestions regarding speakers or topics they would like to see next spring, please email me at ljohnson@bkmpc.com.

Happy Birthday to the following WDALA members:

| | |
|--------------------------|-------------|
| Linda Hagen, CLA | November 27 |
| Mitzi Sundheim | December 3 |
| Mary Kay Duchsherer, CLA | December 9 |
| Bonnie Harris | December 15 |
| Becky Hillerud | December 19 |
| Susan Wolf, ACP | December 21 |
| Shari Erdman | December 22 |
| Corrina Pfaff | January 12 |



Afton Basden, CLA

“If you needed a little extra encouragement to join NALA, NALA has just announced that each new and renewing NALA member will receive an \$80.00 CLE gift certificate.”

NALA LIAISON’s REPORT

By Afton Basden, CLA

Here we are again with the leaves almost gone from the trees and Christmas right around the corner. It seems like the older I get the faster the time goes!

Know anyone who just graduated from a paralegal program, or someone looking to move into the profession? NALA will be hosting a free webinar for those transitioning from the classroom to the workplace, and for those seeking employment due to layoffs and life changes. This webinar will be offered January 17, 2013, at 3:00 pm CENTRAL time. Speakers for the program are Tulsa paralegals, Elizabeth H. Nellis, ACP, and Beverly Pace, ACP. Subjects include:

- Paralegal Career Trends
- Resume Do’s and Don’ts
- The Interview Process
- Survival in the Legal Arena
- Does this Briefcase make My Butt Look Big?

If you are interested in attending this webinar, please go to the following link on NALA’s website: <http://www.nala.org/freeweb.aspx>.

NALA announced the following changes to the CLA/CP examination in its most recent newsletter:

Effective with the January 2013 testing session, a passing score of 73% of the total points on a section is re-

quired to pass the section. The point allocation is as follows:

- Communications - 100 points; Passing score 73
- Ethics - 100 points; Passing score 73
- Judgment and Analytical Ability - 150 points; Passing score 109.5
- Legal Research - 100 points; Passing score 73
- Substantive Law - 500 points; Passing score 365

In addition, the Certifying Board will be using objective questions exclusively on the Communications section of the examination. The board has utilized an essay question for this section, but an essay question is not scheduled for the Communications exam in January. Keep in mind that the subjects tested in each examination section are as published on the NALA web site. The form of question - true/false, multiple choice, matching, and essay - may vary from testing session to testing session. The Certifying Board will change questions used for any testing session.

Finally, the entire Certification section of the NALA web site has been reorganized, and a good deal of additional information has been included. This includes:

- Detailed information on subjects covered by the examination and

NALA LIAISON’S REPORT continued

performance statistics.

- Examinee information from qualifying for the program to scheduling testing sessions.
- Detailed information about the requirements for recertification.
- Certifying Board policies on disciplinary proceedings.

Each of the major sections may be downloaded in pdf format for future reference, however, rely on the web

site for the most current information. Any policy changes will be posted on the web site first.

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 Date | Application Filing Deadline** | Late Application Filing Deadline (With \$25 late filing fee) |
|------------------|-------------------------------|--|
| January 1-31 | December 1, 2012 | December 10, 2012 |
| May 1-31 | April 1, 2013 | April 10, 2013 |



**Lynette Anderson,
ACP**

SECOND VICE PRESIDENT’S REPORT

By Lynette Anderson, ACP

We have two new members to welcome to WDALA. They are Amanda Kessel who is employed with Legal Edge Solutions, PLLC in Dickinson and Amy Weninger who is employed with the Emmons County State’s Attorney in Linton.

I have also included an updated membership roster.

Please contact me at lynettejanderson@hotmail.com if you have any changes or questions.



Shari L. Erdman

REGION I REPORT

By Shari L. Erdman

Region I has been pretty quiet over the summer. Char and I continue to participate in our office's fundraising which is winding down for the year. Soon it will be time to decide the recipients of our funds!

It's so hard to believe that summer is gone already! The NALA convention in July was definitely a highlight for me. And as expected, the WDALA Fall Seminar had top-notch speakers. It is always a great time to see everyone again. I am eager to receive our headshots that were taken by Jill Kunz!

My next article will be after Christmas so I hope everyone has a wonderful holiday season – it's coming up soon!



**Mary Sue Knutson,
CLA**

REGION II REPORT

By Mary Sue Knutson, CLA

Region II has started to meet monthly again after taking the summer off (except for our June picnic). We met in September and October and are just beginning to gear up for the new year. We were recently informed of the upcoming retirement of Bea Grasmoen after many, many years at Olson & Burns, P.C. We wish her well in her retirement!



