

# TOWARD JUSTICE

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### ST. CLOUD OFFICE

## Somali immigrant family fights for tenant rights

**M**ohamed Mohamed came to Minnesota with a flawless rental history. When he and his large family moved into an apartment in St. Cloud, the landlord charged a deposit of \$1,800. That seemed high, but Mohamed paid it, not knowing that \$600 of that was a “high-risk fee.”

“Unfortunately, it’s not an unusual situation,” says Dean Treftz, Staff Attorney in Legal Aid’s St. Cloud office. Treftz’s work is funded by a grant from the Central Minnesota

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**“There are lots of people who don’t know their rights in regard to this kind of problem,” says Mohamed. “Legal Aid gives really good assistance to people like me.”**

Community Foundation that focuses on housing issues faced by the East African immigrant community. “The Somali community has a reputation for paying their bills, and they also have English proficiency issues and are sometimes not familiar with their rights. Some landlords are running with that.”

Mohamed’s new apartment had a number of problems. The stove only had one working burner, the bathroom sink leaked, and the refrigerator didn’t cool properly. After eight months, Mohamed decided to move.

### **Unfair Reprisal**

Following the provisions of the lease, Mohamed found a new tenant to move in and paid a \$700 fee for early move-out. But when he spoke to the landlord, she said he had broken the lease and would not receive any of his deposit back.

Mohamed found an English speaker who went over the lease carefully to confirm Mohamed’s understanding. They went together to confront the landlord. She backtracked and agreed that Mohamed had followed the lease and did not forfeit his security deposit.

Mohamed and his family left the apartment in spotless condition and moved out 10 days early, giving the landlord time to prepare the apartment for the next tenant. He fully expected to receive his full security deposit, as he had at his last residence.

Several weeks later, Mohamed received a check for only \$114 of the \$1,800 deposit. An attached invoice listed over \$900 worth of vague cleaning and repair costs and noted that the \$600 “high-risk fee” would not be returned. At that point, Mohamed contacted Legal Aid.

### **A Favorable Ruling**

“Mohamed would have had a tough time representing himself,” Treftz says. “It’s hard enough to make a specific legal argument pro se, but for a non-English speaker, it would be very difficult.”

The conciliation court judge agreed that the landlord could not withhold the high-risk fee, and that the cleaning fee was excessive. He ordered the landlord to return an additional \$1,100 to Mohamed.

“It bothered me that they tried to keep my money,” Mohamed says. “But the mistreatment really upset me. We were at our last rental for eight years and got all of our money back. That tells you what kind of person I am.”

### **Community Grant Makes an Impact for Immigrant Families**

Treftz sees many cases like Mohamed’s in his work with the Community Foundation grant. The goal of the grant is to prevent homelessness by protecting rent subsidies, opposing unlawful efforts to evict tenants, and ensuring that unlawful charges and penalties are not assessed.

“There are lots of people who don’t know their rights in regard to this kind of problem,” says Mohamed. “Legal Aid gives really good assistance to people like me.”

Legal Aid staff, including a native Somali speaker, meet regularly with Somali elders and leaders who have raised concerns about landlords taking advantage of Somali clients. The grant increases Legal Aid’s ability to investigate systemic issues and problem landlords, and to prevent and identify issues through community education. If tenants use check lists and photos to document move-in and move-out conditions and make all repair requests in writing, they have evidence that Legal Aid can use if problems arise.

“It’s a pleasure to do this work,” Treftz says. “It feels very necessary to remind the immigrant community that there are people who want to show them they are welcome here.”

## RACIAL JUSTICE TRAINING INSTITUTE

# Legal Aid focuses on systemic racism

Over half of Legal Aid’s client base comes from communities of color, and much of Legal Aid’s work directly addresses racial discrimination. A deep understanding of the dynamics of race, power, and justice are essential to Legal Aid’s internal operations and external work with clients, agencies, and the courts.

