

TOWARD JUSTICE



PRO BONO PROJECT

Expanding partnerships with volunteer attorneys

Legal Aid's new Pro Bono Project seeks innovative ways to match Minnesota's deep well of volunteer attorneys with the two-thirds of eligible clients turned away by Mid-Minnesota Legal Aid (MMLA) each year. In 2014, MMLA provided professional legal help to more than 10,000 individuals and families—primarily seniors, people with low incomes and persons with disabilities—who otherwise could not access the services of a private attorney. Yet an additional 20,000 applied for aid and went unserved. MMLA's Pro Bono Project has begun to address this gap through a concentrated effort to strengthen pro bono partnerships with law firms and lawyers throughout the state.

In late 2013, staff attorney Kirsten Olson undertook this mission as director of the Pro Bono Project. Kirsten started at Legal Aid right out of law school in 2005 as a staff attorney in the immigration unit. She saw right away how her clients were affected by every area of law and quickly understood the importance of comprehensive representation and the difference this can make in a client's life. Passionate about connecting lawyers with people who desperately need representation, Kirsten has proven herself to be an effective matchmaker.

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“We recognize that Minnesota is rich with volunteer attorney services,” Kirsten says. “The goal of this new initiative is to complement and reinforce existing pro bono resources, such as the Volunteer Lawyers Network (VLN), Central Minnesota Legal Services (CMLS) and pro bono programs at a number of large private firms in the Twin Cities.” With a focus on full representation, the Pro Bono Program takes great care to address unmet client needs without duplicating the existing services of VLN and CMLS.

Kirsten began by working with Legal Aid’s substantive units to identify gaps. She then created two different programs to begin filling these gaps: workshops for limited scope representation and referral panels for full representation.

Workshops

Kirsten is developing pro bono workshops with trained volunteers to provide limited scope representation to serve larger groups. “Legal Aid attorneys are experts in a wide array of substantive areas, as well as in the general area of poverty law,” she says. “But even with legal services, self-help centers and existing clinics, there are populations with discrete legal issues who are unable to find the services they need.”

MMLA currently offers pro bono training and structured client workshops in approximately one dozen substantive areas. Attorney volunteers trained through this process range from the newly licensed to attorneys with decades of experience in a substantive area including solo and government attorneys and those working in large firms.

Workshops are more than advice clinics, they provide limited scope representation. Kirsten worked with Fredrikson & Byron to develop an estate planning workshop for low-income elders (described on pages 3 and 4). “Legal Aid attorneys and volunteer attorneys work together to benefit those who need legal help but can’t afford it,” explains Kirsten. “People leave the workshop with their legal documents completed.”

Other workshops offered include: Deferred Action for Childhood Arrivals (DACA), housing expungements, tax, family law, Personal Care Attendant (PCA) appeals and special education advocacy.

Full representation

In addition to the workshops, Kirsten is building a network of direct pro bono referrals for individual clients. “We always need attorneys who want to take on full representation cases,” she points out. “So many of our clients have a crucial need for in-depth services, and a good match can be a life-changing event for both client and attorney.”

Clients sometimes have legal needs that fall outside of Legal Aid’s priorities, or an issue that requires more resources than Legal Aid can devote to the case. One such case is highlighted on page 6 in which attorneys from Faegre Baker Daniels stepped in to help a client prevent loss of home and financial insecurity.



Kirsten has successfully placed full representation cases with a number of local law firms, but is looking for more good matches. Recent cases, ranging from mortgage fraud to employment discrimination and from ERISA claims to conservatorship, were placed with attorneys who worked with the client to fully resolve legal issues. In another example (see page 5), an attorney from Best & Flanagan LLP drafts Qualified Domestic Relations Orders for family law clients. Having a network of pro bono attorneys identified and available furthers MMLA’s overarching goal of providing holistic service to clients.

“Strengthening and expanding our pro bono partnerships is a key goal of Legal Aid’s strategic plan,” says MMLA President Eric Rucker. “The work Kirsten has started is essential to this goal and to helping us meet the needs of more clients. We look forward to continuing growth of our pro bono partnerships.”

As the Pro Bono Project starts its second full year, it is still a work in progress. Thanks to volunteers, more clients are getting help all the time. People with desperate and complex legal needs are benefitting from the expertise of many attorneys who volunteer to join the pool of backers and advisers.

Volunteer for MMLA’s Pro Bono Project

Help us serve more clients in 2015 through the pro bono partnerships.

For more information, contact Kirsten Olson at klolson@mylegalaids.org or 612-746-3716.





ESTATE PLANNING WORKSHOPS

Estate planning counsel offered to seniors

“Volunteer attorneys Natalie and Mike are making a huge difference, one client at a time.”