**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 each month at A&B Pizza South. Region III will continue its partnership with Drug Court and will be purchasing Christmas gifts for some of the Drug Court participants and their families for the holidays.

Laurie Guenther, ACP; Vicki Kunz, ACP; and I participated in Sanford Women's Health Center's 17th annual Run and Walk for Breast Cancer Awareness on Friday, October 12th. The event included an 8K competitive run and walk, a 4K non-competitive walk, and an education forum featuring wellness screenings and information about breast cancer prevention and treatment. We walked in support of WDALA member Tonia Fitterer, our family members, and other paralegal cancer survivor friends.



Laurie Guenther, ACP; Vicki Kunz, ACP; and Melissa Klimpel, ACP

WDALA's Fall Seminar–Burleigh County Courthouse



ND Supreme Court Justice Dale Sandstrom



Attorney Julie Lawyer



Attorney Monte Rogneby



WDALA's Fall Seminar – Radisson Hotel



Attorney Dave Maring



Attorney William J. Delmore



Attorney Jannelle Combs



WDALA's Fall Seminar – Radisson Hotel



Cheer Coaches Vicki Kunz, ACP and Vicki Voisin, ACP



2011-2012 – WDALA's Executive Committee and Board of Directors: Melissa Klimpel, ACP, President; Melissa Hamilton, ACP, First Vice President; Laurie Guenther, ACP, Secretary/Parliamentarian; Carmen Dukeman, Treasurer; Afton Basden, CLA, NALA Liaison; Shari Erdman, Region I Director; and Candace Schafer, CLA, Region III Director (not pictured: Lynette Anderson, ACP, Second Vice President and Mary Sue Knutson, CLA, Region II Director).



2012-2013 – WDALA's Executive Committee and Board of Directors: Shari Erdman, President/Region I Director; Leigh Johnson, First Vice President; Jen Defoe, ACP, Secretary; Carmen Dukeman, Treasurer; Afton Basden, CLA, NALA Liaison; Laurie Guenther, ACP, Parliamentarian; and Melissa Klimpel, ACP, Region III Director (not pictured: Lynette Anderson, ACP, Second Vice President and Mary Sue Knutson, CLA, Region II Director).

WDALA's Social – Toasted Frog





Carmen Dukeman

“I am not a morning person, so I hope every day that I won’t be bombarded the minute I arrive, but it is a lost hope on most mornings.”

A DAY IN THE LIFE - - - OF A COUNTRY PARALEGAL

By Carmen G. Dukeman

James Stewart, as Paul Biegler in “Anatomy of a Murder” said, “I’m just a humble country lawyer trying to do the best I can”. As there are country lawyers, you might say there are country paralegals. I am such a person - I have worked in the same law office, in the same building, in the same little town, for 25 years. However, I am not only a paralegal, I am also the secretary, receptionist, bookkeeper and I do a little light house-keeping. For three days of the week I am staffing the office alone, two days of the week my boss joins me and helps out. Well, sort of.

I want to describe to the reader a typical day in my little warren with a disclaimer; I don’t mean to be flippant about some of the events or the people, but I feel that in my job, looking at matters with a sense of humor is almost essential. People in small areas are by necessity fairly close, so it is inevitable that I know the backgrounds of most of our clients on a personal basis and have, of course, opinions.

I am not a morning person, so I hope every day that I won’t be bombarded the minute I arrive, but it is a

lost hope on most mornings. It has happened that I drive up to the office and a client sits in his car, waiting for me, and jumps out immediately he sees me, talking. Now, as I said I am not a morning person and my brain is still on lay away and the Elton John song I was listening to on my drive in. Naturally nothing the client has said computes correctly and I cover by trying to look intelligent and thoughtful. Fortunately, this does not happen a lot. Most of the mornings the phone rings, I can hear it and I haven’t unlooked the door yet. By the time I get to it, the machine has picked up and I let it. What a wonderful invention!