“People in Minnesota think that racism is something we don’t have in our state,” says Legal Aid Executive Director Drew Schaffer. “But there are people who are hurting our clients through discrimination. Some are blatant and intentional, and some are clever and subtle, but people from communities of color experience this every day.”



In 2015, Legal Aid sent Staff Attorneys Ralonda Mason and Justin Page to the Shriver Center’s Racial Justice Training Institute (RJTI). As RJTI Fellows, they joined a national network of equal justice advocates from 81 organizations in 28 states to work toward race equity. After nine months of intensive training, the cohort continues to collaborate, sharing resources, tips, and successes.

At Legal Aid, Mason and Page use their RJTI resources to work directly with the management team. Together, they have developed Legal Aid’s Racial Justice Value Statement (see Drew’s letter), which serves as a guidepost for Legal Aid’s work. Mason and Page’s ongoing work with RJTI has informed the creation of Legal Aid’s Race Equity Committee and Racial Justice Committee.

“The Race Equity Committee is comprised of attorneys from several practice areas and all three offices,” says Mason. “With a race equity lens, we concentrate on how we deliver our work with clients. We want to protect their legal rights and mitigate the damage of systemic racism wherever possible.”

Race equity is hampered throughout the state by a lack of diversity among those in decision-making positions. The agencies where clients go for services and the courts where they face potential deprivation of housing, financial security, and immigration protection are staffed mostly by white people, who often lack understanding of the challenges of navigating systemic racism. In any courtroom, most of the attorneys are white, while litigants are primarily people of color.

The Racial Justice Committee focuses its efforts on internal diversity at Legal Aid. Legal Aid staff overall is 21% non-white with over 27% of attorneys who identify as people of color. This compares favorably with data from a 2016 Supreme Court and Minnesota State Bar Association study showing fewer than 8% of Minnesota attorneys identify as non-white. But with a Legal Aid management team that is 100% white, there is plenty of work to be done in this area.

“Our modest pay scale is one barrier to hiring and retention,” says Page. “And training is another piece of the puzzle. We are building an internal culture that values racial justice work. We want to get comfortable with recognizing and lessening our implicit biases.”

Despite a lack of direct funding for the internal processes, Legal Aid is fully committed to racial justice and equity on all fronts. This commitment is reflected in the Racial Justice Value Statement, and in prioritization of staff recruitment, training, and retention.

“Systematic injustice is pervasive, and we encounter it in all of our practice areas,” Schaffer says. “Equal justice for all, due process, and meaningful access to justice should happen without us, but it often doesn’t. We need to continue increasing our awareness of the dynamics of race, power, and justice, and bring it to every aspect of our work.”

# Student faces double discrimination: race and disability

Jane McCorry\* lives in a small town in rural Minnesota. When she took in her 15-year-old foster son Tyrell\*, she got a front-row seat to the intersection of disability and race that can destroy a student's relationship with a school. She also learned the importance of legal advocacy to protect students with disabilities.

Tyrell qualified for an Individualized Education Plan (IEP), and part of his day was spent in the special education classroom. An excellent athlete in football, wrestling, and track, Tyrell got along well with students and teachers, but he felt the pressure of being the only African-American student in the school.

"I believe the school was afraid of him because he is black," says McCorry. "For the other kids it was 'boys will be boys,' but with Tyrell, it was 'he's bringing trouble to our community.' He had stigma before he even had a chance."

**"I never understood until I saw it happen to someone I love."  
— Jane McCorry**

Tyrell's friends and teammates often used racial slurs, even after he asked them to stop. They were always "just kidding." When Tyrell and some other boys got into

trouble, Tyrell was singled out and suspended. Because he has an IEP and the behavior was a direct manifestation of his disability (impulse control and executive functioning), the school could not expel him. They could, however, send him to a 45-day placement in a separate school for students with disabilities, and they could suspend him from athletic participation.

## A Different Standard

"The school was holding Tyrell to a different standard than any other student," says McCorry. "When I complained, they made me feel like an overprotective parent. Maren was the first person to validate our perceptions."