Natalie Kadievitch is an electrical engineer and a shareholder at Fredrikson & Byron, P.A., practicing in the area of intellectual property law. She also has a soft spot for elders. She and Mike Cummings, a Fredrikson associate who counsels clients in the energy industry, are the force behind a new pro bono partnership that provides estate planning services for some of the lowest-income people in the Twin Cities.

“You might think low-income people wouldn’t have estate planning worries,” says Mike. “But they do. Their belongings and their health decisions are a concern for them, just like anyone else.”

Working in partnership with MMLA’s seniors unit, the pair from Fredrikson provides full estate planning services—power of attorney, will and health care directive—to low-income seniors who attend MMLA’s community education sessions.

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“MMLA doesn’t provide estate planning documents,” explains Genevieve Gaboriault, Supervising Attorney of MMLA’s Senior Law Project. “Due to limited resources, it falls outside of our priority area. Instead, we refer people out to elder law attorneys who provide free services or charge on a sliding scale, but there are others who never make it to our offices, or who can’t get to clinics or a law office. We wanted to find a way to fill that gap.”

Matchmaking

Pam Wandzel, Pro Bono & Community Service Manager at Fredrikson, has watched the project grow from a seed planted when Genevieve first approached her about a partnership two years ago. Pam began looking for available attorneys, and Genevieve began searching for a structure to make it happen.

Genevieve worked with MMLA Pro Bono Director Kirsten Olson to identify a community site for the project, Park ElderCenter in downtown Minneapolis. “As a senior center primarily serving low-income Hmong and Somali elders, it was an ideal place to develop our two-step model,” says Genevieve. “We could provide community education sessions on site, and then have attorneys work one-on-one with anyone who wanted to get the paperwork done.”

By the time Genevieve came back to Fredrikson with a developed plan, Pam had found volunteer attorneys. “My job is all about timing and finding a fit,” Pam says. “One of the hardest things is to find a project that not only fits personal interests and passion, but also fits the attorneys’ schedules. Natalie came to me saying specifically that she wanted to work with elders. Mike had been working with the VA, and had been trained on wills for veterans. It was a perfect match. The monthly workshops are a discrete commitment, with bounded time. Natalie and Mike get to work together, work closely with MMLA, and provide a service to the community.”

Since June of 2014, MMLA has given several presentations at Park ElderCenter, including language-interpreted talks to a Hmong group adult daycare and a Somali elder group. After the presentation, attendees were able to sign up for attorney help. To date, Natalie and Mike have served 24 clients. More than half of these were Hmong speakers.

“We provide interpreters who know the culture,” says Genevieve. “We also gave Natalie and Mike some culturally specific training so they had a better understanding of the client population.”

MMLA Legal Assistant Tou Lee works with the project as an interpreter, and he provided the cultural training. “The health care directive is the most important document for the Hmong elders,” he says. “When asked about organ donation and cremation, the answers were a big NO. They said, ‘In our culture, we are to be buried underground only.’ They wanted to be sure that was clearly stated in the document.”

Natalie and Mike have found that sitting with clients and listening to them carefully is a big part of the job.

“It’s a balance between efficiency and taking the time to listen,” says Natalie. “I enjoy hearing their stories and helping them accomplish something they didn’t know how to go about doing. Especially with the health care directives, you can see what a comfort it is to get their desires documented.”

“Estate planning isn’t an easy topic,” says Mike. “But together we get it done.”

Each client leaves with their documents completed and properly executed, with three copies in hand to give to family members or health care providers.

“By locating in a senior center,” says Genevieve, “we find the very lowest-income people who are unlikely to access legal services any other way. We bring the program to them, in their own language.”

Expanding the program

The team has served most of the interested clients at Park ElderCenter, so in May they’ll be relocating the program to the Minneapolis Public Housing Authority (MPHA) Heritage Park Senior Services Center. MMLA recently held two presentations there and received overwhelming interest from MPHA residents. Natalie and Mike are happy to see the program expand. They hope to become ambassadors, bringing in other attorneys while continuing to do the work themselves.

“When we have a positive, well-structured experience like this,” says Pam, “the lawyers become recruiters. There is definitely room for this project to grow.”

“The miracle of this project,” says Genevieve, “is having Natalie and Mike in from the start as trained, committed attorneys. They have gotten this thing rolling and they are making a huge difference, one client at a time.”

FULL REPRESENTATION REFERRALS

Justice for a victim of domestic violence

When Linh fled a domestic violence situation last year with her two sons, they moved into a shelter with only the bare essentials—clothes on their backs, no vehicle, no furniture. Linh had come to the United States from Vietnam in 1994 with a high school education and had not worked outside of the home since 1998. Linh obtained an Order for Protection against her husband that set child support at \$1,009 a month. That, plus food stamps, was her only source of income.