My desk has several notes on it from my boss, who apparently had been there in the early morning hours (he is a morning person). The notes say ‘do this, do that, and call so and so’. I shuffle them to one side and unpack my gear. Next is the awakening of all office gadgets - computer, adding machine, copier, printers and the radio (background music is also essential). Since I usually have 3-4 cups of coffee into me before I arrive at the

office, always in the hope that they wake me up, I rarely make coffee in the office. I check the answering machine and discover several interesting messages, most with imputed urgency. As our specialty is family law, there is always great urgency in our client pool, especially on Mondays, Fridays or before holidays. Of course, the wicked ex-partner or soon to be ex-partner is out to nail our client to the wall and is using the kids to do it. It is a never-ending song that is being sung. I once went through my own divorce and have a frame of reference to some degree, but some of these people wage the war of the Roses with great energy.

Okay, now all messages noted and orders from on high taken care of, I can start on my work. Wrong! The phone is ringing again and a client persists in telling me in great detail all of the evils that have befallen him. Two or three times I interrupt and advise him to call back when my boss is in, but he ignores it and so I let him talk. Sometimes that is all a client needs. I start on my mountain of files, only to be in-

terrupted again and again by that blasted phone. Quite honestly, by the time 4 o'clock rolls around, I am ready to throw it against the wall.

Since the beginning of the year we have been inundated with work and the load is so heavy that we have not been accepting new clients. With the oil boom, there has been a certain amount of real estate matters that have been thrown into our mix of domestic cases and probates. Naturally, there is the occasional DUI case that has rolled in, as well. So we get a pretty good mixture of the various personalities a general law practice has to offer. I must say that I like our elderly clients the best – they are courteous, never arrogant, never in a hurry (mostly out of necessity; I know, I have arthritis, too), and they are better equipped mentally to handle some of the more mysterious decisions our Judges make. They are, however, long-winded and I have to practice patience while looking longingly at my files I should be working on. I know all about long-winded. Our IT man, who happens to be my husband, wanders into the office to check

on the computers or to fix a problem that has occurred (it is amazing how often these machines act up), and he proceeds to tell me in great detail, with lots of technical language, what the problem is and how it can be fixed. My eyes glass over and those are the times I actually like the phone to ring!

The mail man arrives at about 11:30 o'clock and delivers and picks up the mail. He always makes a rude comment when there is nothing to pick up, as if to say that I have been doing nothing but sleeping at my desk. However, I have some things to say about the postal service or the lack of service thereof, and so it is a stand-off. An irate client has wondered in and wants to know why the Judge ordered his child support in that amount and how the Judge thinks he could pay it. I point out the calculations of his income and he tells me he will quit his job. I wish him good luck with that and he leaves. Now it's lunch time and I escape in a hurry. I need that hour to recuperate and use it fully.

The afternoon is another ka-

leidoscope of colorful happenings. A caller from Washington is wondering if his great-aunt Matilda had minerals in North Dakota and if we could find out. He had heard that there is production here! A client calls and wants to know why his divorce papers haven't been received yet, when the attorney promised they would be there in a couple of days. Well, if I wouldn't be interrupted all the time An acquaintance comes in and tries to cajole me into making a Will for him. I refuse and tell him he has to come in when the attorney can see him. He is annoyed, but tells me anyway how he wants his stuff to be divided. A nice lady comes into the office and wants a donation for some school thing, followed by a young man with a citation in his hand. I issue a check; I look at the citation and tell the young man what procedures may follow. Later I get a call from my boss – we need to set up a deposition and I am to get a date. If you think that is easy, think again. It has to be correlated with the other attorney(s), the court reporter and the client, and it is often difficult to bring them under one hat; it takes a series of

phone calls and e-mails, and swearing underneath your breath. Of course, very often something happens and the deposition is cancelled, and so the time spent on setting it up was for nothing, but that is par for the course in the legal business. Hurry up and wait and postpone!

Time to pack up and go home. I water the plants and arrange my files for the next day in order of their importance. Seldom is that a successful endeavor – the next day most likely will bring something else that is absolutely urgent and must be done immediately. However, order must be attempted. I love my job and feel very good about what I do; I just sometimes wish there would be a little less stress included. Oh well. Let me end with another quote – this one from Oliver Wendell Holmes, Jr.: “The life of the law has not been logic; it has been experience”. Hurray for experience!

I drive home and listen to Elton John's 'Crocodile Rock', and anticipate another technical dissertation from our IT man at supper time.

