

TOWARD JUSTICE

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ST. CLOUD DOMESTIC VIOLENCE COURT PARTNERSHIP

The Turnaround Point for Julie

Julie Miessen wasn't interested in Legal Aid, or legal anything. She wanted to throw a scare into the man who violated an order for protection by following and threatening her and her child, so she called the police. She didn't realize that by taking this action, she had put herself into the hands of the Stearns County Domestic Violence Partnership. She didn't know that things were about to change, not only for her ex but also for Julie and her children.

The Partnership works with both offenders and victims in a very focused way. Julie was required to go to Anna Marie's Alliance, watch a video, and set up a safety plan before she could drop the no-contact order. When Julie saw the video about domestic abuse and how it affects children, she changed her attitude on a dime. "That was my turnaround point," she says. "I was not going to let my kids go through that."

Once she began to work with the Partnership, a myriad of options opened in front of her. Legal Aid in St. Cloud is a key player in the collaboration of law enforcement, judges, prosecutors, defense attorneys, county human services, and domestic violence prevention advocates. In fact, Legal Aid provided services to 115 victims of the 129 offenders handled by the Court in 2011.

Legal Aid's focus is on the victims of domestic violence, who are dependent upon the offender for very basic needs. These needs, such as housing, transportation, daycare, and access to outside help, become areas of control the offender has over the victim. By providing help with basic needs, Legal Aid removes some of the strongest ties that bind offender and victim together.

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We're All Mid-Minnesota Legal Aid

You may have noticed something new on our letterhead, website, or email addresses. We have simplified our internal structure by bringing all of our divisions together under one name and one organization — Mid-Minnesota Legal Aid.

Our offices in St. Cloud, Minneapolis and Willmar will continue to provide the same services at the same locations and contact numbers, but we are all Mid-Minnesota Legal Aid. You can contact us the same way you always have, and expect the same services from the same people. Our goal is more focus on service, and less on administration.

In addition to our poverty law services, Mid-Minnesota Legal Aid also includes three statewide projects: the Minnesota Disability Law Center, which focuses on the disability-related legal needs of people with disabilities throughout the state; the Legal Services Advocacy Project, promoting policy to address the needs of low-income Minnesotans; and Legal Services State Support which provides a variety of public legal resources to expand and enhance civil legal services statewide.

**You can find us on the web at
www.mylegalaid.org.**

EQUAL JUSTICE WORKS FELLOW

Sean Burke



“The timing is perfect,” says Sean Burke. “I landed here in the midst of an increasing national realization that financial exploitation of seniors is a serious, growing problem.” Sean is an Equal Justice Works Fellow, the recipient of a two-year fellowship designed to protect seniors from financial exploitation. He is being hosted by The Family of Hyman Edelman and Leonard, Street and Deinard.

Recent legislation in Minnesota provides increased civil remedies for vulnerable adults who are victims of financial exploitation. Sean has been working with Legal Aid to explore the potential of these new protections. The Fellowship encourages a three-pronged approach that includes litigation, education, and policy development. This is especially attractive to Sean, who thrives on client contact and is also dedicated to fighting systemic injustice on a broad scale.

Sean has been busy in his first year on a number of projects. He has represented individual clients in housing cases, including a woman whose landlord refused to return her damage deposit. The woman won her case in Conciliation Court, but the landlord appealed. Sean joined the case, amending her complaint to include exploitation claims, and the defendant settled for more than the initial damage deposit. Sean also worked with AARP to help write an amicus brief in a Minnesota Attorney General case that won over \$7 million in damages for seniors who, through deceptive practices, were enticed into investing in an annuity program.

According to Sean, the most disturbing aspect of his job is the growing problem of exploitation of seniors by family members. “Sometimes, I’m the first person they talk to about the situation,” says Sean.

Familial exploitation often falls under the purview of criminal prosecutors and social workers, but Sean says there is an important role for civil law. People have discounted family exploitation as a ‘family problem of siblings squabbling over money,’ but it’s much deeper and more destructive than that. In the next legislative session, Sean hopes to see Minnesota add some protections and remedies to the Power of Attorney statute.

Sean says, “Time is ripe in all of these areas to harness the energy and create legal remedies, educate, and serve.” He feels he landed in the right position, at the right time, to serve clients, build information and education, and contribute a voice to systemic change.

New Staff Attorneys

Lars Markeson, new staff attorney in Willmar, didn't set out to become an attorney. After earning a psychology degree from UW-Madison, he worked for over three years as a residential counselor at a treatment center for emotionally disturbed adolescents before he began to consider further education.



"I took a 'do you want to become a lawyer' class at William Mitchell College of Law," says Lars. "I liked it — I liked the idea of being able to look at problems from multiple angles." Lars attended William Mitchell, earned his law degree, and went to work clerking for a judge in West Central Minnesota.