Meanwhile, the boys' abusive father continued to live in the family home. He had three vehicles and his income was almost \$6,000 a month.

Specialized services needed for divorce proceedings

Asian Women United referred Linh to MMLA for help with a divorce action. Staff attorney Jayne Barnard McCoy represented Linh asking for sole legal and physical custody of the two children, plus financial support. Through discovery, they learned that Linh's husband, in addition to three vehicles and the family home, had over \$100,000 in retirement assets. He did not think Linh should get any of that money.

When it came time to document finances and petition the court, Jayne called Charles Berquist at Best & Flanagan LLP to draft the Qualified Domestic Relations Order (QDRO). "Charlie has done a ton of QDROs for Central Minnesota Legal Services (CMLS) and for us over the years," says Jayne. "He's always so good and willing to help, and I've never known him to say no."

Charlie and his assistant Cathy Strom are happy to be available for the pro bono work. "Often for these clients, their retirement accounts are the most significant assets," says Charlie. "Cathy helps me to collect the relevant information and draft the engagement letter. Then I draft the QDRO to divide the retirement plan assets, and we send it to the parties for approval."

"The division of retirement accounts is a very specialized area of law," says Jayne. "Nuances make an enormous difference, and in family law, it's crucial to have help from someone who has the expertise and experience. Charlie always does a great job."

In Linh's case, the final court order resulted in child support plus permanent spousal maintenance, and a lump sum of over \$45,000 from the retirement account.

"That is a game changer for a family like Linh's," says Jayne. "As a woman in her 40s with limited English skills and very little work experience, Linh's earning potential is likely to be low.

She maintained the family home and parented the boys, and it's only right that she have a fair share of her husband's earnings from all of those years."

Linh was relieved and happy to get the money from the retirement plan. The boys have never met their grandmother in Vietnam, and now they have plans to go and visit. "I can give my mother some money to live on," says Linh. "And for myself, I bought a car. Now I have transportation and can find work. I am so much better off."



Linh and her sons are now living in a townhome. "It's a safe and secure place," says Linh. "Working with Jayne was so good—she was sincere and kind. She gave me ideas, and then she stood behind me to make them happen."

Best & Flanagan LLP encourages pro bono work, and both Charlie and Cathy are happy to have the ongoing collaboration with MMLA and CMLS. "It's a way for me to support Legal Aid," says Charlie, "and it's a way for me to give back to the community. The clients are like most of our clients—respectful and appreciative. They may not be as financially sophisticated, but they have the same needs. As for Linh, she clearly needed that money. It was a significant amount."

Cathy, who handles the administrative details, has more direct client contact. "The clients are usually involved in divorce and need our help," she says. "I'm glad we can ease the process for them. It's helpful that the firm is supportive, and we have clear procedures for opening files for Legal Aid clients."

Linh is grateful to everyone involved, especially those who donate time or money to Legal Aid. "Thank you for helping Legal Aid so my children and I can be in a much better situation," she says. "Thank you for your help."

FULL REPRESENTATION REFERRALS

Pro bono team protects single mom

MMLA staff attorney James Clark received a call from a client who had an eviction hearing in less than a week. Nina (name changed for confidentiality) was a part-time custodial worker and a single mother with two kids making \$1,600 a month. She was not a permanent resident and could barely read or write English. She had signed a purchase agreement on a house, taking her life savings and borrowing money from family and friends to make a down payment.

“It was obvious right away that something was very wrong,” says James. “The purchase agreement valued the house at \$250,000, high for the neighborhood, and required a huge down payment. Nina was making monthly payments of \$900 and trying to obtain a mortgage loan. However, due to her limited income and the inflated price of the home, she was unable to secure a mortgage. After a few months, the seller filed the eviction because Nina had not gotten a mortgage.”

“That’s why you go to law school—to make a difference. It was months of work and communication, and we saw her through.”

After a quick investigation, James agreed to represent Nina in the eviction case. When he told her that she and her family would have to move from their home within seven days if she lost in court, she was shocked. She had no idea that could happen.

At court, James tried to negotiate with the seller, but got nowhere. After two hearings, the eviction was dismissed and expunged, but Nina’s

problem was far from over. She could continue living in the home for the time being, but the seller refused to return her money and she was unable to buy the home.

“Something is horribly wrong here,” James told his supervisors. “The case will involve significant time, resources and expertise. Nina needs an experienced real estate attorney.”

Forming a Team

The housing unit turned the case over to Kirsten Olson, MMLA’s Pro Bono Director. Kirsten called Jodie Boderman, the Pro Bono Manager at Faegre Baker Daniels for the past 21 years.

“I go through a time-tested and structured process when I receive a referral like this,” says Jodie. “Once we clear conflicts

and verify relationships, we start to strategize the formation of a team. We look for particular skills or expressed interest from attorneys. Chuck Macdonald is my go-to guy on real estate litigation. He initially helped me assess the scope, timing and legal issues in the case.”