Carmen G. Dukeman, born a long time ago in Frankfurt/Main, Germany, and raised and educated there. I graduated in 1963 from Frankfurt University, Business School, with a degree in marketing and research in publishing. I have never worked in that field, but started my working life as an editorial secretary for a weekly newspaper. In 1967 I immigrated to the United States and in 1969 I came to North Dakota and got a job with the bank in Towner – first as a bookkeeper, then as a teller, and ending up as a student loan officer. Late in 1977 I moved to Bottineau, where I worked as a legal secretary for Benson & Schell, and was Judge Benson's Court Recorder for two years in 1982-84. In 1987 I returned to work as a legal secretary for Roger D. Schell until late 1999, when he retired and the office was taken over by Michael S. McIntee. Mike sent me back to school in 2003 and I obtained a paralegal certificate in March 2004 from Bismarck State College. I have one son and two daughters, one stepson and one stepdaughter, three grandsons, five granddaughters, one step-grandson, one step-granddaughter, and I have been married since 1999 to a Brit, who joined me on a small farmstead outside of Bottineau.



**Donna Alderman,
ACP**

Reprinted with permission of the National Association of Legal Assistants and Donna Alderman, ACP. The article originally appeared in the September 2012 issue of Facts & Findings, the bi-monthly journal for legal assistants. The article is reprinted here in its entirety. For further information, contact NALA at www.nala.org or phone (918) 587-6828.

MILITARY FAMILY LAW ISSUES

By Donna Alderman, ACP

Family law issues facing US military personnel are quite different from those facing civilians. There are many more factors to weigh when military family law matters are visited, and two major statutes to be considered are the *Family Medical Leave Act (FMLA)* and the *Servicemembers Civil Relief Act (SCRA)*.

The FMLA now has a new “Military Caregiver Leave” or “Covered Servicemember Leave” that allows family members of covered active duty service members to take up to 26 workweeks of leave in a single 12-month period to care for covered service members with serious illnesses or injuries incurred in the line of duty on active duty. This special provision not only extends the “normal” 12 weeks of FMLA leave protection, but also extends protection to additional family members not previously included under the statute.

This provision also helps families of National Guardsmen and Reservists manage their affairs before and during leaves and post-deployment by making 12 workweeks of FMLA job-protected leave available to eligible employees who have covered military members in the National Guard or Reserves. This

benefit may be used for:

- Short-notice deployment
- Military events and related activities
- Childcare and school activities
- Financial and legal arrangements
- Counseling
- Rest and recuperation
- Post-deployment activities

Furthermore, as many as five days of FMLA leave are provided during rest-and-recreation leaves. On the flip-side of this, FMLA applies only to the following:

- Public agencies/state, local and federal employers
- Local educational agencies/schools
- Private employers who employ 50 or more employees

With FMLA, it is important to remember:

- Employees must have worked for their employers at least 12 months and have worked 1,250 hours over the previous 12 months
- FMLA leave is unpaid

- Employees may elect, or employers can require, employees to use accrued paid leave for some or all of the leave period

Judicial proceedings also present a different set of problems when a service member is involved. This is where the SCRA comes into play to temporarily suspend civil proceedings that might prejudice the civil rights of active service members. This is so that they can devote full attention to the defense needs of the nation.

Included in this stipulation are any judicial or administrative proceedings and transactions that might adversely affect the civil rights of service members during their service. This statute provides that if the court concludes that one of the parties of a proceeding is a member of the military services, then the court cannot enter a default judgment against that party without appointing an attorney for him or her.

The court must stay the matter for at least 90 days when requested by service members or their attorneys if the court deter-

mines that:

- They may have a defense to the action that cannot be presented without their presence
- Attorneys appointed for the service members have been unable to contact them or otherwise determine if a meritorious defense exists

If the court has issued a judgment against a service member during the time that he or she was engaged in military service, the court must reopen the matter to allow the service member to defend him or herself if the following apply:

- The service member was unable to assert a defense due to military service, and
- He or she has a meritorious or legal defense to the action or some part of it, so long as
- The petition to reopen is filed within 90 days after the end of military service

Members of the military services also have unique problems when faced with child custody issues. Custody is governed by the states and each state has its own custody laws. Many states are enacting new laws to protect service

members from losing custody due to their military status or while they are deployed.

Some states have passed legislation to protect service members in child custody matters by allowing only temporary rather than permanent custody orders during deployments. Some states require automatic reinstatement of the original custody arrangement upon the service member's return from deployment.

A congressional bill has been put forward to nationally protect service members from losing custody of their children because of military deployments.