When Lars began to seek a position practicing law, he knew he wanted direct contact with clients. "Legal Aid seemed like a good fit. I like to help people sort through problems, and legal dilemmas can be difficult to navigate. Representation not only helps the individual, but it frees up judicial resources so the system works better for everyone."

Abby Loesch will be starting as a staff attorney in the Willmar office at the end of September. The daughter of two attorneys, she always knew that if she became a lawyer, she would work for legal aid.

"I was raised with a commitment to public service, and to working in community," she says. "I put in a year with Americorps to see if I wanted to teach — I didn't — but two years as a legal assistant for an immigration law firm showed me that I did want to be a lawyer. I love the balance of intellectual challenge and the intimate human connection. It's a privilege to participate in people's lives in difficult times, as they struggle to get their most basic needs met."



New Chair for Consolidated Board

Jim Rubenstein of the Moss & Barnett law firm has recently taken on the position of Chair of the Mid-Minnesota Legal Aid Board. This board is the culmination of months of work on the part of Jim and others on the steering committee to merge the three branches of Legal Aid into their parent corporation to form one organization — Mid-Minnesota Legal Aid.

"The change is driven by Legal Aid's desire to be better understood by the community," says Jim. "It is a tremendous benefit to Legal Aid throughout the region because now there is a single board with comprehensive responsibility. It's more efficient, brings more voices into decision-making, and eliminates duplication of efforts."

Jim has been involved with Legal Aid for many years, starting as a donor over 20 years ago. When asked how he got started, Jim said that, "it just seemed to come naturally — this type of thing is what you sign up for when you become a lawyer." His wife, Andrea Rubenstein, was Legal Aid Society of Minneapolis Board Chair in the 90s, and several of their friends at the time were Legal Aid lawyers.

Jim comes from a solid Moss & Barnett tradition. He is the fourth Legal Aid board chair to come from Moss & Barnett, and over the years he has worked with MMLA and The Fund for Legal Aid Boards. He likes the work and the people he encounters on the boards, and he recognizes the importance of Legal Aid's service to the community.

Jim believes that the reorganization of Legal Aid will help maintain its impact into the future. "Legal Aid needs flexibility to address changing needs, such as the foreclosure crisis, while maintaining efforts on the constants like disability law, benefits and housing."

At Moss & Barnett, Jim serves as a neutral mediator to help settle business disputes, and practices in the areas of business bankruptcy, workouts and commercial litigation.



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

New Law Benefits MA-EPD Recipients

Legal Aid's Disability Law Center works with MN Legislature to effect powerful change

What would you do if you knew that by law on your next birthday, no matter how much you earned, you could only have \$677 per month, and everything else you earned would go toward your healthcare expenses? If you wanted to change that law, how would you go about it?

Charles Van Heuveln faced that situation a year ago. Charles has cerebral palsy and had worked over 18 years for St. Paul Public Schools. He looked toward his upcoming 65th birthday and saw the loss of everything he had worked for his entire life.

Charles couldn't afford a lobbyist, but he had Anne Henry, an attorney with Legal Aid's Disability Law Center. Anne has worked with the Minnesota State Legislature on behalf of persons with disabilities since 1983. It turned out that she had been working on this issue with other disability advocacy groups for several years when Charles contacted her. During the 2012 legislative session, they worked with others in the same boat as Charles and pulled together a bipartisan effort to change the law regarding Medical Assistance for Employed Persons with Disability (MA-EPD) over the age of 65.

The new legislation allows Charles to continue working after age 65, keep his retirement savings, and still qualify for

“We were requiring people with disabilities who worked prior to age 65 to impoverish themselves in order to keep the health care they need when they reached age 65. It wasn't good policy for people with disabilities, and wasn't good for the state's budget.”

Medical Assistance (MA). Charles needs a power wheelchair, and a personal care assistant to help him operate the breathing apparatus he uses at night. MA provides the healthcare coverage he needs. The new law lets people over age 65 still use the MA-EPD program, allowing working individuals with disabilities to keep their income and pay predictable premiums for MA on a sliding scale.

According to Anne Henry, “We were requiring people with disabilities who worked prior to age 65 to impoverish themselves in order to keep the healthcare they need when they reached age 65. It wasn't good policy for people with disabilities, and wasn't good for the state's budget.” The practice of “aging out” meant a harsh impact on approximately 200 Minnesotans.

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“Legal Aid was always right on top of my case,” says Julie. “Any time I called, they let me know I was a priority. If they couldn't help me themselves, they connected me with someone who could. They were always there to listen, and to offer help.”

Legal Aid helped Julie complete a name change for her daughter. When Julie's offender initiated a harassment order against her, her Legal Aid attorney connected Julie with Legal Aid in St. Louis County where she could be legally

represented. The Legal Aid attorney ensured that the Order would not go on Julie's record.

“They make it really clear from the start,” says Julie. “They are all about getting you what you need.” For those struggling with the cycle of domestic violence, a reliable source of information and help makes all the difference. One person in the system breaking free creates space for the entire cycle to change — including offenders, victims and the community.