Jodie then recruited Steve Severson to head up the team. A partner at Faegre, Steve has been taking pro bono cases for a long time and loves the work. Adam Hoskins, an associate in Steve’s practice group, had been looking for housing-related pro bono opportunities, so Jodie added him to the team. They reviewed the file, had a conference call with James, and met with Nina. Because her English skills were so limited, Steve and Adam brought in Brad Engelsma, a lawyer in the practice group with language skills gained through a year in the Peace Corps, as the third attorney.

“The case was a good opportunity for me to get to know Adam and Brad,” says Steve. “We’re all in the business litigation group, but they’re new to the firm and it was nice for me to work with them.”

Settling the Case

The crux of the case was that Nina had signed an agreement that she didn’t understand, relying on the seller to interpret it. After the eviction hearing, the seller tried to cancel the contract. If Nina had not counter-cancelled with Faegre’s help, she would have lost her life’s savings, along with the money she had borrowed from friends and family. In the end, the team served the seller with a complaint, and, rather than going through litigation, the seller agreed to work on a settlement agreement.

“Brad had his hands full in the settlement process translating real estate terminology,” Adam says. “We did a lot of strategizing out loud with the client. The three of us developed options, and Brad explained them to the client so she could fully participate.”

They reached an extremely favorable settlement for the client.

First-Time Volunteer Attorneys Reflect

This was a first pro bono case as licensed attorneys for both Adam and Brad.

“It was such a good experience to step into an emergency situation where someone was so far over her head and steward



her through the entire process,” says Adam. “That’s why you go to law school—to make a difference. We worked with Nina from September to February, so it wasn’t just a snapshot. It was months of work and communication, and we saw her through.”

Brad agrees. “We could see how much pressure she was under, and the anguish it caused. It was very personally rewarding, to dig in and see what we were able to do for her, and hear her gratitude on the other side.”

“Pro bono cases like this are some of my most gratifying work,” echoes Steve. “You see the client’s tears and stress, and you see how grateful they are when they’re relieved of the pressure. Much of my work is fighting over millions of dollars, but this case was comparatively small in dollars yet huge for Nina. It’s not the number of zeroes that matters—it’s the situation. You can tell when a client really needs your help.” James and Kirsten are both delighted with the result.

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“Every day, MMLA has to turn away clients who have good cases,” says Kirsten. “That’s why our pro bono partners are so important. When things click like they did for this client, everybody wins.”

“I knew I could stop the eviction,” says James. “But I didn’t have the resources to give her the help that she desperately needed beyond that.”

“We were impressed with James’s work,” says Steve. “He brought the eviction to a screeching halt. Essentially, he put the tourniquet on and stopped the bleeding. We were able to take it from there—and in this case, justice prevailed.”



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Legal Aid has received the Charities Review Seal, given to nonprofits exemplifying quality, ethics, accountability and transparency.

Online legal advice takes off in Minnesota

Minnesota has one private attorney for every 365 potential paying clients in the state. However, for low-income clients, the ratio is one legal aid attorney for every 4,022 potential clients. Many of those potential clients have legal questions that could be answered with a short conversation.

Minnesota Legal Advice Online (MLAO) is an innovative tool managed by Legal Services State Support to address the imbalance and answer those questions. Simple and convenient, MLAO is based on a successful project in Tennessee that provides low-income clients access to free civil legal advice from volunteer attorneys online.

Attorneys answer brief legal questions as they might in a clinic. But unlike a clinic, the attorney and client do not have to be in the same place, or talking at the same time.

“The location flexibility is huge,” says Mary Kaczorek, Legal Services State Support Supervising Attorney. “It’s a great resource for people who live outside of the Twin Cities, where there are far fewer attorneys. It’s also helpful for the attorneys who can answer anywhere, anytime.”

Mary points out that this is an especially valuable program for volunteer attorneys who want to gain expertise in a new area of law. Rather than attending a clinic or learning through hypothetical questions, the attorney can help a real person with a real problem. Attorneys have time to research or consult with a colleague as needed before answering the client.

MLAO tracks attorney hours for accurate reporting to the Minnesota Board of Continuing Legal Education, making it easy for attorneys to claim CLE credit for their pro bono work.



and answered by volunteer attorneys. Seventy-two counties had at least one question asked through the website. The three most popular question topics involved family, consumer and housing issues.

The next step for MLAO is to recruit more volunteer attorneys. Many questions posted to the site still go unanswered due to lack of volunteers.

“It’s such a good opportunity for attorneys,” Mary says. “It’s a convenient, easy way to make a difference.”

“We’ve gotten a terrific response from the public,” says Mary. Since May of last year, 273 questions were taken