Maren Hulden, Staff Attorney with the Minnesota Disability Law Center (MDLC) was not surprised by Tyrell's experience. As an advocate for students with disabilities, she knows that Tyrell's experience is not uncommon.



"The racial disparities are overwhelming," Hulden says. "In rural areas, where there are only one or two students of color in the school district, it's often especially egregious."

## Singled Out Again

Tyrell returned to school, but he missed the wrestling season. Despite strong support from coaches, he was suspended from track practice for another incident. Other athletes were involved, but he was again the only one punished.

"For a kid to succeed at school, he needs agency, mastery, and a sense of belonging," says Hulden. "Taking away Tyrell's greatest area of mastery and belonging — athletics — was punitive and disrupted his relationship with the school, which was already stressed by racial dynamics."

Tyrell wanted to transfer schools. The state athletic association's rules would allow him to compete as a varsity athlete at a new school if bullying was a factor in the transfer. Otherwise, he would lose a year. The administration didn't need to admit to any wrongdoing, they simply had to acknowledge a hostile

**The Minnesota Department of Human Services found that in 2015–2016, African American students were 8 times more likely to be suspended than their white peers. Students with disabilities (14% of the student population) comprise 43% of all suspensions.**

environment. But the superintendent insisted that Tyrell was popular, and the other students didn't mean any harm by the racial slurs.

### **Holding the School Accountable**

"I am always trying to figure out what legal steps we can take to reach the family's goal," Hulden says. "We have to work within the law, and we can only work in our own scope, so we do our best to hold the system accountable to the maximum extent possible."

The school refused to cooperate. Hulden and Staff Attorney Christen Chapman assisted McCorry in filing a complaint with the Minnesota Department of Education (MDE) on a number of special education violations. The MDE found in Tyrell's favor on every issue that it investigated.

"It was a striking decision," Hulden says. "The district had clearly done wrong. For corrective action the district had to provide training for their staff and give Tyrell a substantial compensatory education award. It would have been easier and less expensive for the district to simply acknowledge the bullying, and let Tyrell change schools."

Hulden is working with Tyrell and McCorry to arrange the compensatory education in the hopes that he can use specialized academic services to recover a good outcome from a bad situation.

"A lawyer means everything," says McCorry, who remains shocked and disappointed by the school's treatment of Tyrell. "I grew up thinking racism wasn't a problem anymore because there are laws on the books to prevent it. But it happens in subtle ways that aren't against any specific law. In this case, legal representation was the only thing that could help Tyrell."

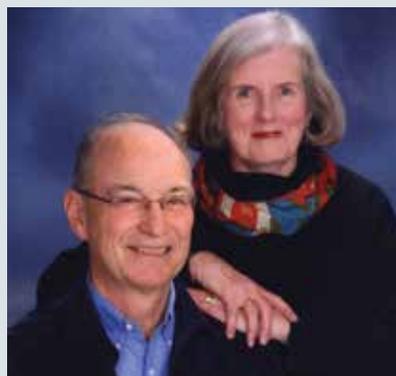
*\*Names have been changed.*

## **DONOR SPOTLIGHT**

# Bill and Ann Hart Wernz

Bill and Ann Hart Wernz have consistently supported Legal Aid for more than 25 years. They understand the need for annual support from individual donors that comes without restriction on how the money is spent. They place a high value on social justice, fair housing, and civil rights, and their support of Legal Aid makes a positive difference in all of these areas.

Bill spent most of his career with Dorsey & Whitney LLP and Ann with Wells Fargo. "We are fortunate to have the means to help others," says Ann. "We understand that the needs of an organization like Legal Aid do not go away after a single donation. The least we can do is continue to help them on their mission."