Donna C. Alderman, ACP, is a paralegal specialist with the Mississippi National Guard Judge Advocate's Office where her main focus is on military justice law, federal and state tort claims, and contracts. Donna has received two Special Achievement Commendation Certificates for her work in the JAG Office. She has been a paralegal for more than 15 years in the areas of Real Estate, Family Law, Tribal Law, Criminal Law, Bankruptcy, Personal Injury, Mass Torts, and Probate and Estate Law. Her ACP is in Contract Law. She is a member of NALA and the President of the Mississippi Paralegal Association.



Linda Hagen, CLA

*“I learn every day
and each day brings
something new.”*

Linda Hagen, CLA

What do you like best about your job and what do you like the least?

Best-variety of duties; Least-filing.

What is one thing you have learned from your work experiences that you find invaluable?

I learn every day and each day brings something new.

If you won the lottery, what is the first thing you would buy?

A trip to Australia.

If you could be president for a day, what would you want to accomplish?
Get back to the basics and have English the language of the land with everyone learning it. Prayer and the three R's implemented in schools.

What is the one thing you could not live without?

Jesus as my Lord and Savior.

What is your favorite holiday and why?

Thanksgiving. More relaxed and family time.

What is your favorite indulgence?

Dark chocolate.

What are your favorite TV shows?

Person of Interest, NCIS and NCIS Los Angeles.

What is your favorite sports team?

Believe it or not – The Vikings.

Where is your favorite vacation destination?

Depends on the time of year. Winter it would be Arizona or someplace down south. Other times it would be to MN to see my children and grandchildren.

What concerts have you attended in the past five years?

The Judds and Sidewalk Prophets (even attended the Pre-show with my niece).



**Mary Kay
Duchsherer, CLA**

“Christmas; I come from a family of 13 children, so my family (husband, 3 children and their spouses, and 6 grandchildren), along with my brothers and sisters and their families (up to 80 family members depending on who can make it each year), get together at my mother’s house on Christmas Eve.”

Mary Kay Duchsherer, CLA

What has been your funniest or most embarrassing moment at work?

Many years ago I had to go downstairs in an old vault to retrieve a file and the light had to be turned on by twisting the light bulb on the ceiling. I felt something fuzzy and ran upstairs. One of the attorneys then went downstairs armed with a broom and after swatting it a couple times found out it was only a rag.

What do you like best about your job and what do you like the least?

I like that no matter how many years I’ve worked in the legal field, I am still learning something new almost every day. My least favorite part of my job is filing.

What is one thing you have learned from your work experiences that you find invaluable?

To treat people with respect, no matter what the situation is.

If you won the lottery, what is the first thing you would buy?

Retirement.

If you could be president for a day, what would you want to accomplish?

I would never want that job.

What is the one thing you could not live without?

My children and grandchildren.

What is your favorite holiday and why?

Christmas; I come from a family of 13 children, so my family (husband, 3 children and their spouses, and 6 grandchildren), along with my brothers and sisters and their families (up to 80 family members depending on who can make it each year), get together at my mother’s house on Christmas Eve.

What is your favorite indulgence?

Chocolate.

What are your favorite TV shows?

Revenge, The Good Wife, Castle, Dancing With the Stars, and almost any reality show.

What is your favorite sports team?

I don’t have one.

Where is your favorite vacation destination?

Grand Cayman Island, or really anyplace warm.

What concerts have you attended in the past five years?

None.



**Melissa Hamilton,
ACP**

“Enjoying a homemade peach sangria on my deck watching the sunset or being able to go to the bathroom without someone banging on the door asking me “what are you doing in there” – both rarely happen!”

Melissa Hamilton, ACP

What has been your funniest or most embarrassing moment at work?

Anyone who has been around me for any length of time knows that I have something funny or embarrassing happen to me on a daily, if not hourly basis. It is hard to come up with just one....I recently locked my keys in my car delivering supper to a WDALA member who is battling breast cancer. My vehicle was running and I had to call a locksmith to come and unlock my car. I was embarrassed, but the locksmith that arrived to unlock my car came in a Breast Cancer Awareness truck, complete with the pink ribbon.....it was a great reminder to take things in stride and find the silver lining in every situation.

What do you like best about your job and what do you like the least?

I love the flexibility I have in my position. The least is that I never have enough time for all the items I have on my to-do list.

What is one thing you have learned from your work experiences that you find invaluable?

Learning – continuing to learn and expand my areas of practice. Technology is continuously changing and it seems as soon as I get a system down, we get an update or a new system. Being able to adapt and go with the flow is crucial.

If you won the lottery, what is the first thing you would buy?

My plans are if I win the lottery is that I am going to move to the Badlands (my parents have a ranch 13 miles north of the South Unit of Theodore Roosevelt park) build myself a retreat and disconnect from the world.