Personal connections are important to Bill and Ann, as can be seen by the individuals they choose to honor with their donations. Each year, they make a generous gift to The Fund for Legal Aid as a memorial tribute to attorneys who gave of themselves to represent numerous pro bono clients. Bill and Ann have given in

memory of two Dorsey & Whitney attorneys: Bricker Lavik, Pro Bono Division Director, and Mark Ginder. They have also honored the memory of Lindquist & Vennum LLP attorney David Sasseville.

Bill and Ann have also made gifts in honor of several practicing attorneys for exceptional pro bono service, including Jerry Lane, retired Legal Aid Executive Director; Tom Tinkham, Of Counsel at Dorsey & Whitney, Emeritus Director of the Fund for Legal Aid, and long-time Fund donor; and Deborah Ellis, Ellis Law Office, who helped a death row inmate win release after a 26-year legal battle. In 2018, Bill and Ann honored Cathy Haukedahl, Legal Aid's outgoing Executive Director.

In addition to financial support, Bill has been extremely generous with his time and skills. As a legal ethics expert, he has been able to make a unique pro bono contribution to Legal Aid's work. Litigation Director Galen Robinson considers Bill to be one of his most important resources.

"When Legal Aid has an ethical issue arise, Bill looks at the rules and devotes whatever it takes to understand the context of the question," says Galen. "He understands our practice at a deep level and has been a constant resource, giving freely of his time and expertise."

Bill and Ann want to emphasize how privileged they feel to be able to make gifts to honor outstanding pro bono lawyers and to help carry on Legal Aid's work.



## HENNEPIN COUNTY HOUSING COURT

# Taking on landlords for race-based discrimination

**R**on Mingo, father of seven boys, lived in an apartment in South Minneapolis on a month-to-month basis. The boys lived with their mother and attended a school a few blocks away. Mingo loved the neighborhood and community. In February, he received a Notice to Vacate (NTV) with five weeks to move.

“I didn’t know where to move or even where to start looking,” Mingo says. “It was so sudden, and there was no reason for it. The landlord just wanted me out of there.”

Mingo called Legal Aid, and his case came in at the same time as another one in the same building. Staff Attorney Joey Dobson put the cases together and noticed immediately that something didn’t seem right. Both clients were African-Americans who had suddenly received NTVs. Both had disabilities, and their rent was paid every month as part of the state-funded Group Residential Housing program.

### Recognizing Racial Bias

“Independently, the clients told us about feeling alienated and wrongfully accused of problems since new ownership took over

about two years earlier,” Dobson says. “They were forthright about drug use and security concerns in the building, but they were both adamant that neither they nor their associates were involved in any way.”

**“I wouldn’t have had a chance without a lawyer. I’ve never had that kind of help before.”**

In his deposition, the landlord used words like “dangerous, suspicious, high traffic,” when he talked about both clients. Meanwhile, Dobson learned that another tenant in the building, who was white, had not received an NTV.

“Minnesota law prohibits notices to vacate that are discriminatory,” says Supervising Attorney Luke Grundman. “From our years of experience, we’ve learned to recognize underlying racism – we see the patterns, we recognize the code language – but it’s extremely difficult to prove in an eviction case.”

## Proving Racial Discrimination

At the trial, Dobson presented evidence of discrimination, and Mingo and the other tenant testified about their experiences. The landlord vehemently denied the discrimination charge.

“It was an intimidating environment for the clients,” Dobson says. “It was hard to ask them to relive those incidents in public, with the angry landlord sitting right there.”

Dobson convinced the court that the facially neutral notices to vacate were in fact based on the tenants’ race. The Referee found that the notices to vacate were unlawfully racially discriminatory.

“I wouldn’t have had a chance without a lawyer,” says Mingo. “I’ve never had that kind of help before. The Legal Aid lawyers were really concerned about what happened, and about me finding a place to live. Not just throwing me out like I’m trash.”

“Whenever we give talks in the community, questions come immediately about discrimination,” says Grundman. “The inequities are obvious to anyone who’s been to housing court, and the fast timeline of an eviction makes it hard to prove racism. Joey Dobson did an amazing job on this case, doing just that.”

## A Positive Outcome

Mingo and the other tenant both wanted to move because of the hostile environment, but they had more time to find other housing. Thanks to their courage in bringing the case forward and Dobson’s advocacy, both tenants and landlords know that a discrimination case can be fought and won.

Mingo is now settled in a new home. It is farther from his kids than he’d like, but he’s happy to be out of the hostile environment.

“Legal Aid helped me, and they helped my kids,” he says. “We feel safe here. We’re not being attacked, and nobody’s trying to make me sign papers to get out. I thank God for Legal Aid, I really do.”

**Legal Aid’s Eviction Representation Project**, a joint effort with Volunteer Lawyers Network, more than doubles the attorneys on hand at Housing Court. Tenants represented by the Project are 79% people of color (51% African American) and 68% of those households are headed by women.

Legal Aid’s research and experience shows that without stable housing, everything else — family, employment, children’s success in school — is much more likely to fall apart. Fewer than 1% of the Project’s clients were displaced and none went to homeless shelters. More than 70% have a clear eviction record at the end of the case.

Even with generous funding from the Hennepin County Government and the Pohlad Family Foundation, the Project can only provide legal representation for about 600 families a year. Over 6,000 families face eviction every year in Hennepin County.

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We defend individual rights with an eye to long-term impact and correction of systemic failures. Most of our clients cannot participate meaningfully in the justice system without an attorney. We work hard to meet them in the communities where they live and work to alleviate barriers of communication, transportation, and childcare. We prioritize collaborations at courthouses, at medical care clinics, and at community sites where our clients go to seek other community services.

Unfortunately, we are forced to turn away over 60% of qualified applicants for our services. Thousands of Minnesotans are left to negotiate with landlords, abusive family members, or agencies and corporations on their own. Some do their best to represent themselves in court, facing experienced counsel. Others give up before they start, not believing that the legal system is fair or accessible to them.

Donations from individuals like Bill and Ann Hart Wernz (see the Donor Spotlight) provide critical resources to our broad, justice-focused efforts in the community. Generous support from individual donors strengthens our organizational capacity to serve our clients, to protect their civil rights, and to remove systemic barriers to due process.

We are grateful for your support. Equal justice under the law is a right, not a privilege. Together we can stand with those who face unlawful discrimination to ensure their voices are heard and their rights are protected.

Sincerely,



*Drew P. Schaffer, Executive Director*



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

## Dear friends

In our work, we encounter bias, prejudice, and racial discrimination every day. We see it on the streets, we see it in government offices and agencies, and we see it in courtrooms. Whenever we see it, we fight it. We are inspired and motivated by our foundational belief that the dream of equal justice for all cannot be realized without due process and equal protection for all.



Articulating this belief in the framework of racial justice is essential to our engagement with our clients and the broader community. With that in mind, I'd like to introduce you to Legal Aid's new Racial Justice Values Statement:

**Diversity, inclusion, and equity are core values for Mid-Minnesota Legal Aid, and it is critical that we incorporate these values into all aspects of our work. We recognize the particular and highly detrimental impact of racism — and Minnesota's racial disparities — on MMLA's clients and staff. We will therefore devote special attention to issues of racial justice.**

### We commit to:

- **Ensuring our work is rooted in the communities which we serve**
- **Strengthening MMLA's organizational capacity through increased racial diversity, inclusion, and equity**
- **Developing and applying a racial equity lens to our work with clients**
- **Advancing the cause of racial justice in our client representation and policy advocacy work.**

Communities of color are vastly underrepresented on the bench and in the legal profession. In Minnesota, less than 8% of attorneys identify as non-white or mixed race/ethnicity. And yet, over half of our client base is comprised of people of color, and one in five speak a first language other than English.

In this issue, you will read about the internal work we are doing as an organization to address systemic racial inequity. You will read about the ways we are learning to apply a race equity lens to our work and how we help our clients protect and vindicate their civil rights.

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