If you could be president for a day, what would you want to accomplish?

Honestly, our government is so screwed up,

there is no way to accomplish anything in one day.

What is the one thing you could not live without?

My family.

What is your favorite holiday and why?

Christmas, every other year we rotate Christmas between my family here in North Dakota and my in-laws in Nebraska. Each is unique as we have different traditions, but always remember the reason for the season.

What is your favorite indulgence?

Enjoying a homemade peach sangria on my deck watching the sunset or being able to go to the bathroom without someone banging on the door asking me “what are you doing in there” – both rarely happen!

What are your favorite TV shows?

Criminal Minds

What is your favorite sports team?

The Nebraska Cornhuskers ~ Go Big Red!

Where is your favorite vacation destination?

I don't really have a favorite, but this past August, my entire family, including my sisters, their husbands, all the kids (ranging in age from 1 year old to 17) and my parents traveled to Yellowstone together and had a blast. We stayed at the Old Faithful Inn, coolest place I have ever stayed. This is probably one of my most favorite vacations ever – plus we all made it 5 days without an argument or killing each other. :)

What concerts have you attended in the past five years?

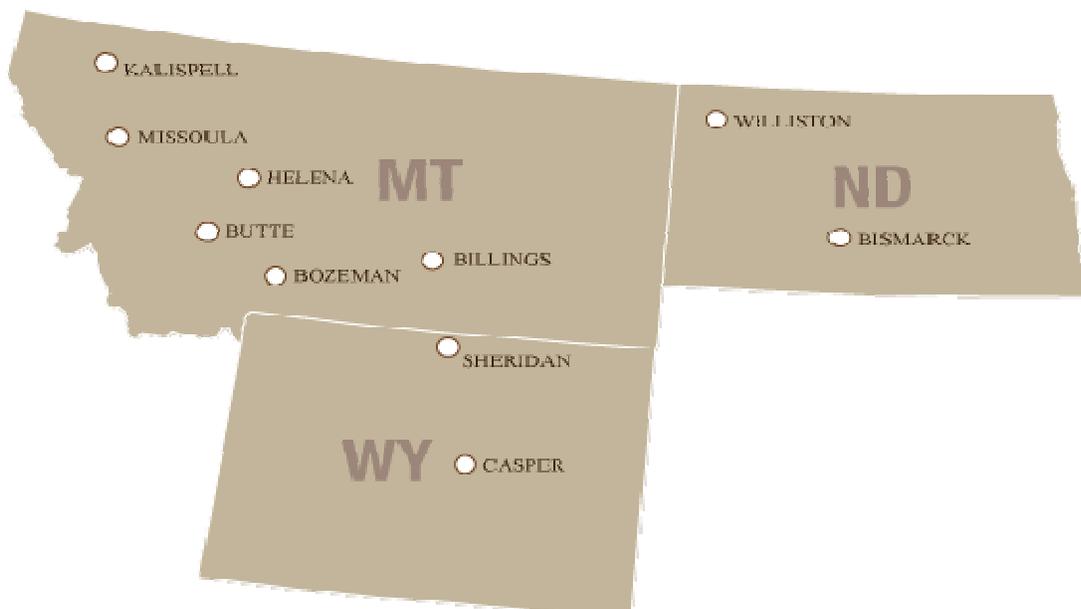
Does Sesame Street Live count? It has been over 5 years, but my sisters and I went to Sturgis during the rally to see Nickelback, the Black Crowes, and Live. There is never a dull moment in Sturgis during the rally.

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Serving Montana, North Dakota, and Wyoming, Crowley Fleck PLLP provides a strong, consistent presence throughout the region. While the legal profession has changed markedly since the firm's founding, our goal remains the same today as it was in 1895: to provide the highest quality legal services in a timely and cost-effective manner.

To achieve this goal, the firm hires and trains the best available lawyers, paralegals and administrative assistants. The firm's major practice groups reflect the legal expertise required to serve our clients in today's market. Each of these groups focus on specific areas of law and provide the depth and skill necessary to customize our services and to concentrate appropriate resources on any project, no matter how complex. Reflecting the values of our region, we enjoy the practice of law and the opportunity to provide personalized services to each and every one of our clients.

The firm has six Montana offices located in Billings, Bozeman, Butte, Helena, Missoula and Kalispell, two offices in North Dakota located in Bismarck and Williston, and two in Wyoming, Casper and Sheridan.





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